

# **CENTRAL AFRICAN REPUBLIC**

HUMAN RIGHTS CRISIS  
SPIRALLING OUT OF  
CONTROL

**AMNESTY  
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# 1. INTRODUCTION

Amnesty International is deeply concerned about the continuing large-scale commission of serious violations of international human rights law and international humanitarian law during the internal armed conflict in the Central African Republic (CAR). The armed conflict, in which fighters from neighbouring Chad and Sudan have been involved, escalated in early December 2012 when Seleka, a coalition of several armed groups, launched an armed offensive against the government of former President François Bozizé in early December 2012. Seleka seized power on 24 March 2013 and the human rights violations have continued since.

As has been the case for several decades, civilians bear the brunt of the human rights abuses and violations in the CAR. Since December 2012, hundreds of civilians have been deliberately killed while thousands have been subjected to torture and other forms of cruel, inhuman or degrading treatment, including rape and other forms of sexual violence. Seleka soldiers have attacked civilians across the country and left families destitute and public institutions desolate. Children, both boys and girls, have continued to be recruited by Seleka and other armed groups. Several hundred thousand civilians have been displaced while more than 60,000 Central Africans have fled to neighbouring countries. According to humanitarian sources in the CAR, there were more than 30,000 internally displaced persons in Bossangoa as a result of fighting which started in September 2013. Not only do the new authorities appear to lack the will and/or the capacity to prevent or stop human rights violations, it is Seleka soldiers who are the main perpetrators. Jointly or separately, Seleka soldiers, bandits, armed nomads and poachers have deliberately burned houses and other civilian properties. There have been reports of armed groups – some of them reported to be fighting for the return to power of ousted President François Bozizé – targeting civilians accused of supporting the new government. There are fears in the CAR that some of the abuses appear to be targeted at religious groups, with predominantly Muslim members of Seleka targeting Christians and Christian institutions. In apparent retaliation, non-Muslims have targeted Muslims. These human rights violations and abuses by soldiers and armed groups may amount to war crimes and crimes against humanity.

Humanitarian workers have been attacked and/or prevented from carrying out their work, severely reducing their ability and capacity to assist civilians, including sick and malnourished children, in dire need of aid. This situation has arisen as a result of widespread insecurity and looting of vehicles,

equipment, stocks of food and medical supplies from humanitarian organizations. Seleka soldiers are reported to have been responsible for much of the looting and the creation of a climate of insecurity for humanitarian workers.

The CAR has a tragic history of human rights violations by successive governments and armed groups. These governments include the one led by François Bozizé who was overthrown in March 2013. In a report published in October 2011, Amnesty International highlighted a consistent pattern of human rights abuses, including unlawful killings, rape and other forms of sexual violence, and the recruitment and use of children in hostilities, by armed groups that form the backbone of the Seleka coalition<sup>1</sup> and the failure of the government led by President Bozizé to prevent the abuses or investigate and prosecute crimes under international law. Soldiers and civilians loyal to former President Bozizé who committed human rights violations and abuses that amount to crimes under international law also enjoyed impunity.

Information received by Amnesty International since March 2013 confirms that human rights violations continue unabated. The government and the military leadership of Seleka show scant signs of ending the violations or investigating and prosecuting crimes under international law.

At the end of April 2013, the government announced investigations into human rights violations by the government of former President Bozizé and issued an international arrest warrant for the former president. In May 2013, the government established a nine-person Mixed Commission of Inquiry<sup>2</sup> to investigate human rights violations that have occurred since 2004. The Commission is mandated to investigate human rights violations which have occurred in the CAR since 2004, identify the perpetrators and the victims, as well as evaluate damages for possible compensation. However, the Commission of Inquiry does not have the powers or the means to carry out a credible investigation and is expected to report to the president and the Minister of Justice. The CAR government officials told Amnesty International researchers visiting the country in late July and early August 2013 that the Commission would not be able to do a thorough job due to lack of resources. Although setting up the Commission is a move in the right direction, a lot more needs to be done to boost its competence, independence and capacity to ensure that those suspected of committing serious human rights violations and abuses by all parties are brought to justice and victims are provided full reparation.

Amnesty International urges the CAR authorities to do all in their power and cooperate with local and international human rights and humanitarian

organizations to end the human rights and humanitarian crises. The organization also calls on foreign governments and intergovernmental organizations to exert pressure on the authorities and provide resources to protect civilians and support them in any such efforts.

In this report, Amnesty International highlights human rights violations and abuses mainly committed by Seleka. The organization expresses its concern that in some cases the violations and abuses have been carried out, ordered or condoned by political and military leaders of the armed groups. It makes recommendations to the CAR and foreign governments, regional and international organizations and urges their leaders to work together to end decades of abuse in the country.

The organization calls especially on the African Union – supported by other intergovernmental organizations and foreign governments - to:

- Take the lead in coordinating the CAR and other foreign governments and intergovernmental organizations' efforts to seek the resolution of root causes of the armed conflict in the CAR and protect civilians.
- Urgently adopt lawful measures necessary to bring an end to the human rights and humanitarian crises in the CAR, which are also affecting neighbouring countries.
- Ensure the immediate protection of a beleaguered civilian population in the CAR from Seleka and other armed groups.
- End impunity by ensuring that those suspected of committing human rights abuses are brought to justice in the CAR and elsewhere, in trials that meet international standards.
- Disarm, demobilise, reintegrate and/or repatriate fighters from foreign countries.

## METHODOLOGY

As part of the organization's continuing research on the CAR, two Amnesty International researchers visited the CAR for two weeks in late July and early August 2013. The main purpose of their two-week visit to the capital, Bangui, was to gather information about human rights violations and abuses and the role played by the government and armed group leaders. The researchers also sought to establish the role played by intergovernmental organizations in upholding human rights and ensuring adherence to international human rights standards.

The researchers interviewed several dozen people, including victims and witnesses of human rights violations and abuses, members of the Central African civil society, humanitarian workers and human rights defenders, and foreign diplomats. The researchers also held meetings with representatives of several intergovernmental organizations. Amnesty International researchers also met with a number of senior government and security officials to discuss the organization's concerns and recommendations pertaining to the on-going human rights crisis. Amnesty International has for security reasons chosen not to reveal the identities – both individuals and organizations – its researchers met.

Some of the information in this report was gathered by Amnesty International's researchers from published and confidential sources before and after they visited the CAR in late July and early August 2013. Examples of violations and abuses mainly pertain to 2013 but closely mirror those that have occurred over the last two decades<sup>1</sup>, many of which Amnesty International has previously documented.

## 2. BACKGROUND

In early December 2012, Seleka launched a major armed offensive to overthrow President Bozizé. Within a matter of weeks, Seleka was on the verge of capturing the capital, Bangui, when leaders of the Economic Community of Central African States (ECCAS),<sup>3</sup> of which the CAR is a member, called for a halt to the fighting and for the protagonists to negotiate a political settlement. Government and Seleka leaders, together with representatives of political parties and civil society organizations, reached a power-sharing agreement on 11 January 2013. Within weeks of the agreement, Seleka accused President Bozizé's government of renegeing on the agreement and launched a fresh offensive which culminated in the capture of Bangui on 24 March 2013.

Before it took power, Seleka had been accused by local civil society organizations of carrying out large-scale human rights abuses. Victims and witnesses of human rights violations, as well as civil society organizations, told Amnesty International researchers that abuses had escalated after Seleka captured power in March 2013. In the subsequent months, the organization continued to receive reports of an ongoing pattern of Seleka soldiers and other armed groups – some of them associated with Seleka and others not - committing human rights violations and abuses with almost total impunity across the country. The government and the military leadership of Seleka show scant signs of ending the violations and abuses or investigating and prosecuting crimes under international law, despite the establishment in May 2013 of the Mixed Commission of Inquiry charged with investigating human rights violations and abuses.

### RECENT EFFORTS BY THE INTERNATIONAL COMMUNITY TO KEEP THE PEACE IN THE CAR

The human rights situation has deteriorated despite the presence of several international organizations, including the UN peacebuilding mission in the country since February 2000. The *Bureau intégré des Nations Unies pour la Consolidation de la paix en République centrafricaine*<sup>4</sup> (BINUCA) is mandated to assist the CAR government consolidate peace and national reconciliation and support democratic institutions, as well as monitor and promote human rights. BINUCA is also charged with coordinating UN efforts to support the process of national reconciliation, as well as disarmament, demobilisation and reintegration of armed group fighters.<sup>5</sup>

In October 2010, the African Union (AU) established a Central African Liaison Office in the CAR. The office coordinates contacts between the AU

and the Central African government and is intended to promote reconciliation and confidence-building between the government and the opposition in the country.

Among the armed forces currently deployed - as peacekeepers - in the CAR is the *Mission de consolidation de la paix en Afrique Centrale* (MICOPAX) drawn from ECCAS member states, particularly Gabon, Cameroon, Chad, the Republic of Congo and, more recently, the Democratic Republic of Congo (DRC). Through its African Peace Facility (APF), the European Union (EU) has supported MICOPAX and its predecessor (FOMUC) since 2008 with funding amounting to 90 million euros.<sup>6</sup>

Although MICOPAX commanders had in previous years told Amnesty International that they did not consider themselves to have a mandate to protect civilians, the force nevertheless played some of that role when war broke out in December 2012. By March 2013 there were as many as 300 people, many of them senior government and security officials of the Bozizé government, being protected at the MICOPAX base from Seleka. When Amnesty International researchers visited the MICOPAX base near Bangui international airport there were several dozen cars at the base belonging to people and organizations who had taken them there for safe custody from Seleka soldiers. A senior MICOPAX commander told the researchers that the force played this role of its own volition and using its own limited resources.

On 1 August 2013, ECCAS handed MICOPAX forces to the AU and MICOPAX became the Africa-led International Support Mission in the CAR (AFISM-CAR), known in French as *Mission internationale de soutien en Centrafrique* (MISCA). The AU office in the CAR, as well as the Central African authorities and representatives of intergovernmental organizations and of foreign governments told Amnesty International delegates that they hoped that AFISM-CAR / MISCA peacekeepers would be deployed in the near future to stabilise the country, protect civilians and bring an end to the human rights and humanitarian crises. The AU projected contingent of more than 3,500 personnel was expected to include civilian police and human rights monitors. A senior MICOPAX commander told Amnesty International researchers that the AFISM-CAR / MISCA contingent would consist of 2,475 soldiers, 1,025 police and gendarmes and 152 civilians. As of August 2013, MICOPAX had a contingent of just over 1,000 troops. Only Burundi had committed to sending 500 additional troops to join AFISM-CAR / MISCA and it was still unclear by October 2013 where the rest of the troops and civilian personnel would come from.<sup>7</sup>

Amnesty International is concerned that the AU had by the start of October 2013 not yet implemented its decision to protect the people of the CAR,

particularly those outside the capital, Bangui. Civil society and other sources in the CAR told Amnesty International researchers that delays in fully deploying AFISM-CAR / MISCA<sup>8</sup> were creating disillusionment and hopelessness among the population and were entrenching the climate of seemingly unending impunity for serious abuses against civilians. Senior MICOPAX and CAR security officers, as well as diplomats, CAR government officials and representatives of civil society organizations told Amnesty International researchers in separate meetings that they believed that a force of just over 3,500 peacekeepers was grossly inadequate for a country more than twice the size of France. For over a decade, senior MICOPAX commanders have told Amnesty International researchers that they were too over-stretched and under-resourced to protect civilians.

French government forces have been deployed in the CAR for several decades and there were some 200 French soldiers in the country before Seleka took power. During March 2013, the numbers were increased for the protection of French and other foreign civilians. The presence of French government forces in the CAR was in July and August 2013 conspicuous by their provision of security to Bangui international airport and sporadic armoured patrols of the capital. The French Foreign Minister Laurent Fabius said in October 2013 that there were 410 French soldiers in the CAR.<sup>9</sup> Amnesty International delegates were also informed that French forces, as well as MICOPAX troops, occasionally intervened to prevent Seleka soldiers from attacking civilians in Bangui.

Other forces in the CAR include the Uganda Peoples Defence Forces (UPDF)<sup>10</sup> which are in the country to pursue the Ugandan Lord's Resistance Army (LRA) armed group which originated from Uganda. The UPDF is deployed in the CAR under the aegis of the AU as part of the African Union-led Regional Task Force (RTF), a military component of the Regional Cooperation Initiative for the Elimination of the LRA (RCI-LRA). The UPDF is assisted by about 100 members of the United States Special Forces.

President Bozizé had in previous months obtained the support of troops sent to the CAR by the South African government. On the eve of the overthrow of President Bozizé, at least 15 South African soldiers were killed by the Seleka. In early April 2013, the South African government withdrew its troops from the CAR. Bozizé overthrew former President Ange-Félix Patassé in March 2003 with the support of the Chadian government.

### SELEKA: A FORCE FOR NO GOOD

The Seleka was unknown before December 2012. When its leaders announced its existence at the start of December, it was based in north-eastern CAR from where most of its fighters at the time originated. The main

armed groups that constituted the Seleka<sup>11</sup> were the *Union des forces démocratiques pour le rassemblement* (UFDR),<sup>12</sup> the *Convention des patriotes pour la justice et la paix* (CPJP)<sup>13</sup> and the *Convention patriotique du salut du Kodro* (CPSK).<sup>14</sup> The UFDR – led by Michel Djotodia Am Nondroko – drew most its fighters from the Goula ethnic group, including fighters from Sudan. The CPJP – led by Noureldine Adam – comprised mainly of members of the Rouga ethnic group, with a number of fighters from Chad. The CPSK was led by Mohamed Moussa Daffane. In June 2013, Daffane was arrested after he was accused by the government of unlawfully buying arms and recruiting mercenaries with a view to overthrowing the government. He was arrested together with his brother who was also his driver. An independent source in Bangui told Amnesty International that Daffane was arrested after he protested to the president and spoke to Radio France International (RFI) about human rights violations by Seleka and the government's failure to prevent them. The *Front démocratique du peuple Centrafricain* (FDPC)<sup>15</sup> led by Martin Koumtamadi (commonly known as Abdoulaye Miskine) was part of Seleka when it took power in March 2013 but it soon fell out with other groups and the armed group and its leader fled to Cameroon where he was reported to have been arrested<sup>16</sup> in September 2013.

Several senior CAR government officials and members of civil society told Amnesty International researchers that as the Seleka were advancing on Bangui, the Chadian government sent hundreds of soldiers into the CAR ostensibly to support MICOPAX stop the advancing Seleka. However, they believed units of the Chadian regular army supported Seleka during the armed offensive against Bozizé's government. These and other sources in Bangui told the researchers that Chadian soldiers were perceived by the sources to be on the side of Seleka. The sources also believed that Chadian soldiers participated in and/or condoned abuses by Seleka.

Sources told Amnesty International researchers that Chadian soldiers were involved in the fire-fight on the eve of the overthrow of President Bozizé that led to the death of at least 15 South African soldiers, however, Amnesty International was unable to verify this information.

Representatives of civil society organizations and intergovernmental organizations, diplomats and a number of senior government officials told Amnesty International that Chadian elements among the Seleka had been responsible for a vast number of human rights violations. Numerous victims and witnesses of human rights violations told Amnesty International researchers that they had been attacked by soldiers they believed to be from Chad. These sources said that the human rights situation was exacerbated by perceived collusion between Chadian members of the Seleka and

Chadian soldiers serving with MICOPAX. A senior MICOPAX commander told Amnesty International researchers that Chadian members of the peacekeeping force had been implicated in serious indiscipline and human rights violations. He said that at least 30 Chadian members of MICOPAX who had been involved in acts of violence and other abuses against civilians had been expelled and sent back to Chad. Amnesty International is concerned that those responsible had not been brought to justice and victims had not been provided full reparation. Whereas the situation appeared to be improving in August 2013, reports from the provinces indicated that Seleka troops and their commanders continued to carry out serious human rights violations with total impunity.

Sudanese Seleka members, perceived to be fewer than the Chadians, were in August 2013 believed to be committing human rights violations with impunity. For example, numerous sources - including government and security officials - in Bangui told Amnesty International researchers that a group of Sudanese Seleka members have committed unlawful killings and carried out arbitrary arrests and unlawful detentions with impunity. A senior government official said that the group often even ignored orders from President Djotodia.

The Seleka coalition is reported to have recruited former criminals – many of them violent – including highway robbers known as Zaraguinas, poachers and nomads who had been involved in armed clashes with Central African agriculturalists. A senior government official told Amnesty International that reports from northern CAR suggested that highway bandits had diminished as a result of having been absorbed within the Seleka. The result was that these criminal elements increased the occurrence of human rights abuses by the Seleka. Some of these violent elements are known to be former convicts who had either escaped from custody or had been freed by advancing Seleka and recruited as fighters. One Seleka commander is reported to have joined Seleka after he was being sought by the judiciary on suspicion of murdering three children whose bodies were found in his vehicle.

A senior government official told Amnesty International researchers that the Seleka leadership said they had 5,000 fighters when they captured power in March 2013 but this number had increased to 20,000 by May 2013. The government had neither the capacity to control nor the means to equip, clothe, feed and pay such a large number of fighters – many of whom are foreigners and are not under the direct command and control of the government or its nominal senior commanders.

## SELEKA LACKS CHAIN OF COMMAND AND VIRTUALLY OUT OF CONTROL

Amnesty International researchers asked a senior CAR government official whether government ministers in charge of law and order issued instructions to Seleka to stop human rights violations. He claimed that ministers who were not heads of Seleka factions were powerless to prevent human rights violations. He added that even President Djotodia's orders to Seleka who were not members of his faction were often disobeyed. For example, President Djotodia appointed governors (*préfets*) in July 2013 but those who tried to take up their positions were rejected and forced back to Bangui by local Seleka commanders who had taken over military and political control of the provinces (*préfectures*). Moreover, Seleka members of President Djotodia's faction are also reported by human rights defenders in the CAR to have committed human rights violations with impunity.

The lack of chain of command was also acknowledged by senior military commanders. A senior CAR military commander told Amnesty International researchers that commanders were doing the best they could to enforce discipline and prevent human rights violations by Seleka. He, however, explained that commanders who did not belong to the factions of the soldiers committing human rights violations were often not able to impose their orders. Commanders themselves felt vulnerable and powerless to take measures that would ensure that those suspected of committing human rights violations were brought to justice and/or disarmed and removed from the security forces.

Senior military and government officials told Amnesty International researchers that they wanted the international community to urgently intervene before the CAR became totally ungovernable. They demanded that AFISM-CAR / MISCA should be urgently deployed with a mandate similar to the UN's Chapter VII.<sup>17</sup> By virtue of Chapter VII, the United Nations Charter provides the Security Council with broad powers to deal effectively with threats to the peace, breaches of the peace, or acts of aggression. Thus, Chapter VII powers are used by the Security Council to authorize member-states or a United Nations peacekeeping operation to use force in the discharge of its mandate. They said that it was imperative to disarm and demobilise members of Seleka who had been involved in human rights violations and abuses and violations of international humanitarian law, repatriate foreigners, reorganise and retrain the CAR security forces to a standard where they would be able to take care of the security of the country and enforce law and order.

The Central African government and its senior security leaders have a clear responsibility to urgently establish a strategy to implement command and control over the armed forces. The authorities should seek the support of the

international community to provide expertise and other resources to end the scourge of impunity in the CAR.

### 3. UNLAWFUL KILLINGS

Extrajudicial and/or summary executions have for several decades been carried out by forces of successive governments and armed groups. The disturbing common element of these unlawful killings is that the perpetrators have almost always enjoyed impunity. The only major action was the arrest in 2008 and the on-going trial by the International Criminal Court (ICC) of Jean-Pierre Mbemba Gombo, a former armed group leader from the Democratic Republic of Congo (DRC). His armed group, the Mouvement de liberation congolais (MLC) was invited in late 2002 by the then CAR government to defend against advancing rebels led by General François Bozizé. During the subsequent months that led to the overthrow in March 2003 of former President Ange-Félix Patassé, MLC and Central African fighters were accused of committing war crimes and other violations of international law. The ICC has not issued arrest warrants for any current or former political or military leader from the CAR and the full investigation has been closed.

#### KILLINGS BY SOLDIERS AND MILITIA LOYAL TO FORMER PRESIDENT BOZIZÉ

During the months leading up to his overthrow in March 2013, President Bozizé and his supporters called on young supporters of the ruling party known as *Kwa Na Kwa* to mobilise themselves into self-defence groups to counter the advancing Seleka. The youth reportedly carried out attacks on people known or perceived to be from north-eastern CAR or family members of Seleka leaders. Some of the youths were involved in an attack on the French Embassy after the French government reportedly refused to use its forces to shore up the Forces Armées Centrafricaines (FACA).<sup>18</sup> UN and AU staff in Bangui told Amnesty International researchers that they feared for their lives after senior government and security officials urged crowds of Bozizé supporters to prevent workers of these intergovernmental organizations from accessing the international airport in order to leave the country. On several occasions these workers were threatened by crowds armed with machetes, ostensibly provided by government officials, and forced to return to the BINUCA compound.

Amnesty International researchers interviewed one UN worker who survived an attempted extrajudicial execution at Ndres cemetery on the outskirts of Bangui. Klostre Abdoulaye, a 42-year-old former employee of the World Food Programme (WFP) was at home on 23 March 2013 when his house was surrounded by machete-wielding youths. A military officer came to his house and he thought he would be protected as a UN employee. The officer took him, his brother and two other men originating from northeastern CAR

to Ndres cemetery where he ordered them to lie on the ground. The officer opened fire on the four men. Abdoulaye instinctively got up and ran amidst bursts of gunfire. He believed that he survived being shot because bullets hit grave stones, but all his three companions were killed. He hid on a hill overlooking the cemetery and claimed that during several hours he saw a truck bringing more people to the cemetery who were executed. He told Amnesty International researchers that a humanitarian organization subsequently collected and buried 17 people who were killed at Ndres cemetery on that day.

During their stay in Bangui, Amnesty International researchers received reports that numerous bodies had been found within Bossémbélé military barracks. However, the researchers were unable to verify these and other similar reports. These reports fit into a pattern of human rights violations<sup>19</sup> committed by forces, particularly the Presidential Guard, loyal to former President Bozizé. A thorough, independent and impartial investigation into reports of unlawful killings and other violations of international law are required to verify these and other reports, identify the victims and those who ordered, condoned or carried them out and bring those suspected of committing the crimes to justice.

#### **KILLINGS AND SERIOUS INJURIES PERPETRATED BY SELEKA**

Amnesty International's researchers visiting the CAR in late July and early August 2013 gathered information suggesting that civilians were targeted and killed, some of them because of their known or suspected support for former President Bozizé's government or their opposition to Seleka. Some of the people Amnesty International researchers interviewed in Bangui claimed that some of the Seleka fighters carried out killings and other abuses in revenge for similar human rights violations by the Bozizé government.

Fearing for their lives, hundreds of former government officials and their families have gone into hiding or fled the country. A number of former members of the National Assembly have told Amnesty International that for several months scores of former government officials and members of the National Assembly and their families took refuge at a military base of a regional peacekeeping force in Bangui.<sup>20</sup>

Many of the unlawful killings occurred in the capital, Bangui, and others in other parts of the country occupied by Seleka before and after the fall of Bozizé's government. Other civilians were killed for protesting against human rights violations and abuses, including looting of their property. For example, on 20 April 2013, Seleka soldiers extrajudicially executed three local chiefs in Bema, near Bangassou in eastern CAR. The chiefs were reportedly targeted for their perceived support for the local population

resisting the looting of their property and killing some of the the soldiers involved in the looting. During the resistance, local people had reportedly killed two Seleka soldiers.

On 22 April 2013 in Mbres, some 90 kilometres from Kaga-Bandoro in Nana-Gribizi province, Seleka soldiers extrajudicially executed 27 people, wounded nearly 60 others and burned nearly 500 homes. The violations were carried out by the soldiers in reprisal for attempts by the local population to prevent the looting of materials acquired for the construction of a local school.

Seleka soldiers have carried out summary executions and torture of members of the former government's security forces, sometimes under the pretext of carrying out disarmament. For example, Seleka soldiers in Bouar (western CAR) reportedly abducted and extrajudicially executed two former government soldiers on 24 April 2013. The executions were carried out at the Bouar military barracks firing range. A day later, Seleka soldiers tortured two former government soldiers in the same area.

Seleka soldiers have killed many people who resisted pillaging or extortion. Victims include several dozen people who were killed on 14 July 2013 in Badalao village in Mobaye sub-province (sous-préfecture), Basse-Kotto province. Several sources told Amnesty International that three soldiers on a motorcycle entered the village to collect money from traders who refused to part with their money. The soldiers shot and killed two traders before a third trader wrestled one of the soldiers to the ground. The other two soldiers fled the village. Residents of Badalao reportedly killed the third soldier in retaliation. The soldiers who escaped returned later that day with reinforcements of about 15 other soldiers. Expecting reprisals, residents of Badalao and neighbouring villages fled their homes and hid in the bush. On 15 July 2013 the soldiers hunted down village residents who were hiding in the forest and killed as many as 200 people, including children. The soldiers also torched at least 10 houses in Badalao and looted many others. As in numerous other incidents across the country, the authorities are not known to have taken any action to identify and bring to justice the soldiers who carried out the attacks on the people of Badalao and other neighbouring villages.

Numerous civilians were attacked after they decided not to flee their homes, often in the mistaken belief that they would be safe because they were innocent. Victims include 36-year-old Kevin Timeko who Amnesty International met at his home in Bangui's Boy Rabe district. Seleka soldiers found him at home on 24 March 2013. Most other residents of the suburb had fled or were hiding inside their houses. He told the researchers that he

chose to stay in the compound because he believed he would not be harmed as he was not a soldier and had not done anything wrong. Seleka soldiers arrived and asked him what he was doing sitting under a mango tree. As he pleaded his innocence, one of the soldiers shot him in the leg before they left him bleeding with a fractured leg. His family came to his aid and bandaged his leg after the soldiers left. His brothers took him to hospital the following day but the doctors told him they did not have the equipment required to treat his fractured leg. On 24 April 2013, he and several other patients with gunshot injuries asked to be evacuated and were flown on a Sudanese military plane together with injured Seleka soldiers to Sudan for treatment. The researchers saw Timeko's medical certificate which confirmed that he had been treated at Omdurman General Military Hospital in Khartoum. He remained at the hospital for nearly one month without being operated on. He said that a female doctor bought for him an external fixator<sup>21</sup> which was fitted to his leg before he was flown back to Bangui in early May 2013. Timeko told the researchers that the doctors in Bangui have accused him of not respecting their professional abilities and have refused to treat him following his return. He said that he lacked the money to pay for the medication he needed to prevent infections or attain full recovery.



**Figure 1 Kevin Timeko shot in the leg by Seleka soldier**

Seleka soldiers have killed people simply because they failed to hand over money or other valuables demanded by the soldiers. One such victim was 62-year-old Simon Assana from Boy Rabe. He was seated in front of his house when on 14 April 2013 Seleka soldiers on patrol came to his home. His wife, Simone Assana Nouyango, told Amnesty International researchers that she was inside the house when she heard a soldier asking her husband for a mobile telephone and money. Assana told the soldier he had neither a telephone nor money. Nouyango came out of the house when she heard a gunshot. She found her husband bleeding from a gunshot wound to the chest. He had been shot through the heart and was already dead. Family members transported Assana's body to the hospital mortuary after the soldiers had left. Three days later, another group of soldiers came to the home and looted household property. The family reported the killing of Assana to the authorities but no action had been taken against his killers by October 2013.

A man who asked not to be named for security reasons told Amnesty International how he was severely assaulted and injured on 14 April 2013 by Seleka soldiers who also looted his house. His wife and children had fled with much of the population in Boy Rabe fearing atrocities by Seleka soldiers. Several soldiers arrived at his home around 11am and told him to open the door and come out of his house. The soldiers asked him if he had a vehicle in his homestead. He told them he did not have any. They then asked him to give them money. He initially told them he did not have any but on reflection he pulled 5,000 CFA francs (about 10 US dollars) and gave it to them. They searched his pockets, found and shared between them a further 45,000 CFA francs (about 90 US dollars). They continued to ask him to give them weapons they claimed he held, computers and any more money they claimed he was hiding in his house. He told them he did not have any of the items they were asking for. They then ordered him to follow them to an assembly point where there were other Seleka soldiers. On the way to the assembly point, a soldier with a bottle of beer ordered him to kneel down and hit him several times with the bottle. He sustained cuts and started bleeding. The soldier who had been hitting him with a bottle then drew his pistol apparently to shoot the victim. Another soldier intervened and stopped the soldier from shooting. The soldiers left the area after they had looted all valuables, including electrical household equipment, they found in the victim's house. He was thereafter evacuated to a hospital where he spent two weeks being treated for his wounds.

Seleka soldiers have in numerous cases committed enforced disappearances against men, women and children they accused of being supporters of

former President Bozizé. The dumped bodies of many of these people have later been found, but many more have never been seen again. For example, on 13 July 2013 more than a dozen men travelling in a taxi were stopped by Seleka soldiers nine kilometres south of Bangui. On searching the taxi, the soldiers reportedly found a bag containing T-shirts with Bozizé's picture printed on them. Sources Amnesty International researchers interviewed about the incident said the T-shirts belonged to a woman who was intending to barter them for caterpillars collected by Pygmies in the forests near Mbaiki. The soldiers apparently suspected the men on the taxi to be supporters of Bozizé and took them to an unknown destination thought to be a military barracks in Bangui. Relatives of the men, including those of the taxi driver and his aide, reportedly appealed to the authorities directly and on radio stations to intervene and save the men's lives. Several days later, bodies of some of the men were found floating in the nearby Oubangui river with their arms and legs tied. A senior religious leader who saw the bodies said the bodies bore signs of torture, including eyes gouged out. The victims included Jérôme Ngombe, an accountant employed by the *Association des femmes juristes centrafricaines* (AFJC)<sup>22</sup> human rights group. The Minister of Justice told Amnesty International researchers in August 2013 that judicial authorities were carrying out investigations to establish the identities of the soldiers with a view to bringing them to justice. The authorities were by October 2013 not known to have identified or arrested the soldiers responsible for this crime.

### INDISCRIMINATE ATTACKS RESULTING IN DEATHS AND SERIOUS INJURIES

Numerous civilians have been killed and many others seriously injured as a result of what appears to be indiscriminate shelling by Seleka soldiers. For example, on 14 April 2013 Seleka soldiers shelled a church in Bangui's Cité Jean XXIII and killed about four worshippers and injured more than a dozen others. People interviewed by Amnesty International researchers said that they thought that the Seleka forces had fired the shell in the belief that there were soldiers loyal to former President Bozizé in the area. However, the victims included Jovachi Mongonou, a nine-year-old schoolboy, whose legs had to be amputated because of severe shrapnel wounds. His mother and uncle told Amnesty International researchers that without legs he would not be able to go to school or take care of himself in the future.



**Figure 2 Jovachi Mongonou had both legs amputated after he was injured by a shell**

In another incident on 28 May 2013, a grenade buried in a residential compound by a Seleka soldier killed 12-year-old Frédonni Pinali and injured his nine-year-old brother and two sisters aged five and four, respectively. The children's father told Amnesty International researchers that senior government and security officials visited the surviving children and promised to take action against the soldier. The children's father was not aware in August 2013 if any such action had been taken. The injured children still need further medical care but their father said he had no money to pay for it.



**Figure 3 Dieudonné Pinali injured on left leg by grenade planted by a soldier**



**Figure 4 Princia Pinali injured on the stomach by grenade planted by a soldier**

On 28 July 2013, Seleka soldiers in Bangui severely beat four young men and hacked them with machetes. Three were killed and a fourth was severely injured. The following account was given to Amnesty International researchers by the father of Anselme Ngaissona, the young man who survived. Anselme himself was too weak and in too much pain to speak to the researchers. The young men had been travelling in a taxi from northern CAR when the driver decided to drop them off at a Seleka roadblock situated 12 kilometres north of central Bangui. The young men decided to walk together towards their respective homes in Bangui. The soldiers demanded that the young men give them 1,000 CFA francs (about two US dollars) each. The young men paid the soldiers and continued their journey on foot. On arrival at Ngola bridge where Chadian Seleka soldiers had a base at a police training school – some 1.5 kilometres after the roadblock – a pick-up truck with about 10 soldiers caught up with them and stopped. The soldiers ordered the young men to climb on to the vehicle with their luggage. The soldiers asked the young men to produce their identity cards. On producing the cards, the soldiers accused them of being supporters of deposed President Bozizé on the basis of their names which indicated that they came from the same Gbaya ethnic group as the former president.

The soldiers tied the young men's arms behind their backs and started beating them with sticks. The vehicle continued towards central Bangui while the young men were being beaten. One of the young men jumped off the pick-up truck as he bled and one of the soldiers shot him dead. The soldiers left the dead young man's body at the spot where he fell. The soldiers then started hacking at the remaining three with blades of machetes. Two of the remaining young men died one after the other and their bodies were dumped on the roadside by the soldiers. In what appeared to be a coincidence, the soldiers dumped the severely injured Anselme Ngaissona by the roadside close to his home near Bangui International airport. It was around 2am by that time. The soldiers took the luggage of their victims.

Ngaissona crawled to his home. He was too weak from the beatings and excessive bleeding to call for help. He was recovered by his family from under a mango tree at daybreak. The family hired a taxi and took him to a hospital where he was undergoing treatment when Amnesty International researchers saw him on 7 August 2013. A representative of a humanitarian organization gave some money to his father to pay for the operation. His father told Amnesty International at the start of October 2013 that Anselme was now recovering and out of danger.

The Seleka soldiers are reportedly also responsible for many other attacks. For example, Amnesty International was informed by eye-witnesses that on 27 July 2013 a soldier lobbed a grenade into a crowd of women and children on the banks of the Oubangui river in Bangui. At least 15 women and several children, including an 18-month-old baby, sustained serious injuries. The incident started with Seleka soldiers ordering a group of quarrelling women to disperse. When the women failed to obey the instructions, the soldier lobbed the grenade into the crowd.

#### UNLAWFUL KILLINGS AND OTHER HUMAN RIGHTS VIOLATIONS AND ABUSES CHARACTERIZED BY RELIGIOUS DIVISIONS

Since Seleka launched an armed insurrection against the government of President Bozizé, there have been reports of attacks against Christians and Christian institutions and reprisal attacks against Muslims. Most of the Seleka commanders and rank and file soldiers are reported to be Muslims. Several religious leaders and representatives of civil society organizations told Amnesty International researchers that Seleka soldiers subjected Roman Catholic priests to severe ill-treatment. They included Abbé Philippe Greballe and Abbé Alain Banganzi, both from Lindao in Basse-Kotto province, who were beaten by Seleka soldiers when they complained about human rights abuses by the soldiers. Many Christian churches were systematically looted while Mosques were generally spared. Roman Catholic

nuns had reportedly been threatened with rape and forced to flee their convents. Amnesty International has received reports that Seleka soldiers in northern CAR have also prevented non-Muslims from selling local foods, including pork, wild animal meat and caterpillars which are generally not eaten by Muslims.

On 9 September 2013, armed civilians known locally as *Anti Balaka* attacked a Muslim neighbourhood in the town of Bouca situated 98 kilometres east of Bossangoa, killed at least three people and burned about 150 houses belonging to Muslims. On the same day, Seleka carried out reprisal attacks on Christians, killed at least 10 people and burned about 300 houses belonging to Christians. Later that day, a Seleka commander accused a Christian humanitarian worker employed by the government of involvement in the attacks on Muslims and summarily executed him in front of other humanitarian workers.

In its press release<sup>23</sup> issued in October 2013, MSF said that it had received first hand accounts of attacks characterized by religious divisions. On 29 September 2013, Seleka soldiers in an area situated about 29 kilometres south of Bossangoa stopped two Christian brothers travelling on a motorbike and executed them. A witness who saw bodies of the two young men told Amnesty International that the two young men appeared to have been executed where they lay at point blank range as there was no trace of blood in the vicinity as would normally have been the case if the victims had been running away from the soldiers. A credible source told Amnesty International that on 4 October 2013, an armed group of Christian civilians in the same area selected eight Muslims from among many other passengers travelling to Bangui from Bossangoa and shot them dead.

In August 2013, a senior Christian religious leader told Amnesty International researchers that he and other religious leaders had expressed concern to the government about a perception of religiously targeted persecution of Christians. He said that the Seleka leadership did little to stop soldiers from targeting Christian institutions. The perceptions and fears that factions within Seleka are persecuting non-Muslims in the CAR must be urgently addressed in order to prevent religious conflict.

## 4. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS

Amnesty International has received numerous reports from victims, witnesses and human rights defenders in the CAR of Seleka soldiers raping women and girls and targeting them for other forms of sexual violence. The organization spoke to several women who told Amnesty International that since 24 March 2013 they have been forced to remain indoors for fear of being raped. They said they learned from acquaintances and media reports that many women had been raped by Seleka soldiers. Some of them said that Seleka soldiers demand money and other valuables, such as mobile telephones, from women and those who have none are often raped.

In late July and early August 2013, Amnesty International researchers interviewed several dozen women in Bangui who reported having been raped in recent months by Seleka soldiers. Local human rights defenders informed the researchers that most women and girls who reported having been raped did not want to be interviewed for fear of being identified and/or stigmatized. Those who did speak to the researchers insisted that they did not want their true identities to be revealed, although they gave their consent to Amnesty International publishing their stories. As a result, the names used in the testimonies below are not the true names of the victims or the witnesses.

Many of these women are from the Boy Rabe suburb in Bangui and they were attacked while Seleka soldiers were supposedly searching homes for weapons held by former government soldiers. Amnesty International researchers interviewed three women from one family who all reported having been raped on 31 March 2013. Bella, aged 29 years, was at home with her widowed stepmother and younger sister when soldiers ordered the women to open the door for them to search their house for weapons. Six male soldiers in the company of one female soldier started raping the women. The male soldiers were raping the women while the female soldier remained outside guarding household goods that had been looted from the suburb and the women's house. The women believed that the men who raped them were foreigners – Chadians according to the women – because they spoke broken Sango, CAR's national language. Bella told the researchers that she sustained injuries to her genitalia and had since been

experiencing very painful menstruation. Bella's boyfriend abandoned her after he learned that she had been raped. Her younger sister had not menstruated since the rape and feared that she may have become pregnant as a result. The three victims had not had any medical care after they were raped. None of the three women had received medical or psychological treatment or support by early August 2013.

Other women the organization interviewed said they were raped in the presence of their children and/or older relatives. On 13 April 2013 Maxime was preparing to go to church when Seleka soldiers forced their way into her house claiming to be searching for illegally-held guns. Prior to their arrival at her house, Maxime had been able to hide her uncle's military uniform, except for one pair of trousers. She hid the pair of trousers in a piece of cloth which she tied around her neck. She feared that she would be subjected to violence if the soldiers found a military uniform in her house. The soldiers opened the piece of cloth and saw the pair of trousers. They set the pair of trousers, as well as some of her own clothes and those of her children on fire inside the house. Amnesty International researchers saw the damage caused by the fire to the wall and roof of her one-bedroom house. The soldiers stole clothes, a mattress, a mobile phone and some jewellery and loaded them on a truck the soldiers had been travelling on. Three of them then began raping her in turns. They held her at gunpoint when she tried to resist being raped. One of the soldiers bit her on the left breast while another slapped her. Her left cheek looked to be still swollen when Amnesty International researchers met her in late July 2013.

Maxime told Amnesty International researchers that the rape lasted several hours. Her children were in the meantime crying and their cries alerted a soldier she believed to be Central African to intervene. The rapists threatened to shoot him when he tried to stop them. She recalled that she fainted at that point and was later told that the Central African soldier telephoned the unit commander who came to stop the rape. The soldier who intervened reportedly broke the door of a nearby shop to get sugar and milk to revive her. She was taken to hospital where she spent several days in intensive care. Fearing stigmatization, Maxime has only told her mother about the rape and not any other members of her family.

During and after her stay in hospital, Maxime was not tested for sexually transmitted diseases because she did not have any money to pay for the tests. She has since avoided having any sexual relations with her partner because of the trauma of the rape. She told Amnesty international researchers that she would need treatment for the physical injuries and psychological trauma but she does not know where to get it from and could not, in any case, afford to pay for it.

Selina, aged 26, told Amnesty International researchers that she was at home with her younger brother at 8am on 14 April 2013 when Seleka soldiers came to their home in Boy Rabe. Fearing violence from the soldiers, Selina tried to run but was tripped by one of the soldiers and she fell to the ground. The soldiers forcibly undressed her and at least five of them started raping her in turns. After a while she lost consciousness and it was around 10am when she came to. She has not been able to see a doctor because she lacks the money to pay for medical care. She told Amnesty International researchers that she was continuing to suffer from severe abdominal pains and irregular menstruation. After she was raped, her fiancé of three years abandoned her. She said that as a result of widespread rape in Boy Rabe since March 2013, it was difficult for girls in the suburb to have relationships with men in and around Bangui. Victims of rape or those thought to have been raped are likely to be discriminated against and find it difficult, and in some cases impossible, to form relationships and get married and/or bear children. Many women in the CAR depend on their husbands for security and as breadwinners. Children resulting from rape also face stigmatisation and rejection from their families and the community.

None of the women and girls to whom Amnesty International spoke has been able to access all the medical and psychological treatments they need. In many cases, this is because the women cannot afford such treatment. However, the fear of being stigmatized and rejected by family and community also prevents women from seeking the treatment they need. As some of the cases highlighted above show, that fear is real, and some women have been abandoned by their partners or husbands with serious economic and social consequences. At the time of writing, no case of rape or other sexually violent attacks had been investigated and no suspects prosecuted.

## 5. ATTACKS AGAINST HUMAN RIGHTS DEFENDERS AND HUMANITARIAN WORKERS

Amnesty International is seriously concerned for the rights and safety of human rights defenders, humanitarian workers, journalists and members of civil society organizations in general. Several leaders of human rights organizations have gone into hiding and others have fled the country after they were threatened with death by Seleka gunmen. The gunmen have looted property belonging to the organizations, including UN agencies and their workers, as well as orphanages and centres for homeless children. The looting and threats of violence have paralyzed activities of humanitarian organizations, thus endangering the lives of the population that has been dependent on the organizations for food and medical care. For example, Seleka soldiers opened fire and forced their way into the *Village d'enfant SOS* orphanage in Bangui. As well as causing trauma to the children, especially because of the shootings, Seleka soldiers looted the residence of the orphanage's director and took away four vehicles, computers and mobile telephones.

Human rights organizations targeted by Seleka soldiers include *Maison de l'enfant et le femme pygmées* (MEFP).<sup>24</sup> Seleka soldiers looted the property of MEFP, including four vehicles and 11 motorcycles, on 25 March 2013. When during subsequent weeks MEFP leaders complained to Seleka commanders about the looting they received death threats. The situation became so threatening to the MEFP leaders that they went into hiding and subsequently fled the country. Jérôme Sitamon, the coordinator of MEFP, and several of his colleagues were still living in a neighbouring country at the start of October 2013. As a result of the death threats and looting, MEFP activities stopped and the beneficiaries were abandoned.

Much of the looted public and private property is reported to have been taken to neighbouring Chad and Sudan. Some of the victims of the widespread looting have told Amnesty International that they reported the looting and the violence to the authorities who failed to take any action to prevent the abuses or to recover looted property. The authorities in Chad and Sudan are not known to have taken any measures to prevent entry of looted property into their countries or to return it to its owners in the CAR.

Some human rights defenders went into hiding after they received death threats because they publicly denounced human rights violations by Seleka soldiers. Those who were regularly on the run in August 2013 included Fernand Mandejabo, leader of the the *Réseau national des organisations de jeunesse en droit de l'homme* (RNJDH).<sup>25</sup> He told Amnesty International researchers that Seleka soldiers had on several occasions visited his home and asked for him. He had as a result resorted to sleeping in a different place each night and not using his car, which is known to Seleka soldiers.

Father Frédéric Nakombo, the national Secretary General of the Roman Catholic Church's Justice and Peace Commission had also been threatened because Seleka soldiers believed he was collecting testimonies of victims of human rights violations. Armed Seleka soldiers had visited his office on several occasions but not found him. He told Amnesty International researchers that he and his colleagues had chosen to continue their work as human rights defenders, despite the threats, for the sake of the victims.

Humanitarian workers in the CAR have effectively risked their lives while working to assist victims of human rights violations, including those displaced by the armed conflict. Two Central Africans working for the Agence d'Aide à la Coopération Technique et au Développement (ACTED)<sup>26</sup> were shot and killed on 7 September 2013 by Seleka soldiers on the outskirts of Bossangoa in central CAR. The workers were reportedly returning to their base in Bossangoa when they were stopped by Seleka soldiers. Sources in the CAR said that the soldiers identified the workers and severely beat them. The sources who saw the ACTED workers being beaten later telephoned ACTED managers to establish their fate and were informed that the workers had been executed by Seleka soldiers. Local and international human rights and humanitarian organizations, as well as the UN<sup>27</sup> and the European Union,<sup>28</sup> condemned the killing of the two ACTED workers. It was still unclear at the start of October 2013 whether any soldiers had been identified and/or arrested with a view to bringing them to justice in connection with the killing of the ACTED workers.

In a press release<sup>29</sup> issued in October 2013, MSF expressed concern about the escalation of attacks on humanitarian workers. The medical charity said that civilians, medical staff and humanitarian workers had been subjected to physical aggression. It added that it had witnessed the execution of one healthcare worker and violent attacks on humanitarian staff. At the end of October 2013, those suspected of committing the crimes had not yet been arrested or any other action taken by the authorities to bring those responsible to justice.

## 6. RECRUITMENT AND USE OF CHILD SOLDIERS

Armed groups in the CAR have for more than 10 years been recruiting and using children. Some of the children are reported to have been as young as 10 years old. Conscripting or enlisting children under the age of 15 years into armed groups or using them to participate actively in hostilities is a war crime. In 2010, the CAR government signed the Optional Protocol to the Convention on the Rights of the Child which seeks to raise the minimum age to 18. Although armed group leaders have claimed that the children volunteer to join them, civil society organizations have claimed that some of them are forcibly recruited. Children involved in armed conflict in the CAR have often been used to commit human rights abuses, including unlawful killings, rape, torture and cruel, inhuman or degrading treatment.

Humanitarian organizations, as well as the UN's children's agency, UNICEF, in the CAR have campaigned against this abuse of children's rights and their involvement in armed conflict. After agreements over the last five years between children's organizations, the former government and armed groups, hundreds of children were disarmed, demobilized and facilities provided to reintegrate them into civilian life. However, some of the children have subsequently been re-recruited by the same or other armed groups.

Local human rights and humanitarian organizations, as well as UNICEF, in the CAR estimated in August 2013 that there were as many as 3,500 children under the age of 18 within the ranks of Seleka. Most child soldiers in the CAR are boys. However, girls have also been recruited or forcibly conscripted and they are often raped and subjected to sexual slavery and other forms of sexual violence as so-called "wives" of older or senior military officers. While admitting that there were child soldiers in Seleka, senior government and military officials told Amnesty International researchers that the numbers were far lower but without giving any specific figures. The officials also said that a policy was already in place to demobilise and reintegrate all child soldiers into their communities. The officials said that the government had in recent months removed some 150 children from Seleka and handed them to UNICEF to undergo the reintegration process. This information was confirmed by UNICEF. UNICEF also told Amnesty International researchers that the children were undergoing vocational training in order to prepare them for gainful and sustainable employment.

Amnesty International researchers were told by human rights and humanitarian organizations, as well as by some senior government and security officials, that some of the children had been recruited from Chad and Sudan. There is also a likelihood that some of the foreign children, as well as Central Africans, had been killed in combat and that their parents had not been informed. The researchers were informed that several foreign commanders claimed that the children under their command had been provided to them by their parents and would therefore not hand them to UNICEF or any other organization for reintegration. The commanders reportedly claimed that they were waiting to be paid by the CAR government for their role in the war before returning the children to their parents in their countries of origin or in northern CAR where they were nomads. Amnesty International is concerned that children are effectively being held hostage as bargaining chips by the foreign commanders. This is a further violation of the rights of the children, inconsistent with the rights and the best interests of the child. Amnesty International urges the CAR government and its foreign counterparts to take immediate steps to disarm, demobilise, repatriate and reintegrate foreign child soldiers in their countries of origin.

Amnesty International welcomes the resumption of the demobilization and reintegration of child soldiers. However, the organization is concerned nothing has been done over the years to dissuade armed group leaders from recruiting and using children to participate in hostilities and that this illegal practice continues. Conscripting or enlisting children under the age of 15 years into armed groups or using them to participate actively in hostilities is a war crime. The CAR has an obligation to investigate and, where there is sufficient evidence, to prosecute those suspected of the crime.

Amnesty International is also concerned that vocational training received by former child soldiers may not be sustainable in a diminishing economy. Vocational training, such as motor vehicle repair and carpentry, is potentially useful to the children, but only if the beneficiaries can find work after they complete the training. Experienced adults face enormous difficulties finding work and many are unemployed in the CAR. More resources should be mobilized to return the children to long-term formal education and prepare them for more sustainable employment.

All services provided to former child soldiers, including vocational training, must not reinforce gender stereotypes or discrimination and must be provided to girls and boys on an equal footing.

In addition, specialised programmes must be implemented to assist girls who were subjected to sexual slavery and other forms of sexual violence as forced 'wives' of soldiers, and to all child soldiers who were subjected to sexual violence.

## 7. APPLICABLE INTERNATIONAL LAW

The CAR is bound by human rights law including those set forth in the international and regional human rights treaties to which the CAR is a party, as well as norms of customary international law.<sup>30</sup> The CAR is also bound by international humanitarian law governing non-international armed conflicts, including the Geneva Conventions and their Additional Protocols which it has ratified. In fact, all parties to the internal conflict in the CAR, including armed groups have direct obligations under international humanitarian law, including ensuring the protection of civilians.

By ratifying the International Criminal Court Statute (ICC Statute), The CAR has committed further to ensure there can be no impunity for war crimes and crimes against humanity. If the national authorities fail to investigate and prosecute the crimes genuinely, the ICC may step in. All war crimes, crimes against humanity or other crimes under international law documented in this report, must be investigated. Where sufficient evidence exists, those suspected of committing the crimes, including military commanders and civilian superiors, should be prosecuted in fair trials without recourse to the death penalty.

War crimes in internal armed conflict include many of the acts detailed in this report: violence to life and person, including cruel treatment and torture; outrages upon personal dignity, in particular, humiliating and degrading treatment; intentionally directing attacks against the civilian population ... or individual civilians not taking direct part in hostilities; rape; sexual slavery; other forms of sexual violence; pillaging;<sup>31</sup> and conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

Crimes against humanity are defined in Article 7 of the ICC Statute 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 “(o)ther inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”<sup>32</sup>

The CAR is a state party to the African Charter on Human and Peoples' Rights, which remains in force even in situations of armed conflict. Article 3 of the African Charter on Human and Peoples' Rights provides that "each person is equal before the law and must be protected equally by the law."

Article 5 guarantees to every individual "the right to the respect of the dignity inherent in a human being" and prohibits torture, cruel, inhuman or degrading punishment or treatment.

All victims of human rights violations and abuses have the right to an effective remedy, including full and effective reparation to address the harm they have suffered and the right to truth about the abuses they have experienced.<sup>33</sup>

The state has a responsibility to provide full reparation to victims of human rights violations committed by state organs, its agents and conduct directed or controlled by the state, including ensuring that victims can seek reparation through the courts or administrative mechanisms.<sup>34</sup> The state must also ensure that victims can seek reparation before the courts for abuses by non-state actors. Where the state fails to do so, including by not investigating human rights abuses, the state may become responsible.<sup>35</sup> When it is not possible for victims to seek or obtain reparation against non-state actors (for example, because they cannot be identified or because they lack resources) the state should step in and provide reparation to victims and then seek to reclaim any costs from those responsible.<sup>36</sup>

Reparation should seek to *"as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed."*<sup>37</sup> All forms of reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition should be considered in developing awards.<sup>38</sup>

- Restitution aims to re-establish, as much as possible, the situation that existed before the violation happened.
- Compensation involves monetary payment for any economically assessable loss.
- Rehabilitation aims to address any physical or psychological harm caused to victims including medical and psychological care as well as legal and social services.
- Satisfaction includes measures such as: verification of the facts and full and public disclosure of the truth; prosecution of the perpetrators; an official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim; public apology, including acknowledgement of the facts and

acceptance of responsibility; and commemorations, memorials and tributes to the victims.

- Guarantees of non-repetition or non-recurrence: includes institutional reforms and other measures necessary to ensure respect for the rule of law, foster and sustain a culture of respect for human rights, and restore or establish public trust in government institutions.<sup>39</sup>

Not all of these forms of reparation will be required for all human rights violations and abuses. In each situation or case, a determination will need to be made about what reparation measures are needed to address the specific harm caused.<sup>40</sup> This process should take into account the views of the victims, who will best know their needs.

## 8. CONCLUSION

The CAR has been undergoing a human rights crisis for several decades. It has clearly degenerated into a human rights disaster since December 2012. The human rights and humanitarian situation in the CAR are at a critical stage and risk reaching a point of no return if it is not urgently acted on by stakeholders within and outside the country. A continuation or even a potential deterioration is intolerable. The crisis has already affected neighbouring countries, several of which are unstable and plagued with armed conflicts and attendant human rights crises themselves. The African Union together with the United Nations and foreign governments must act together to ensure that effective measures are taken to establish law and order, that supports the administration in Bangui to take urgent measures to protect civilians from crimes under international law and human rights violations and enforce the rule of law. All crimes under international law, including war crimes and crimes against humanity, must be investigated and, where there is sufficient evidence, those suspected of committing the crimes should be prosecuted in proceedings which meet international fair trial standards without recourse to the death penalty.

Concerned about the horrific situation in the CAR, numerous delegations from the UN, the AU, the European Union and foreign governments have visited the country since March 2013. Amnesty International welcomes the interest that these multilateral organizations and governments have taken in the CAR. However, the organization is concerned that these various stakeholders are not adequately coordinating their interventions with the CAR authorities and other national stakeholders. The foreign interlocutors are therefore not transmitting similar and consistent messages to the CAR authorities on what needs to be done to end the CAR crisis. The organization strongly recommends that a CAR crisis coordination office be set up for and preferably in the CAR to ensure that various stakeholders talk to each other and take mutually-agreed positions on how to end the crisis.

## 9. RECOMMENDATIONS

Amnesty International is calling upon the CAR government to:

- Publicly and unequivocally condemn all human rights violations and abuses committed by all armed groups and security forces, and in particular by Seleka soldiers.
- Immediately suspend from duty any person reasonably suspected of involvement in human rights violations and abuses until a determination of guilt or innocence is reached.
- Strengthen the Mixed Commission of Inquiry by guaranteeing its independence, impartiality and competence, with a balance of women and men, and in consultation with civil society organizations, including women's organisations, to investigate all reports of possible crimes under international law or other human rights violations by forces belonging to the former and current governments, as well as by armed groups, regardless of who is alleged to have committed them, with a view to identifying those responsible and bringing them to justice without recourse to the death penalty.
- Ensure that victims and their families have access to an effective remedy, including full and effective reparation to address the harm they have suffered. Reparation should take a number of forms, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Investigate crimes under international law committed by all sides. Where sufficient admissible evidence exists, persons suspected of the crimes, including those suspected of command responsibility, should be prosecuted in proceedings which meet international standards of fairness and without recourse to the death penalty.
- Ensure that human rights defenders and humanitarian workers, as well as other members of civil society, can carry out their work without fear and that those who attack them or otherwise impede their work are brought to justice in fair trials without recourse to the death penalty.

- Build, with the support of the international community, a justice system and an administrative infrastructure that are able to investigate and prosecute human rights violations, including by ensuring that judicial officials are provided with the necessary resources and security to conduct their work effectively and without fear of retaliation.
- Immediately separate from their ranks all children associated with armed forces and armed groups operating in the country, and proceed with the disarmament, demobilisation and reintegration of those children in cooperation with relevant international actors. The government should provide guarantees that no children will be recruited in the future into the security forces. Foreign children associated with security forces and armed groups should be repatriated to their places of origin in a manner that respects the best interests of the children involved.
- Give and implement clear instructions and take all lawful measures to ensure that the security forces are accountable to legitimate civilian authority in order to protect and respect the rights of all civilians in the CAR.
- Provide medical and psycho-social care to victims of human rights violations and abuses, including specialist services to survivors of rape, sexual slavery and other forms of sexual violence.
- Work and collaborate with the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict in order to build a national capacity to prevent rape and other forms of sexual violence, including prosecuting those suspected of the crimes and providing care and reparation to victims. Also implement the commitments reached between the UN and the former CAR government towards eliminating sexual violence in armed conflict.<sup>41</sup>
- In consultation with civil society, especially women's organisations, develop and implement a National Action Plan to implement UN Security Council Resolution 1325 on the participation of women in transitional and peace processes and the protection of women and girls from sexual violence in armed conflict.

The African Union should:

- Urgently deploy adequate numbers of AFISM-CAR / MISCA peacekeepers with a clear mandate to protect civilians from harm and establish the rule of law in the country. These peacekeepers should be properly trained, including in human rights, as well as gender sensitivity, and equipped to implement their mandate effectively.

- Publish in full the mandate of AFISM-CAR / MISCA so that it is widely known to people in the CAR. Ensure that people in the CAR are adequately informed of who they may report to if and when they have complaints and/or other concerns about the conduct of AFISM-CAR / MISCA peacekeepers and other personnel.
- Ensure that in the planning and implementation of the peacekeeping mission, human rights issues are put at the centre and that the AU makes use of its various mechanisms, including consulting with its bodies with a human rights mandate, to ensure that the rule of law is established in the CAR.
- State clearly and ensure that any misconduct by AFISM-CAR / MISCA peacekeepers, and in particular any case of sexual exploitation and abuse, will be properly and expeditiously investigated, and anybody found to be responsible for such misconduct will be disciplined and/or prosecuted and punished according to the gravity of the offence and respecting international standards of due process.
- Establish a unit within or working closely with AFISM-CAR / MISCA to investigate reports of the involvement of foreign fighters in the commission of human rights abuses, some of which may amount to war crimes and crimes against humanity, and if there is sufficient evidence, prosecute those suspected of the crimes in fair trials without recourse to the death penalty or extradite to a country that will do so.
- Ensure that looted property is returned to its rightful owners.
- Ensure, through AFISM-CAR / MISCA, that all foreign and local fighters who have committed human rights violations or crimes under international law are excluded from the national security forces and that no support to these forces is provided until that exclusion takes place. Foreign fighters should be disarmed, demobilised and repatriated to their countries of origin,<sup>42</sup> unless they are being held and subjected to criminal investigations and prosecutions due to their alleged involvement in human rights violations or abuses in the CAR.
- Instruct AFISM-CAR / MISCA to work together with relevant UN entities and the national government to make sure that children associated with the CAR security forces are disarmed, demobilised, reintegrated into civilian society and repatriated to their countries of origin in the case of foreign children.

- Make public the AFISM-CAR / MISCA reports on the implementation of its mandate and in particular on progress made on the protection of the civilian population and the establishment of the rule of law in the country.
- Support and assist the CAR to develop and implement a National Action Plan on UN Security Council Resolution 1325 on the participation of women in transitional and peace processes and the protection of women and girls.

The UN, particularly the Security Council, should:

- Provide support to the deployment of AFISM-CAR / MISCA peacekeepers in sufficient numbers and with the training, resources and capacity to protect civilians and establish the rule of law in the CAR.
- In application of the UN Human Rights Due Diligence Policy, conduct an assessment of the potential risks and benefits involved in providing that support, in particular regarding the record of the different contingents' compliance or non-compliance with international humanitarian, human rights and refugee law, including any specific record of grave violations by personnel who will be involved in the peacekeeping operation.
- Ensure that any foreign and local fighters who have been involved in the commission of human rights violations and abuses are excluded from the army and any other security forces, and that foreign fighters are disarmed, demobilised and repatriated to their countries of origin, unless they are being held and subjected to criminal investigations and prosecutions due to their alleged involvement in human rights violations or abuses in the CAR.
- Urge the CAR government to respect, protect and promote human rights, and to investigate crimes under international law and other human rights violations committed in the country, and if there is sufficient evidence to prosecute suspects in fair trials without recourse to the death penalty, or extradite them to another country that will do so; and to provide full reparation to victims.
- Support local civil society, including women human rights defenders, in their work on prevention, and support for survivors of human rights violations, including rape and other forms of sexual violence and the rehabilitation and reintegration of former child soldiers.
- Ensure that BINUCA is provided with all the resources it needs to implement its mandate and deploy throughout the country, in particular to monitor, investigate and report regularly and publicly on human rights

violations and abuses, specifically on violations and abuses committed against children and women, including all forms of sexual violence in armed conflict, and to contribute to efforts to prevent such violations and abuses as well as to create a protective environment to end impunity.

- Recruit and deploy qualified civilian staff, in sufficient numbers, to serve in BINUCA or any UN Mission to be deployed in the country, including human rights officers with the relevant professional training, experience and skill to conduct human rights monitoring, investigation, reporting and capacity building activities.
- Ensure that BINUCA provides technical assistance so as to strengthen the capacity of national institutions, in particular the judicial system, to allow those institutions to identify the needs and the means to address serious violations and abuses committed in the past.
- Ensure that BINUCA, in coordination with other UN agencies and relevant non-governmental organizations, and in cooperation with AFISM-CAR / MISCA and national authorities, verify the separation of children associated with all CAR security forces, and that they are disarmed, demobilised and reintegrated into civilian society, and repatriated to their countries of origin in the case of foreigners, taking always into account the best interests of the children involved.

Members of the International Contact Group on the CAR, including France and USA, should:

- Provide material and human resources, as well as political support, to national and international efforts to re-establish the rule of law in the country and to respect, protect and promote human rights.
- Urge the CAR government to respect, protect and promote human rights, and to investigate crimes under international law and other human rights violations committed in the country, and if there is sufficient evidence to prosecute suspects in fair trials without recourse to the death penalty, or extradite them to another country to face trial that is willing to do so; and to provide full reparation to victims.
- Support local civil society, including women human rights defenders, in their work on prevention, and support for survivors of human rights violations, including rape and other forms of sexual violence and the rehabilitation and reintegration of former child soldiers.

- Provide material and human resources for the care of victims of human rights violations and abuses who have sustained physical and psychological injuries until they attain full recovery and are able to take care of themselves.

## ENDNOTES

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<sup>1</sup> See section 5 and Appendix of AI's report entitled *Central African Republic, Action needed to end decades of abuses*, AI Index: AFR 19/001/2011

<sup>2</sup> Décret numéro 13.100 portant création d'une Commission Mixte d'Enquête

<sup>3</sup> Communauté économique des Etats d'Afrique centrale (CEEAC)

<sup>4</sup> UN Integrated Office for the Consolidation of Peace in the CAR

<sup>5</sup> By its resolution 2121 (2013), the UN Security Council reinforced and updated the BINUCA mandate to include (a) Support for the implementation of the transition process; (b) Support for conflict prevention and humanitarian assistance; (c) Support for stabilization of the security situation; (d) Promotion and protection of human rights; (e) Coordination of international actors

<sup>6</sup> Central African Republic, European Union Fact Sheet, published on 21 October 2013

<sup>7</sup> By its Resolution 2121 (2013), the UNSC expressed "its intention to consider options for support to MISCA ... including the possible option of a transformation of MISCA into a United Nations peacekeeping operation, subject to appropriate conditions on the ground;"

<sup>8</sup> In its Conclusions of 21 October 2013, the EU's Foreign Affairs Council urged the the African Union to urgently deploy MISCA. The Council also urged the CAR government to take tangible measures to establish the rule of law, public order and security throughout the country. See Foreign Affairs Conclusions – Central African Republic, Luxembourg, 21 October 2013.

<sup>9</sup> In October 2013, French Foreign Minister Laurent Fabius who was visiting the CAR announced that the number of French troops would be increased by the end of the year to provide logistical support to peacekeepers in the CAR. According to Agence France Presse dated 13 October 2013, the number of French troops could be increased to between 700 and 1,200

<sup>10</sup> The UPDF spokesman, Lieutenant Colonel Paddy Ankunda was on 19 October 2013 reported by Ugandan New Vision newspaper to have said that Uganda would be ready to participate in peacekeeping in the CAR if it is approached. See New Vision, Uganda ready to commit troops to CAR, dated 19 October 2013

<sup>11</sup> In July 2013, President Djotodia announced that the former Forces armées centrafricaine (FACA) and Seleka had been amalgamated to form the Armée républicaine centrafricaine (ARC). However, he announced in September 2013 the dissolution of Seleka and the CPJP. However, he did not demobilise Seleka soldiers nor did he indicate whether the Central African army would have a new name.

<sup>12</sup> Union of Democratic Forces for the Rally

<sup>13</sup> Convention of Patriots for Justice and Peace

<sup>14</sup> Patriotic Convention for the Salvation of Kodro

<sup>15</sup> Democratic Front for the People of Central Africa

<sup>16</sup> See Agence France Presse, Le chef rebelle centrafricain Miskine arrêté au Cameroun, dated 19 September 2013

<sup>17</sup> By virtue of Chapter VII, the United Nations Charter provides the Security Council with broad powers to deal effectively with threats to the peace, breaches of the peace, or acts of aggression. Confronted with such situations, the Security Council can, according to article 41 of the Charter, order provisional measures or take other enforcement measures not involving military action. These non-military enforcement measures may include complete or partial interruption of economic relations and the severance of diplomatic relations, but also, according to the practice of the Security Council over the years, the creation of international criminal tribunals, the establishment of interim administrations and the imposition of sanctions regimes. If the Security Council considers that these non-military measures are inadequate or have proved to be inadequate, it can, in application of article 42 of the Charter, decide to "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." Thus, Chapter VII powers are used by the Security Council to authorize member-states or a United Nations peacekeeping operation to use force in the discharge of their mandates.

<sup>18</sup> Central African Armed Forces

<sup>19</sup> Reports published by Amnesty International about the human rights situation in the CAR after President came to power in March 2003 include, Five months of war against women, November 2004 (AI Index: AFR 19/001/2004); Government soldiers and armed groups attacking unarmed civilians and critics, February 2006 (AI Index: 19/001/2006); War against children in the wild north, November 2007 (AI Index: AFR 19/006/2007); Masked bandits run riot in Central African Republic, September 2007 (AI Index: AFR 19/005/2007); Action needed to end decades of abuse, October 2011 (AI Index: AFR19/001/2011)

<sup>20</sup> See Background

<sup>21</sup> An external fixator is a frame fitted to a limb to allow the fractured bone fragments to be fixed in a rigid position until complete healing takes place.

<sup>22</sup> Association of Central African Women Jurists

<sup>23</sup> MSF, Fighting in CAR reaches unprecedented levels of violence, 16 October 2013

<sup>24</sup> House of the Pygmy Child and Woman

<sup>25</sup> National Network of Youth Organizations for Human Rights

<sup>26</sup> Agency for Technical Cooperation and Development

<sup>27</sup> See UN News, Central African Republic: UN condemns killing of two aid workers, dated 11 September 2013

<sup>28</sup> See Worsening Crisis in Central African Republic: Commissioner Georgieva condemns killing of two aid workers, dated 10 September 2013, [http://europa.eu/rapid/press-release\\_MEMO-13-776\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-776_en.htm)

<sup>29</sup> MSF, Fighting in CAR reaches unprecedented levels of violence, 16 October 2013

<sup>30</sup> Customary international law comprises international rules derived from consistent state practice and consistent consideration by states of these rules as binding on them. Customary international law is binding on all states and, in some circumstances, on armed groups. Many rules of international law can be found in both customary law and treaty law.

<sup>31</sup> The Elements of Crimes, which elaborate on the content of crimes under the Rome Statute of the ICC, describe pillage as the appropriation of property without the consent of the owner (Article 8(2)c and e of the Rome Statute of the International Criminal Court).

<sup>32</sup> Article 7 of the Rome Statute of the International Criminal Court

<sup>33</sup> For example, Article 2 of the International Covenant on Civil and Political Rights (ICCPR) to which CAR is a party requires governments to provide an effective remedy for abuses and to ensure the rights to life and security of the person of all individuals in their jurisdiction, without distinction of any kind including sex. The Human Rights Committee in General Comment 31, §16, confirms that the right to a remedy in article 2(3) of the ICCPR “requires that States Parties make reparation to individuals whose Covenant rights have been violated. Without reparation...the obligation to provide an effective remedy...is not discharged.” The 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, Principle 3 states “the obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to... (d) provide effective remedies to victims, including reparation. Principle 31 of the Updated Set of principles for the protection and promotion of human rights through action to combat impunity states “Any human rights violation gives rise to a right to reparation on the part of the victim or his or her beneficiaries, implying a duty on the part of the State to make reparation and the possibility for the victim to seek redress from the perpetrator.

<sup>34</sup> See International Law Commission’s Draft Articles on State Responsibility.

<sup>35</sup> See for example, the Committee against Torture in General Comment 3, §7, states “[w]here State authorities or others acting in their official capacity have committed, know or have reasonable grounds to believe that acts of torture or ill-treatment have been committed by non-State officials or private actors and failed to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors in accordance with the Convention, the State bears responsibility for providing redress for the victims (general comment No. 2).”

<sup>36</sup> Principle 15 of the 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, Principle 15 states “In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

<sup>37</sup> *The Factory at Chorzów case (Germany v. Poland)*, Judgment, Permanent Court of International Justice, 13 September 1928, p. 47.

<sup>38</sup> The Human Rights Committee in General Comment 31, §16, states that “the Covenant generally entails appropriate compensation.” The Committee also notes that “where appropriate, reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices” The Committee against Torture similarly states in General Comment 3, §6, that “redress includes the following five forms of reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.” Principle 18 of the UN 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 states “victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.” Principle 34 of the Updated Set of principles for the protection and promotion of human rights through action to combat impunity states: The right to reparation shall cover all injuries suffered by victims; it shall include measures of restitution, compensation, rehabilitation, and satisfaction as provided by international law. Principle 35 deals with guarantees of non-recurrence.

<sup>39</sup> Principle 35, Updated Set of principles for the protection and promotion of human rights through action to combat impunity.

<sup>40</sup> Principle 15 of the UN 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 states “Reparation should be proportional to the gravity of the violations and the harm suffered.”

<sup>41</sup> Joint Communiqué of the Government of the Central African Republic and the United Nations, dated 12 December 2012

<sup>42</sup> At the end of their summit held in the Chadian capital, N’Djamena, the CEEAC heads of state and government ordered AFISM-CAR/MISCA to disarm and remove from the CAR all foreign fighters. See Agence France Presse, Centrafrique: la CEEAC ordonne un désarmement forcé si nécessaire

