

CENTRAL AFRICAN REPUBLIC: A COUNTRY IN THE HANDS OF SELEKA WAR CRIMINALS

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel,



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Executive summary

An FIDH international fact-finding mission travelled to the Central African Republic (CAR) between 3 and 13 July 2013. It established that the whole of the territory was still in the hands of Seleka elements under the leadership of Central African, Chadian and Sudanese war lords, several months after the rebel leaders had been installed in power. From the coup d'état to the date of publication of this report, these Seleka elements, who were estimated in March to number 5,000 and are believed to be three or four times that number, have committed the gravest crimes – which may be constitutive of international crimes – against the civilian population. The FIDH affirms that, given the current position relating to the undermining of State services and the organising by the African Union of a mechanism to replace MICOPAX with the setting up of the International Support Mission in the Central African Republic (AFISM-CAR) (comprising elements of the Central African Multinational Force – FOMAC), the Central African population continues to live in considerable insecurity and the security of the region is under threat.

While it has been difficult since the regime of François Bozizé was overturned on 24 March 2013 to measure the exact extent of the killings, following cross-checking of numerous pieces of information, FIDH estimates that at least 400 murders have been committed by members of the Seleka forces. During its mission, FIDH succeeded in gathering many testimonies about civilians being shot dead. In particular, the mission focused on the killings on 28 June 2013 at Gobongo, a neighbourhood of Bangui, where Seleka forces fired on a crowd of men, women and children who were protesting at the assassination of a young man from their neighbourhood. At least 6 civilians were killed and several dozens injured. Since the mission, other murders have been carried out by Seleka elements, such as in the neighbourhood of Boy-Rabe in Bangui, where at least ten people were killed on 20 August during a “disarmament” operation, and also elsewhere in the provinces.

FIDH also confirms the high number of rapes committed by members of the Seleka forces in Bangui. A reliable source recorded 82 cases of rape in the first month following the arrival of the rebels in the capital: a number which does not reflect the gravity of the situation. In addition, a large number of abductions of civilians by the Seleka were reported to members of the mission, as well as cases of intimidation, abuse and arbitrary detention. The presence of child soldiers in the ranks of the Seleka was also observed by FIDH.

FIDH also gathered testimony of villages being burned by Seleka forces. Along the Mbrès/Kaga-Bandoro corridor travelled by the FIDH mission, 270 houses had been burned and 6 people killed in 6 villages by the Seleka on 14 April 2013 in reprisal for the murder of one of their own.

Moreover, even though the country's public and private assets were generally and systematically looted in the days following the coup d'état for the rebels' and war lords' gain, the Seleka forces, who have not been paid by those commanding them, continue robbing and racketeering among the population.

FIDH affirms that the crimes committed by the Seleka elements are done so with complete impunity. In the provinces, where the Seleka hold absolute power and where the State is

entirely absent, security and justice are non-existent. In Bangui, at the time of the fact-finding mission, only 16 detention warrants had been confirmed by the state prosecutor. Those rare Seleka elements actually arrested were for the most part confined to centres for disciplinary training but escaped all forms of judicial process. Following protests from the international community, a trial was begun against 24 members of the Seleka accused of criminal acts during the Boy-Rabe killings in August 2013. It is very much an isolated example of criminal proceedings given the extent of the violent acts committed throughout the country.

The Central African government is today incapable of protecting the population by re-establishing the forces of public law and order and by eliminating the impunity enjoyed by those who commit the most serious crimes. The coffers are empty. At the time of the fact-finding mission, an institutional crisis centring on a charter for the transitional constitution was paralysing the exercising of power, which was in tatters in Bangui and non-existent in the provinces. The Head of State was seeking to establish his new-found powers and dismissed the powerful rebel leader Dhaffane from the government, then illegally detained him.

In such circumstances, the MICOPAX forces and mandate were manifestly inadequate to ensure the population's protection. The biggest contingent of its 1,000-strong force present in CAR at the time of the fact-finding mission was that from Chad, a fact which did not reassure the population. There were just three provincial garrisons at Paoua, Kaga-Bandoro and Ndele with far too limited a geographical sphere of operations. As regards the French soldiers from the Boali operation, they were only patrolling Bangui and their mandate is restricted to ensuring the security of the airport and French nationals. The deployment announced of a 3,650-strong AFISM-CAR force to replace MICOPAX is welcomed by FIDH as a genuine effort by the African Union to tackle the problem of CAR. But in the absence of any involvement by the international community in its makeup, it cannot, in the current situation, meet the security needs of the population.

“Ensuring the protection of the population is an indispensable and urgent duty which cannot be fulfilled by the security measures currently in place. The civilian population has been abandoned and delivered into the hands of the Seleka criminal elements. The continuing anarchy in the Central African Republic risks further undermining the country, exacerbating tensions and preventing economic recovery,” stated Eric Plouvier, member of the FIDH fact-finding mission. “The presence of large numbers of weapons in CAR has, moreover, the potential to destabilise security in the sub-region,” he added.

FIDH is calling on the international community to place protecting the civilian population at the top of its priorities concerning the situation in CAR. The United Nations and African Union must support the setting up of AFISM-CAR, whose mandate and budget must be capable of guaranteeing the population is protected throughout the country. This new force must be accompanied by observers to ensure it fulfils its mandate in line with international human rights law.

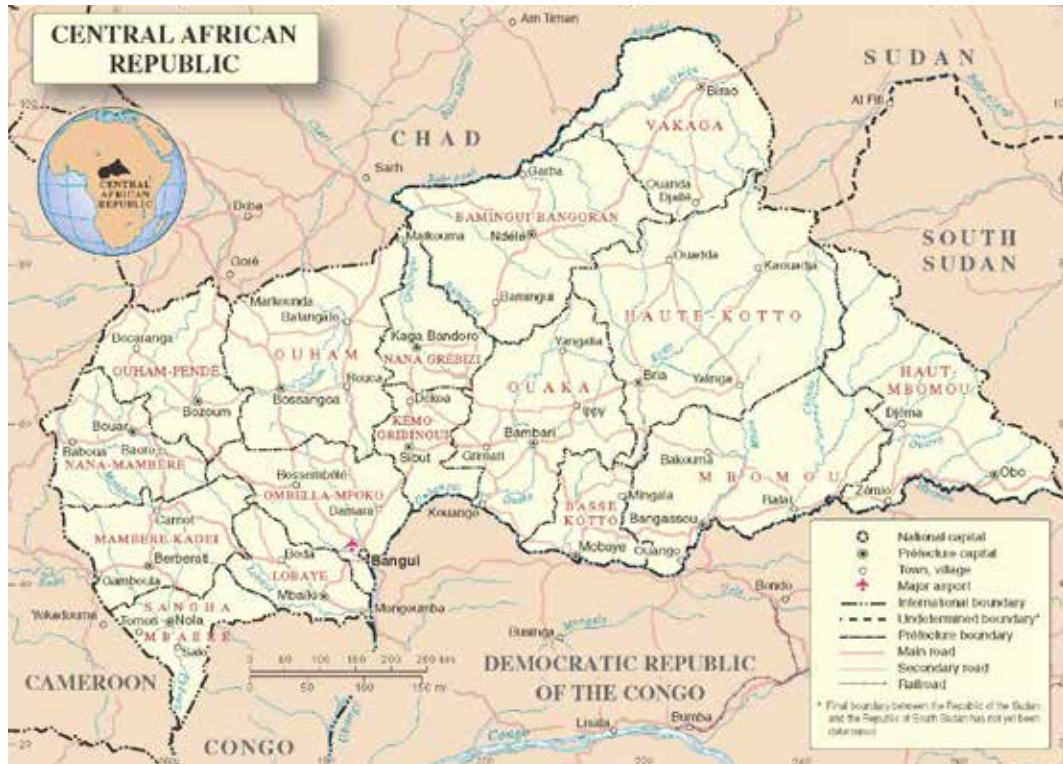
FIDH is calling on the international community to adopt sanctions against the Seleka leaders and war lords, notably in the form of freezing their financial assets.

FIDH is calling for an effective operation to disarm the Seleka throughout the territory and to re-establish the authority of the State throughout the whole country.

Given that eliminating the impunity of those who commit the most serious crimes is a prerequisite for security, FIDH is demanding that the International Criminal Court pay special attention to and take particular action over the situation in CAR. The international community and the government of the Central African Republic must also commit to putting in place a specific mixed jurisdiction which will allow perpetrators of crimes against international law to be pursued and will thereby strengthen the national legal system.

Lastly, FIDH is calling on the transitional government authorities to guarantee respect for international human rights law when setting up institutions, adopting legislation and implementing policies.

Introduction: An inevitable descent into chaos



A State of emergencies

Factors contributing to chronic instability

Since 2001, the Central African Republic (CAR) has been experiencing extreme instability. Attempted and actual *coups d'état*, offensives and counter-offensives carried out by armed groups and the Central African Republic armed forces (FACA) have been accompanied by serious human rights violations with the principal victims being the civilian population.¹

1. Cf. FIDH reports on serious human rights violations committed in CAR since 2001 (available on the FIDH website at http://fidh.org/-Republique-centrafricaine,60-?id_mot=26):

- Déjà-vu: Peace (dis)agreements that are detrimental to victims, December 2008
- Forgotten, stigmatised: the double suffering of victims of international crimes, October 2006
- Quelle justice pour les victimes de crimes de guerre ? [What justice for war crimes victims?], February 2004
- War Crimes in the Central African Republic, February 2003
- Discours et réalité : un fossé béant [Discourse and reality: A yawning gap], February 2002

Multiple reasons are behind this chronic instability: elections cut short, lack of inclusive dialogue with the opposition, poor governance, the non-existent authority of the State throughout the territory, looting of natural resources, absence of an effective Disarmament, Demobilization and Reintegration (DDR) policy and real reform of the army and the security sector, failure to protect fundamental freedoms and economic and social rights, impunity of perpetrators of serious human rights violations and genuine carte blanche for them to be repeated.

Successive rebellions

Brought to power by a *coup d'état* in March 2003, President Bozizé very quickly confronted rebel movements in the northwest and northeast of the country: the *Union des forces démocratiques pour le rassemblement* (UFDR – Union of Democratic Forces for Unity²), led by Damane Zakaria and Michel Djotodia, and its allies in the *Groupe d'action patriotique pour la libération de Centrafrique* (GAPLC – Patriotic Action Group for the Liberation of the Central Africa Republic), the *Mouvement des libérateurs centrafricains pour la justice* (MLCJ – Movement of Central African Liberators for Justice) and the *Front démocratique du peuple centrafricain* (FDPC – Central African Democratic Front) headed by Abdoulaye Miskine. In 2006, fighting between the FACA and armed groups intensified to the extent that the French army and Chadian troops intervened in support of the regime.

Peace agreements and amnesties

On 2 February and 13 April 2007, the government signed peace agreements with the FDPC and the UFDR respectively, providing for an amnesty for the rebels, a DDR programme and the participation of militant political groups in managing the affairs of state.

But other rebel groups, such as the *Armée populaire pour la restauration de la démocratie* (APRD – People's Army for the Restoration of Democracy), led by Jean-Jacques Demafouth, and the *Union des forces républicaines* (UFR – Republican Forces Union), led by Florian Ndjadder, were still active in the northwest of the country.

On 9 May 2008, a ceasefire was signed between the government and the APRD. On 21 June 2008, a peace agreement was signed between the government, the APRD and the UFDR which allowed for the rehabilitation of soldiers dismissed from service, a DDR programme and a general amnesty law.

The *Convention des patriotes pour la justice et la paix* (CPJP – Convention of Patriots for Justice and Peace), another rebel group, was created on 26 October 2008. This movement originated in the Vakaga region in the northeast of the Central African Republic.

In December 2008, an inclusive political dialogue (comprising the democratic opposition, the armed opposition, the presidential majority, public authorities, civil society and the group of centre parties) recommended the setting up of a government of unity (formed in January 2009), legislative and presidential elections in 2010 (which subsequently took place in 2011), the creation of a truth and reconciliation commission (which has never seen the light of day) and reaffirmation of the process to reform the security system.

2. The UFDR arose out of inter-ethnic conflict in the north of the country. In 2002, the mayor of Birao, a member of the Gula ethnic group, was assassinated by representatives of the Tacha ethnic group from Sudan. An alliance subsequently formed between the Gula and Runga ethnic groups against the Tacha, before a conflict arose that placed the two CAR ethnic groups in opposition. In 2005, the Gula called on the authorities in Bangui to negotiate with Sudan for compensation for the assassination of their mayor. The Runga were excluded from the negotiations. In the absence of compensation despite the promises, the Gula formed the UFDR and asked the Runga to join the movement. The latter refused. Confrontations then followed between the two ethnic groups and in 2008 the armed CPJP group was formed, made up mainly of Runga from the Central African Republic, Chad and Sudan.

Political tensions surrounding the 2011 presidential and legislative elections

At the general elections in January 2011, François Bozizé was re-elected president in the first round with 64% of the votes. The results of the legislative elections excluded the opposition from the National Assembly in favour of the presidential KNK party (“*kwa na kwa*” in Sango means “work and nothing but work”). The opposition and civil society groups uncovered significant irregularities in the election process, casting doubt on its credibility. The opposition responded by forming the “FARE 2011” coalition (*Front pour l’annulation et la reprise des élections* – Front supporting annulling and rescheduling of the elections) and fresh tensions arose with the government in the course of 2011, culminating in September 2012 in an agreement on electoral law reform and the creation of a national authority for elections.

Disarmament, Demobilization and Reintegration process blocked

The DDR process has been blocked on numerous occasions since the 2008 peace agreements. Re-launched in June 2011, it was making slow progress but doubts remained as to its effectiveness given the small number of conventional weapons recovered and the absence of a real reintegration plan for ex-fighters.

Attacks by the Lord's Resistance Army

In September 2012, the Government placed 300 men at the service of the Regional Intervention Force created by the African Union to counter the threat posed by the Lord’s Resistance Army (LRA), led by Joseph Kony, under the terms of an international arrest warrant issued by the International Criminal Court. These troops are based in Obo, in the Central African Republic prefecture of Haut-Mbomou, where the Uganda People’s Defence Force and military advisers from the United States of America are also stationed.

According to a United Nations report³, in 2012, the LRA is believed to have carried out 48 attacks, killing 24 people and abducting 85 others, some of whom were held for a short period, just long enough for looted goods to be removed. An estimated 21,000 people have been displaced and 2,400 are refugees as a result of the LRA’s activities in the Central African Republic.

The Seleka rebellion

August 2012 saw the opportunistic formation of the Seleka armed group (“Seleka” meaning “coalition” or “alliance” in Sango), a gathering of rebel factions from several known militant political movements and more recently created groups. Their shared objective is the effective implementation of the 2007 and 2008 peace agreements. Following initial victories in the field, the movement became radicalised and transformed into a genuine rebellion, with its aim being to overthrow President François Bozizé.

Initial composition of the Seleka

At the end of 2012, at the time of the first offensives, the Seleka comprised:

- **CPJP**: The Convention, in its Seleka guise, is presided over by General Nouredine Adam, who had nevertheless signed the 2008 Libreville peace agreement on 25 August 2012. The

3. The Secretary General’s report on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in the country, 21/12/12

movement essentially operated in the northeast. Its political wing was headed by the army doctor Charles Massi, several times a minister, who died in unexplained circumstances a few weeks after having been arrested at the border with Chad in 2010. His son, Eric Neris Massi, during a broadcast on *Radio France Internationale*, gave the Seleka political ambitions by calling for general Bozizé to be overthrown.

- **UFDR** : It was headed by Michel Am Nondroko Djotodia who was arrested with his spokesperson Abakar Sabon by the Benin forces at the request of Bozizé’s government. They were released in February 2008 after having agreed to take part in the peace agreements with the Central African Republic government. He subsequently became consul in Nyala, capital of South Darfur in Sudan. Founded in September 2006, the UFDR was essentially operating in the Arab-speaking prefectures of Vagata and Haute Kotto in the northeast.
- Some of the **FDPC** led by Abdoulaye Miskine. He and his men became known in 2002 as back-up troops for the FACA in the fight against the Bozizé rebels and are suspected of being responsible for the massacre at the livestock market.⁴
- A further two, hitherto unknown, organisations joined these three: the *Convention patriotique du salut du kodro* (CPSK – Patriotic Convention for Saving the Country, “*kodro*” meaning country in Sango, whose founder, Mohamed-Moussa Dhaffane, became its president) and the *Alliance pour la renaissance et la refondation* (A2R – Alliance for Revival and Rebuilding), a hitherto clandestine body which, on 18 March 2013, became the *Mouvement pour la renaissance et la refondation/Mouvement politique alternatif en RCA* (M2R – Movement for Revival and Rebuilding/Alternative Political Movement in CAR), coordinated by Salvador Edjezekanne.

Initial offensives

On 10 December 2012, the Seleka rebel coalition launched a major armed offensive and rapidly occupied the three main cities in the north and centre of the country to take up position in Sibut, 180 kilometres to the north of Bangui. The routed regular army was joined by reinforcements from Cameroon, Gabon, Congo-Brazzaville and Chad, serving alongside MICOPAX forces (since 12 July 2008, the Mission for the Consolidation of Peace in the Central African Republic has been the responsibility of the Economic Community of Central African States (ECCAS)). It followed on from operation FOMUC, which was launched on 25 October 2002 by a decision of CEMAC (Central Africa Economic and Monetary Community), and is made up of elements of the Multinational Force of Central Africa (FOMAC) as well as troops from Uganda and South Africa.

Libreville agreement and setting up of the transitional government

On 11 January 2013, a statement of principle, ceasefire and political agreement to settle the crisis were signed by the parties (Central African Republic government, representatives of Seleka and the political opposition, in the presence of representatives of civil society), under the auspices of ECCAS.

According to the terms of these:

- President François Bozizé would remain in power until the end of his mandate in 2016
- A transitional government of national unity would be rapidly established for a pre-determined period of 12 months and headed by an irrevocable prime minister from the opposition ranks

4. Cf. FIDH enquiry report: War Crimes in the central African Republic, February 2003.

- The prime minister and other members of the government would not be eligible to stand as candidates in the next presidential election
- The role of the transitional government would notably be to organise upcoming legislative elections
- The National Assembly would be dissolved and the legislative elections organised within twelve months
- An immediate ceasefire would be implemented which would be monitored by the intervention forces
- The rebels would have to leave the towns and cities seized during the fighting
- The departure of foreign troops was announced, with the exception of the FOMAC/MICOPAX forces

On 17 January, Nicolas Tiangaye (member of the political opposition, lawyer and former president of the Central African League of Human Rights) was appointed prime minister.

Since the withdrawal of the Seleka rebel coalition from Damara (90 km north of Bangui) on 3 March, seven locations remain under their control: Kaga-Bandoro, Sibut, Alindao, Ndélé, Bria, Bambari and Soamoandja.

Coup d'état of 24 March 2013

Condemning the slow implementation of the provisions of the Libreville agreement (particularly relating to the release of one political prisoner at a time and the continued presence of South African troops), the Seleka rebel forces launched an assault on the capital. After a day of heavy fighting on the outskirts of the city, the rebels entered Bangui virtually unopposed and took over the presidential palace and the headquarters of national radio/television. On 24 March, President François Bozizé fled to Cameroon. Michel Djotodia set himself up as the president's successor. He announced his intention to suspend the constitution of 27 November 2004, to dissolve the National Assembly and the government, though confirming the prime minister in his position, and to lead a period of transition that would culminate in free, credible and transparent elections.

On 13 April 2013, Michel Djotodia was elected President of the Republic to acclaim and applause at the first session of the National Transitional Council.

Transitional framework

The ECCAS heads of state met on Thursday 18 April in N'Djamena to establish a road map for the new political transition in the Central African Republic. They agreed to renew the Libreville agreements to provide a guideline for the new government. The new executive of the Central African Republic, the President Michel Djotodia and Prime Minister Nicolas Tiangaye saw the National Transitional Council increased from 105 to 135 members (with effect from 12 May 2013), a measure which was imposed on them and designed to ensure the concerns of the whole of the country's civil and political society were represented. ECCAS then decided to increase the FOMAC/MICOPAX forces from around 600 soldiers and police to 2,000 men to re-establish order in Bangui and the rest of the country. At the summit, the self-proclaimed president was recognised by Central African leaders. (At the time of publishing this report, the president still has not been recognised by the African Union and the rest of the international community.)

While the road map does include the issue of the population's security, it is worth pointing out that it makes virtually no provision for protecting human rights, something which plays a crucial role in conflicts' prevention and resolution. The ECCAS heads of state have not, in fact, made any reference to the importance of rapidly re-establishing the rule of law, respect for fundamental freedoms and the key factor of removing the impunity enjoyed by those responsible for the most serious crimes.

A tense political transition without a State

The new government of the Central African Republic is managing a country where the authority of the State is virtually non-existent. This was the case prior to the Seleka offensive and today it is even worse. As the Prime Minister, Nicolas Tiangaye, stressed to members of the FIDH fact-finding mission, "*There is no State. The national army has melted away. There is no policing by forces of law and order. It's anarchy.*" In the provinces, there are no longer any teachers or magistrates.

The State's coffers are empty. They were reportedly looted by the Bozizé regime before his enforced departure and no further subsidy has been paid since the coup d'état, as a result of pillaging by the Seleka forces and their grip on the country. Only the development and aid programmes agreed by the international community, particularly the European Union (20 million in emergency aid provided by the EU to the Central African Republic since the start of the year), enable the minimum of economic activity to be maintained. It is the Republic of Congo and its President Sassou Nguesso who enabled CAR civil servants to obtain two months' outstanding salary in July 2013. This external support, however essential it is to the population, has so far had no conditions attached, particularly as regards respect for human rights, in a country where corruption and looting seem to undermine any guarantee of the funds being used effectively for the benefit of the citizens.

Without funds of its own, it is difficult for the government to implement a policy of reconstruction by extending the State's authority over the whole country. According to partners present in Bangui, the president has no general overall policy. His only political action seems to be motivated by a desire to consolidate his power to satisfy his entourage, family, ethnic group and the leaders of armed militias who have secured him his post. This attitude is paralysing the ability of the Executive to exercise power by placing numerous obstacles in the way of any action by the prime minister.

« We have never experienced such violence »

In the opinion of all stakeholders encountered during the FIDH fact-finding mission to CAR – political and religious authorities, diplomats, humanitarian workers and representatives of civil society – the Central African Republic has never before known the level of violence and insecurity it has been experiencing since the beginning of the year. The armed conflict between the forces loyal to the government and the Seleka rebels prior to the coup d'état violated international humanitarian and human rights law. Since the coup d'état of 24 March 2013, Seleka elements have been in control of the entire country and have committed serious violations of human rights, which may qualify as crimes under international law as well as

crimes under the terms of the Central African Republic's Penal Code and the Rome Statute of the International Criminal Court ratified by CAR. Elements of the Seleka forces are making themselves effectively responsible for murders, assassinations, abductions, arbitrary arrests and detentions, abuse and torture, sexual crimes, forced recruitment of minors, armed robbery, systematic and general looting and destruction of property.

FIDH fact-finding mission

The FIDH international fact-finding mission was present in CAR between 3 and 13 July 2013. It comprised Eric Plouvier, lawyer at the Paris Bar and on special assignment with FIDH, Roch Euloge Nzobo, executive director of the Congolese Observatory for Human Rights (OCDH – Congo-Brazzaville) and Marceau Sivieude, FIDH Deputy Director of Operations and Director of the Africa Desk of the International Secretariat. The mission worked in Bangui, the capital, and in the prefecture of Nana-Grébizi along the Kaga-Bondoro/Mbrès corridor. The main objective of the mission was to shed light on the serious acts of violence committed by the Seleka, to establish responsibility and to envisage a road map for human rights for the authorities and the international community, which would facilitate protection of the civilian population, eliminate the impunity enjoyed by those who responsible for the most serious crimes and consolidate the rule of law.

The members of the mission managed throughout their assignment to gather the testimonies of victims or the families of victims of serious violations of human rights. FIDH, in accordance with the wishes of those concerned, has chosen to preserve their anonymity to guarantee their safety.

FIDH would like to thank the representatives of the *Organisation pour la compassion et le développement des familles en détresse* (OCODEFAD – Organisation for the Compassion and Development of Families in Distress) and the *Ligue centrafricaine des droits de l'Homme* (LCDH – Central African League of Human Rights), member organisations of FIDH, for their important support in the work to establish the facts.

Furthermore, FIDH would like to thank the United Nations as well as MICOPAX, its management in Bangui and its Congolese contingent in Kaga-Bandoro for having made it possible for its mission members to carry out their work safely in the north of the country.

In addition, the mission members were able to meet with the following individuals:

- Prime Minister, Mr Nicolas Tiangaye
- State Prosecutor, Mr Alain Tolmo
- Central African Anti-crime Office, Commander Mahamat Said Abdel Kain
- FOMAC, Brigadier General and Commander of FOMAC, Mr Jean-Félix Akaga; Chief of Staff for the Armed Forces, Colonel Ngoie A-M Prosper; Chief of the Military Cabinet, Mr Maurice Ntossui Ambassador of France, Mr Serge Mucetti
- Cooperation Attaché in the Department for Cooperation and Cultural Affairs at the French Embassy, Mr Xavier Henaut
- Central African Red Cross, National President, Mr Antoine Mbao Bogo
- Head of department for managing disasters and coordinating search and rescue, Mr Jean Moise Modessi-Waguedo

- Community Hospital, Director, Romain Guitinzia
- Friendship Hospital, Dr Rock Mbetide
- European Union, Ambassador, Head of Delegation, Mr Guy Samzun
- United Nations, Office for Coordination of Humanitarian Affairs, Deputy Head, Mr Abdulaye Sawadogo
- Organisation for the Compassion and Development of Families in Distress, President, Mrs Bernadette Sayo
- Central African League of Human Rights, President, Mr Joseph Bindoumi; and several Bureau members
- Central African Observatory for Human Rights (OCDH), President of Executive Council, Mr Mathias Barthélemy Morouba; second Vice-president, Mr Albert Panda
- Movement for the Defence of Human Rights and Humanitarian Action, President, Mr Adolphe Ngouyombo Yarakpa
- NGO network for the promotion and defence of human rights, General Secretary, Mr Anicet Thierry Goue Moussangoe

FIDH thanks all these people for making themselves available to meet with members of the fact-finding mission.

I. Country controlled by Seleka forces

Despite the presence of the international forces of FOMAC and from South Africa and the peace agreements signed under the auspices of ECCAS, the Seleka rebels entered the capital and overthrew the regime of François Bozizé. The ex-leaders of the rebels now hold power, the presidency and key posts in the government of national unity. Their men are deployed throughout the country. FIDH focused one aspect of its inquiry on studying how the Seleka has organised itself since the *coup d'état* and on the level of protection of the population, both in Bangui and the provinces, in the face of these armed elements.

Seleka: an obscure criminal force controlling the entire country

Power in the hands of Seleka leaders

Seleka in power

Proclaiming himself president the day following the coup d'état on 25 March 2013, Michel Djotodia, head of the UFDR, one of the rebel factions making up the Seleka, waited until 13 April to see himself elected by acclamation by the National Transitional Council. He was subsequently recognised by his peers in Central Africa as the head of the Central African Republic.

In accordance with the Libreville and Ndjamena agreements, Michel Djotodia confirmed from the moment he took power that he would keep Nicolas Tiangaye in his post as prime minister and called for the formation of a new government of national unity. This was formed on 31 March. The most important posts were given to other leaders of the armed groups making up the Seleka. Thus, of the 34 members, 9 were from the rebel coalition: Michel Djotodia, in addition to his role as head of state was appointed Minister for Defence; Noureddine Adam, leader of the CPJP armed group, was made Minister for Security; Mohamed Moussa Dhaffane, leader of the CPSK group, was appointed Minister of Water and Forests; Gontran Djono was appointed Minister of Mining and Christophe Gazam Betty Minister of Communication. A ministerial reshuffle took place on 13 June 2013 which saw these ministers remaining in the same posts.

According to their functions, the head of state and some former rebel leaders are thus responsible for the defence and security of the country.

The power of the Seleka leaders over their men

As the Seleka is a coalition of armed groups, each group leader exercised authority over his men. Now that the *coup d'état* has been accomplished, the allegiance of the Seleka elements to individual leaders remains a reality, as the FIDH mission members were able to verify. Thus, the commander in charge of the Central African Anti-Crime Office who met with the mission said he was one of Noureddine's men and had been put in office by him. The colonel who leads the Seleka from Mbrès and who was met by the mission also said that he followed his leader Noureddine. According to several people who spoke with FIDH, each zone leader (or "com-zone") in Bangui answers to a particular leader of one of the Seleka militias. This obedience was also verified when Dhaffane

was arrested and his men had withdrawn from Bangui beforehand, as they waited to see how the situation with their leader would develop.

Yet, in the face of the serious security problem in the country, the president himself claims that he is confronting Seleka elements who are out of control. While one can imagine that the president and the other war leaders do not exercise authority directly over all Seleka elements, the president's declarations tend, on the other hand, to confirm that the head of state or one of the rebel leaders can exercise control over some Seleka elements.

Pourtant, face au grave problème d'insécurité dans le pays, le président lui-même affirme qu'il fait face à des éléments incontrôlés de la Séléka. Si on peut imaginer que l'autorité du président ou des autres chefs de guerre ne s'exerce pas directement sur l'ensemble des éléments Séléka, à contrario, les déclarations du président tendent à confirmer qu'il existe bien des éléments contrôlés de la Séléka sur lesquels le chef d'Etat, ou un des chefs rebelles, peut exercer son pouvoir.

A president greedy for greater powers

According to the letter and spirit of the peace agreements, the transitional presidency was considered an honorific position. But Michel Djotodia, urged on by his partisans, does not seem to perceive it as such and has, since first taking over the role, attempted to acquire absolute power. The political crisis surrounding the vote at the beginning of July by the National Transitional Council on the Transitional Constitutional Charter – intended to establish the transitional institutional framework – illustrates this perfectly. President Michel Djotodia opposed the initial text put forward by the Council, which required any decision of the Executive signed by the president to be countersigned by the prime minister. The president even attempted to put forward a new draft Charter to counter the proposal and to introduce a motion of censure against the prime minister, when the latter could not be dismissed from his post during the transitional period, as set out in the Libreville agreements. While the initial framing of the Charter was finally adopted by the Council, it was not certain at the time of the mission that, despite the efforts of representatives of the international community, the president would agree to bow to the text of the Charter, which he had eventually signed on 18 July.

While the battle for increased power is playing out at an institutional level, several events demonstrate that it is also being played out between the different Seleka leaders.

Once in power, the head of state reached out to Abdoulaye Miskine, leader of the FDPC, calling on him to return to Bangui. Miskine for a time had rallied to the Seleka coalition before distancing himself due to "differences of opinion". Following his refusal, Seleka elements launched an attack against the FDPC rebels between 2 and 4 April 2013, killing numerous militiamen and, according to some reports, wounding their leader.

The Central African Minister of Communication, Gazam Betty, announced on 30 June 2013 that the Minister of Water and Forests, Mohamed Dhaffane, leader of the CPSK, one of the armed militias which make up the Seleka, had been dismissed from his post and arrested the previous day. His brother had also been arrested. According to the Minister of Communication's public statement, "Everything points to General Dhaffane recruiting mercenaries and buying weapons [...] it is not known for what purpose. In addition, these mercenaries are committing acts which are out of control and tarnishing the image of the president. Minister Dhaffane has been arrested and placed in custody while his house is searched." According to information gathered by the members of the mission, Dhaffane's arrest is believed to have taken place within the confines of Roux camp, where the head of state resides. A meeting between the

two men reportedly went badly and the president then demanded that his guard arrest Dhaffane. Some of those who spoke to the FIDH mission members suggested that the president had reacted badly to the minister's statements on national radio and *Radio France Internationale* (RFI), calling for a meeting of Seleka leaders to settle the security issue. A number of them had invested serious ambitions in Dhaffane who had the potential to overshadow the president's authority. This interpretation of events could explain the speed of his arrest and detention, carried out illegally. (cf. Part III).

Organised and thriving international crime

International crime

In President Djotodia's estimation, the Seleka war commanders were accompanied by 5,000 men when they entered Bangui on 24 March. It is worth pointing out that some of these men did not stop in the capital but continued on their way to other prefectures, such as Lobaye, with the aim of taking control of the whole territory.

According to the president, Seleka forces numbered 20,000 at the end of June and were spread across the country. This increase is explained by individuals with no occupation rallying to the Seleka cause, attracted by money and power. Testimonies gathered by the mission members mention the enlisting, in what is sometimes described as "spontaneous" fashion, of young men from the sub-region when the Seleka forces were transporting the loot taken from their towns and villages to Chad, Sudan and South Sudan and to the north of CAR.

From what the members of the CAR fact-finding mission were able to establish, the Seleka militias comprise many nationalities. They describe themselves as Chadian, Central African and Sudanese. Some speak neither Sango (the language spoken throughout CAR) nor French. Young boys and men aged between 8 and 25 years (the Seleka include large numbers of child soldiers, cf. Part II), they are heavily armed with submachine guns, guns, grenades and knives. In Bangui, they have a large number of pick-up trucks, recognisable by daubs of paint and slogans such as "s'en fou la mort" [death doesn't give a damn], which carry submachine guns mounted on tripods, rocket launchers and rockets. In the small villages, many use motorbikes. The Seleka's attire is ill-assorted: combats, former FACA uniforms, civilian gear, cheches or bare-headed, military footwear, trainers or sandals.

« Com-zones »

Members of the FIDH mission were able to confirm that the Seleka forces are organised by zone or district, with each Seleka group having control over a limited territory. These different groups seem to be fairly independent from each other. The groups, comprising between a few to one hundred people, are led by "com-zones", most of them taking the rank of colonel. "Captains" are often to be found below them in the hierarchy.

Thus, talk may be heard in Bangui of troops belonging to Colonel Bichara, one of Nouredine Adam's men; of Colonel Mahamat Saleh, whose troops are said to form a "regiment and support service"; and at the rescue services camp of General Moussa (a Sudanese according to the population).

At Bossangoa, the Seleka are under the leadership of Colonel Youssouf Amath. At Kaga-Bondoro, where the mission travelled to, the "com-zone" is Colonel Abderhamane, a Chadian (according to the population) who speaks neither Sango nor French and who is in charge of almost 100 Seleka.

The small group of Seleka in Mbrès

On 9 and 10 July 2013, the mission members travelled along the route from Kaga-Bondoro to Mbrès. In Mbrès, they were “received” by 8 Seleka members who were well-armed young men. There were reportedly 14 of them controlling the town and the roadblock in particular. They had taken over the gendarmerie headquarters as their office. The men were led by a colonel, a tall, slender figure measuring 1m90cm and with a slightly haggard air. He carried 4 small grenades clipped to his belt and a gun in a holster. He spoke Arabic and the inhabitants called him “the Sudanese”. He reportedly took part in seizing Bangui before being “placed” in this town. His deputy was a “captain” aged 25 who had been in Mbrès for 2 months. This group also included an ex-FACA Red Beret who still wore the army uniform. The leader confirmed to the FIDH mission members that they were not being paid by their superiors. According to the inhabitants of neighbouring villages, the Mbrès roadblock made a great deal of money for the Seleka. Money is extorted on the basis of the following rates:

- 250 CFA francs to pass on foot
- 500 CFA francs to pass on a bike
- 1000 CFA francs to pass in a vehicle

According to one testimony recorded by the mission members, the director of the hospital in the town of Mbrès was killed by the Seleka as he tried to prevent the building’s solar panels being stolen.

An abandoned population under Seleka control

Defence and security forces absent

The defence and security forces (the Central African armed forces [FACA] and the gendarmerie), although French-trained and the object of a reform programme supported by FOMAC (later MICOPAX) and the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA), have always been disliked by successive regimes in CAR. Perceived as a potential threat to power, the country’s leaders have often penalised or prosecuted the generals and undermined their forces. Indeed, former presidents Ange-Félix Patassé and François Bozizé, being mistrustful of their army, preferred to rely for their security on a presidential guard made up of Chadian elements, French or Congolese mercenaries and additional Central African soldiers.

François Bozizé’s attitude towards the FACA in the midst of an all-out offensive by the Seleka is therefore unsurprising: fearing mutiny in the ranks, the ex-president attacked the FACA on several occasions, notably during his public speeches on 31 December 2012 and 8 March 2013, accusing them of treason in the face of the enemy’s breakthrough. This is also the reason why Bozizé called on South African forces to try to counter the Seleka’s advance. This umpteenth humiliation, the military collapse and the arrival of the Seleka in the capital pushed the Central African Republic’s forces of law and order to desert their posts.

As the prime minister pointed out during his interview with FIDH, there is no longer an army or police force in CAR. All have deserted the barracks in which the Seleka are now squatting and not one has responded to the handful of media appeals made by the generals asking them to return to their posts. As the mission observed more than three months after the coup d’état, they are absent from the streets of Bangui and the various provincial towns and cities visited

by the mission. Many are still fearful for their safety. They were particularly targeted by the rebellion. Ex-FACA soldiers have in fact been killed since 24 March, although it is not possible to ascertain whether or not this was because of their status (cf. testimony of the murder of a FACA soldier, Part II). They hide at home or have temporarily relocated. Many FACA officers took refuge in the M'Poko camp which is the MICOPAX base. A delegation from the Central African League of Human Rights visited the place and met with five generals on 6 June 2013. As MICOPAX wished them to leave the base to make room for the additional contingents expected, the generals demanded that their security be assured before any departure.

There is, according to estimates by the French Embassy, a fairly able reserve force of between 4,000 and 5,000 men who could be assigned to protect the population when the Seleka are disbanded, disarmed and helped to reintegrate. The idea, shared by certain authorities, of integrating Seleka elements into the defence and security forces can only be viable if it includes genuine vetting, namely the excluding of any individuals from this process believed to have committed human rights violations.

Inadequacies of the international community's intervention measures

The Mission for the Consolidation of Peace in the Central African Republic (MICOPAX) was an essential but inadequate component of measures to protect the population at the time of the FIDH mission. MICOPAX is to be replaced by the Support Mission to the Central African Republic (AFISM-CAR), following a decision of the Peace and Security Council of the African Union on 19 July 2013.

Answering to the Economic Community of Central African States (ECCAS), MICOPAX, which is a mission of the Multinational Force of Central Africa (FOMAC), officially replaced the Multinational Force in the Central African Republic (FOMUC) on 12 July 2008, which was itself created on 2 October 2002 by the Central Africa Economic and Monetary Community (CEMAC). Benefiting from EU financial support and French logistical support, MICOPAX was mandated to consolidate the climate of peace and stability, to assist development of the political process as a way of promoting human rights, to coordinate humanitarian aid and to take part in the fight to eradicate HIV/AIDS. Its mandate was amended in 2013 to include implementing the Libreville agreements between the Central African government and the Seleka rebel coalition.

The MICOPAX, South African and, to a lesser extent FACA troops, for some time prevented the Seleka rebels from advancing on Bangui by organising buffer zones in Bambari and Sibut. Some observers put forward the theory that, exasperated at a lack of willingness on the part of President Bozizé to implement the Libreville agreements, the ECCAS heads of state asked MICOPAX to allow the rebels to pass through, thus enabling them to reach Bangui.

At the time of the mission, MICOPAX was made up of the following personnel: Gabon: 120; Cameroon: 120; Chad: 442; Congo Brazzaville: 150 + 150 policemen; HQ staff: 28, making a total of around 1,000 people. Just over 300 additional soldiers were expected (150 from Gabon and 180 from Cameroon). Based in Bangui, MICOPAX had three units deployed in Kaga-Bandoro, Paoua and Ndele.

Following its fact-finding mission, FIDH was of the view that both the mandate and staffing levels of MICOPAX were inadequate given the developments in the situation in CAR. Although competent forces appreciated by the population (with the exception of the Chadian contingent, cf. below), they could not in the circumstances guarantee the population's safety.

The MICOPAX mandate was based on peace-building and was thus unsuited to the new circumstances following the coup d'état and the presence of heavily armed Seleka militias throughout the territory. The mandate, which was overly vague, did not permit an optimum response to the challenges brought about by this situation.

As regards MICOPAX staffing levels, a diplomat encountered by FIDH in Bangui stated that before the coup d'état, security in the capital was provided by around 2,000 state and local police officers. In July, MICOPAX forces numbered around 700 in Bangui in what was a much less secure environment.

For all that, MICOPAX was doing what it could in Bangui. As the members of the FIDH mission were able to observe, it organised many highly visible patrols in the capital. It successfully apprehended individuals – civilian and Seleka – accused of violent crimes and delivered them to the Central African Anti-crime Office. The killings in the neighbourhood of Gobondo (cf. below) on 28 June 2013, during which 6 people lost their lives, provided an opportunity for the MICOPAX commander to bang his fist on the table at the authorities. In an emergency meeting with the president and “all the Seleka generals”, he reportedly explained that the situation was about to degenerate into civil war if nothing changed. As a result of this meeting, an operation was launched to force elements of the Seleka to disarm and the idea was proposed of combined MICOPAX/Seleka patrols in the capital. However, during the FIDH mission, many pick-up trucks still paraded around the city, filled with heavily armed Seleka militiamen.

Outside the capital, MICOPAX was to be found in just three locations, although human rights violations are being committed throughout the country (cf. Part II). And according to information collected by the mission members, the MICOPAX contingents based in these locations rarely conduct patrols beyond a 20 km radius of the base, leaving the inhabitants of more remote villages completely at the mercy of the Seleka groups. In Kaga-Bandoro, where the FIDH mission travelled to, the inhabitants of the town and the humanitarian workers there were satisfied with the efforts of the MICOPAX troops. But it was clear that its numbers and sphere of operations were totally inadequate – and even useless – for guaranteeing the security of the population in the provinces.

Another problem lay in the quality of the MICOPAX troops. The citizens were not reassured by the presence in large numbers (almost half the total number) of the Chadian contingent. Indeed many testimonies reported collusion in acts – including criminal acts – between the MICOPAX Chadians and the Chadian elements in the Seleka. This situation sometimes had grave consequences: a Chad soldier with MICOPAX, who was out of uniform and riding his motorbike in a neighbourhood of Bangui, was lynched and murdered by the population as he was taken for a Seleka on a stolen vehicle. Furthermore, testimonies, which were confirmed at the highest level of MICOPAX, time and again revealed that elements of MICOPAX were reportedly making money from their mission by offering protection to private homes and businesses.

Lastly, those interviewed by the FIDH mission pointed out MICOPAX's operational budget was not sufficient to enable it to fulfil its mission properly.

In view of this situation, the decision of the Peace and Security Council of the African Union of 19 July 2013 to replace MICOPAX by AFISM-CAR is welcomed by FIDH as a genuine effort by the continent to respond to the situation of insecurity in CAR.

This mission, which will be deployed for an initial period of six months, is mandated to contribute to: (i) protecting civilians and restoring security and public order by implementing appropriate measures; (ii) stabilising the country and restoring the authority of the Central African State; (iii) reforming and restructuring the defence and security sector; and (iv) creating conditions favourable to delivering humanitarian aid to the populations in need. It will have a total staff of 3,652, 3,500 in uniform (2,475 military personnel and 1,025 police) and 152 civilians.

Given the observations made above, FIDH does not believe that AFISM-CAR can claim, in the current situation, to entirely satisfy the population's security requirements. The appeal launched by the AU to the United Nations for financial and logistical support for AFISM-CAR points to the fact that the planned mechanism and mandate cannot be fully implemented without some contribution from the international community as a whole. In particular, there will need to be an increase in the size of the military, police and civilian contingents to enable their deployment throughout the entire country. Furthermore, no element of the AFISM-CAR mandate relates to protecting human rights and consolidating the rule of law, and yet these are essential for creating stability and building sustainable peace. FIDH also believes that such a mission must be accompanied by an independent mechanism responsible for issuing public reports on the implementing of AFISM-CAR's mandate, in line with international humanitarian law and human rights.

Limited mandate of the French Boali operation

There has been a French presence in CAR since 2002 as part of operation Boali. This was intended to provide logistical, administrative, technical and, if required, operational support to MICOPAX. In addition, the French soldiers undertake training of Central African forces (FACA), while retaining the capacity to ensure the safety of French nationals should the situation demand it.⁵

It is precisely such a situation, linked to the Seleka offensive in December 2012, which led to the deployment in Bangui of more than 300 French soldiers despatched from Gabon to reinforce the 250-strong contingent already in the capital and to guarantee the safety of French citizens, French diplomatic assets and M'Poko airport. At the end of January 2013, these reinforcements were stood down only to return at the end of March, on the eve of the coup d'état. Some of these additional personnel have since left. Therefore at the end of June 400 French soldiers were deployed in CAR.

During the coup d'état, the French in fact confined themselves to securing the airport and the diplomatic assets, which prompted a few exchanges of fire with Seleka militias. Ensuring the safety of the French citizens was, judging solely from their testimony, a much more complicated exercise.

Since the coup d'état, French armoured vehicles have regularly patrolled the city, as the

5. French Ministry of Defence website: <http://www.defense.gouv.fr/operations/autres-operations/operation-boali-rca/actualites/republique-centrafricaine-deploiement-de-moyens-supplementaires>

members of the mission observed. This activity affords the Bangui population reassurance. While the size of the operation Boali forces and the extent of its mandate are not enough to guarantee the safety of the Central African population, FIDH considers it important that French soldiers support the AFISM-CAR operations, particularly the disbanding and disarming of Seleka in the capital, in addition to safeguarding their fellow citizens.

II. War crimes and serious human rights violations

Between December 2012 and 23 March 2013, fighting between the forces loyal to President Bozizé and the Seleka rebels took place in violation of international law, with each camp being potentially held responsible for serious violations of human rights and international humanitarian law. On occasion, these acts could be classed as crimes under international law. The primary victims were the civilian populations and FIDH has gathered testimonies to this effect.

In the current situation in which the Central African population is being systematically bled dry by the Seleka given the absence of an adequate national and international force of public order, the FIDH fact-finding mission focused on what observers say is an unprecedented level of serious human rights violations committed in CAR by Seleka militias since they arrived in the capital and took control of the entire country.

Murders, assassinations and shootings

While it has been difficult since the overthrow of the regime on 24 March 2013 to measure the exact scale of such incidents, FIDH has managed to cross-check information which reveals that at least 400 murders have been committed by the Seleka. This undoubtedly underestimates the scale of the crimes. The number of people shot and wounded totals more than one thousand.

A - Bangui in the month following the *coup d'état*

According to information gathered by mission members, on 23 March 2013, during the rebel offensive on Bangui, the Seleka troops reportedly met with a certain degree of resistance several kilometres from the capital. In contrast, on 24 March the rebels apparently entered Bangui without any real opposition as the FACA had deserted their posts, MICOPAX did not respond and the French troops limited themselves to securing the airport.

And yet, the witness statements and statistics gathered by FIDH show that this arrival in Bangui and the days which followed were accompanied by violence and the shooting and killing or wounding of numerous civilians, as well as by accidents caused by rebel vehicles driven at speed along the streets of the capital. It is therefore clear that the Seleka troops, even though their leaders had seized power and they were themselves facing no opposing forces, were guilty of murdering and assassinating civilians.

Statistics kept by the Central African Red Cross between 23 March and 30 April 2013 are instructive in this regard.

Location	Wounded	Dead
National headquarters	864	163
1st District	11	07
2nd District	12	05
3rd District	31	04
4th District	36	25
5th District	22	16
6th District	12	05
7th District	57	11
8th District	04	20
Begoua	12	27
Bimbo	22	23
Total	1083	306

According to the Central African Red Cross, not all the deaths during this period were recorded. And, according to the organisation's president, virtually all those that were recorded are of civilians: *"The Seleka prefer to recover the bodies of their troops themselves to throw them into wells in particular, as a way of demonstrating they are invincible in the face of the enemy."*

The list of admissions to the community hospital (one of the hospitals in Bangui with a trauma unit) between 22 March and 24 April is also an instructive source of information.

Date	Number of injured recorded	With bullet wound	Hospitalised	Deceased in hospital	Body deposited in the morgue
22/03/2013	09	9	2	0	0
24/03/2013	83	83	44	5	20
25/03/2013	53	53	16	-	-
26/03/2013	30	30	11	5	5
27/03/2013	34	11	1		3
28/03/2013	37	11	1	0	-
29/03/2013	29	7	-	-	-
30/03/2013	45	32	-	2	1
31/03/2013	25	2	2	-	3
1er/04/2013	28	5	5	0	1
2/04/2013	18	5	5	0	0
3/04/2013	15	8	1	0	0
4/04/2013	15	6	1	0	0
5/04/2013	24	8	3	1	0
6/04/2013	28	5	8	0	0
7/04/2013	20 inc. 15 Seleka	4	2	1	0
8/04/2013	14	6	1	0	0
9/04/2013	13	3	0	1	0
10/04/2013	18	5	8	0	0
11/04/2013	23	17 (11 children)	3	2	0
12/04/2013	15	4	3	2	0
13/04/2013	30	11	8	2	5
14/04/2013	52	30	16	6	7
15/04/2013	15	5	6	2	2

Date	Number of injured recorded	With bullet wound	Hospitalised	Deceased in hospital	Body deposited in the morgue
16/04/2013	21	9	10	1	0
17/04/2013	7	3	5	0	0
18/04/2013	6	1	1	1	1
19/04/2013	12	8	3	1	0
20/04/2013	9	1	0	1	0
21/04/2013	13	4	2	0	0
22/04/2013	24	8	7	1	1
23/04/2013	15	5	6	1	0
24/04/2013	19	4	4	1	2
Total	805	403	176	30	48

Detailed figures supplied by the community hospital show that, for this same period, 272 people were injured as a result of being hit by a vehicle. These vehicles belonged to the Seleka according to several testimonies.

A written testimony received by the Central African League gives an account of the violence with which the Seleka entered the capital: According to Mr X, his son, Y, aged 34 and father of 10 children, was recruited by Mr M to ensure the security of two shops situated [...], in view of the rebel offensive on Bangui. To carry this out, Y was given the sum of 5,000 CFA francs to share with other recruits. At 7:30 pm on 24 March 2013, according to the father, Seleka forces took over the neighbourhood, shooting at anything that moved. His son was hit by a bullet and was taken to the community hospital. Attached to the letter is a statement from the doctor on duty who confirms the arrival of Y in hospital on 25 March 2013 and his death on 30 March as a result of a gunshot wound to his head caused by a bullet which penetrated his skull and removed part of his brain.

A church shelled

During the interview with the director of the community hospital, FIDH was alerted to the bloodshed which took place on 14 April 2013, when two shells fell on a church during mass in the Cité Jean XXIII church in the fourth district of Bangui. The community hospital recorded 3 deaths and 43 injured in the wake of this incident.

In Bangui from May to August 2013

Civilian murders and assassinations continued to be regularly committed by Seleka militiamen.

From information gathered, these murders and killings were committed during looting, racketeering and “disarmament” operations, and also targeted former agents of public order or were carried out in reprisal for protests by the population.

The FIDH mission members heard numerous testimonies of cases of abduction by Seleka forces. While some individuals were released a day or so after being abducted (cf. Part II. 2), others were found dead in the hospital morgues. Witness statements have also told of execution sites several kilometres from Bangui, where bodies were reportedly thrown in a river. The members of the mission were not able to verify this information.

A family member of Corporal N, alias M, provided the Central African League of Human Rights with a written account of the latter's abduction and death. Born on 23 June 1985 in Bangui, M, who had 6 children, lived in the Combattant quarter. M received a telephone call from an individual who introduced himself as his "two-man team partner" and asked him to meet opposite the town hall in the eighth district. Once there, he was seized and abducted by the heavily armed Seleka who departed in two vehicles, one a car with registered plates and the other a BJ 75 pick-up truck. He was taken away, having been beaten with rifle butts in front of several witnesses. After a search, the body of M was found in the morgue at the community hospital where it had been deposited by the Central African Red Cross.

During its mission, FIDH focused particularly on the killings in the neighbourhood of Gobongo, where Seleka forces fired on a crowd killing at least 6 and wounding many others.

FIDH enquiry into the killings in the neighbourhood of Gobongo in Bangui on 28 June 2013

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

This protest movement was violently suppressed by the Seleka who fired live ammunition at the protesters, killing 6 (according to BINUCA) and wounding many others, some of whom were still being treated in hospital. Of the wounded taken to the community hospital, 2 subsequently died from their injuries. The Seleka also looted shops and houses in the neighbourhood until the arrival of MICOPAX troops at the end of the day, which led to exchanges of gunfire and the killing and wounding of Seleka fighters, before the rebels were dispersed.

According to the **director of the community hospital**, "*At around 1 pm on 28 June 2013, the Central African Red Cross brought two bodies to the hospital in body bags. One of the two had large holes in the head which looked like bullet entry and exit wounds.*" The mission members saw photographs of the two bodies. "*From 3 pm people with gunshot wounds began arriving at the hospital and this went on until the early hours of 29 June. All told, the hospital recorded 22 wounded, 11 of them Seleka fighters, 10 civilians and 1 MICOPAX colonel shot in the hand when on patrol in the Gobongo neighbourhood. To this count should be added three Seleka wounded who were transferred in the early hours of 29 June to the community hospital from the friendship hospital, as well as two bodies (1 a member of the Seleka and 1 civilian).*"

The mission collected the **testimonies of civilians who were shot and wounded on 28 June 2013 and who were still being treated in the community hospital.**

Mr A, 32 years old and of Central African nationality. "*It was around 4 pm in the neighbourhood of Gobongo when I was about to get on the bus to go to the suburb of PK 12. As the bus stopped, Seleka soldiers who were behind me prevented me getting on. They were*

in a Toyota BJ 75, at least fifteen of them, heavily armed. They shot 4 people, including me. I received a bullet in my right thigh. I fell to the ground. I was taken to the community hospital in an ambulance.”

Mr B, 21 years old. *“I was on the bus which I’d caught in suburb PK 5 to get to PK 11. In the Gobongo neighbourhood, the Seleka asked the driver to stop the bus and told the passengers to get off. I tried to cross the road to leave when I was fired at. I was hit in the thigh by a bullet. I have an open fracture and a large wound. I don’t know who fired.”*

On 6 July, the FIDH mission travelled to the **Gobongo neighbourhood to gather testimony from the victims of the events of 28 June.**

Mr C, 25 years old. He is a shopkeeper in the Gobongo neighbourhood. *“Bakaza Ghislain is my friend. I know him well as we make clothes at his place. He was abducted by the Seleka in his school. We – his friends and family – were trying to find out where he was when we learned that his body had been found at the community hospital. I walked from the Gobongo market to the hospital with four other friends: Bakaza’s younger brother, C, M, G and A. Once there, we confirmed he was dead. We saw his body which was in a bad way with knife wounds and bullet holes. He was still handcuffed behind his back. We then set off back to Gobongo, crying and shouting: we were going to avenge his death. It was quite a long walk of several kilometers and took about 30 minutes. At around 2 pm, having reached Gobongo market, we set up barricades on the road using benches and telephone boxes. Attracted by the noise, we were joined by a large crowd of inhabitants from the neighbourhood, mums and dads, several hundred people.”* The witness then states that he saw Seleka pick-ups arriving there with Dhaffane at the head. *The mission has otherwise been unable to confirm his presence. “Dhaffane arrived with the Seleka pick-ups (Land cruisers and military-coloured Patrols – 10-13 people per vehicle) around 3 pm. We recognised him as we’d seen him on television. He was wearing a boubou and holding a weapon. He addressed us directly saying: you’re stupid, you’re going to pay. At that moment, a young man threw a stone which hit him on the chest. Dhaffane fired into the air and gave orders to his troops who began shooting. The crowd fled. I hid behind the church in a house where a young brother and the owner were too. One of the Seleka entered the house and struck me on the head with a Kalashnikov. I was treated in hospital where I spent a day.”*

Mr D, 39 years old. A graduate in law and unemployed. *“I was born in Gobongo and I live there. I was at home when I heard word of the death of Bakaza and the market uprising. I stayed at home as the affair had nothing to do with me and I was afraid. Somewhere between 3 and 4 pm, Seleka men began to make their way towards my house. I could see them as my house is 15-20 metres from the main road. There must have been around one hundred between the barricade and my house. They were in military gear and armed. So I left the house, leaving my family there, to go deeper into the neighbourhood. They came in my direction firing in the air. I was hiding behind a mango tree when I saw Seleka militiamen approaching the house. A Seleka fired at the door. The bullet passed through the door and I learned later that it wounded my daughter (17 years old) in the mouth and broke 2 of her teeth. I saw the Seleka fighter enter my house. Later I was told that he had entered my bedroom and had stolen around 150,000 CFA francs, income from sales at the market. Two other members of the Seleka entered the house. According to my wife,*

they wanted to dissuade the third one from looting the house. However, he went off with the television set. I couldn't return home until 9 pm." The mission members were able to observe the injury to Mr D's daughter with their own eyes.

Mr E, 50 years old. A mechanic and father of a family of 3 children. *"I have always lived in Gobongo. Around 2 pm, I was going to see my brother-in-law. I found myself near the barricades. I found myself very close to the Seleka. I saw Dhaffane. I saw when he was hit by a stone. He gave the signal. And the Seleka started firing real bullets. I saw three people dead: a pregnant woman; a woman I knew because she sold porridge; a child. I then skirted the neighbourhood to get to my home in Gobongo 3, near the parish church where my wife and neighbours were. There were 6 of us. At 6 pm, 5 members of the Seleka entered the house, breaking down the door. They demanded money: 'guinza'. They were in military gear. I think they were Chadian or Sudanese. They pushed us towards the bedroom then asked us to come back out into the living room. At that point I was struck on the head by a rifle butt."* The mission was able to observe the wound, which was still gaping at the time the testimony was given, and the blood on the shorts of the witness. *"I lost consciousness and then I recovered. I had lost a lot of blood. Look, my shorts still have traces of blood on them."*

A MICOPAX source confirms that their intervention involved patrolling Gobongo and maintaining a stationary presence in Boy-Rabe, another location where similar events linked to the death of the second young man found at the morgue appear to have taken place. Exchanges of fire between Seleka and MICOPAX soldiers have been confirmed. The same source confirms that there were wounded on the Seleka side and that it is possible that Dhaffane was present at the location.

In the Provinces

The provinces, where State authority is completely lacking, are not spared from the murders and assassinations of civilians. It is very difficult to do an exhaustive report of the situation, but according to the assigned observers, every large town and many villages have been affected by these crimes.

For example, in the area of Mbrès – Kaga-Bandoro visited by the FIDH mission, on **April 14, 2013**, the Séléka set fire to 272 homes and killed 6 people in 6 villages in retribution for the murder of a member of the Séléka by villagers.

A number of written documents were presented to the mission by the bishop of Bossangoa and the Central African League of Human Rights describing the crimes committed in the Ouham region, in and around Bossangoa and Bouca. Most of the information obtained by the FIDH mission members may be lacking in detail, nonetheless, it is important to report the recurrence of criminal acts committed by the Séléka, especially those of racketeering, pillage, and reprisals for the resistance by villagers to Séléka extortions.

For example, on **March 28, 2013**, according to a report written and presented to the LCDH by a Bossangoa authority, 2 people were killed in the Lakouanga neighborhood of the 2nd district of Bossangoa: Mr. Mbenam Désiré and Mr. Namdiro Séraphin.

April 11, 2013 is known as «Black Thursday» in Bossangoa. According to a document from the bishop of Bossangoa, an altercation broke out on this market day between a fulani and an « anti-balaka » (a type of peasant self-defense militia). This led to a fight in the bush between the two people. The fulani was killed in the fight. One of his brothers went to report it to the Séléka based in Bossangoa who are led by Colonel Yusuf. According to the written document, the reprisals consisted of:

- in the village of Yangana, located 18 kilometers from Bossangoa
 - Pastor Simon Ganazoui was burned when his house was set ablaze
 - Mr. Rubin Wandane, alias Algo, was burned when his house was set ablaze
 - One woman who was visiting her parents in the village was burned to death when their house was set ablaze
- in the Boro neighborhood of Bossangoa
 - the young Symphorian was shot dead
- in the Saint Charles Lwanga neighborhood in Bossangoa
 - Philippe Youfeigame, a nurses-aide, was shot dead
 - Gilbert Namgbei, alias Zoulou, was shot dead

According to the document from the Bossangoa authority, on **April 15**, three young children were killed by « gun fire » in the Borro market cafeteria, next to the central mosque in Bossangoa.

According to the same report, three people were killed on **April 18**, in the Ben-Zambé route of Bogato. They were Mr. Gbafio Simon, Mr. Nganazoui Privat and Mr. Ngaikoumon. Mr. Jean-Didier Nambogoin and Mr. Fiozooi Kipou, were also killed on that day in the Bogore area. On the same day, 34 houses were burned down in the area.

In another document submitted by the bishop of Bossangoa, there are details of atrocities which took place on **May 15, 2013** between 4 a.m. and 8 p.m. in the region of Bouca:

- Mr. Joseph Kossi died around 11 a.m. as a result of torture from the Séléka.
- Mr. Paulin died from bullet wounds he received from the Séléka around 8 a.m. He drove a mototaxi and was a scout at the Catholic church.
- a young person from the *Eglise des Frères* was killed in his field by a bullet from the Séléka who were chasing people escaping to the bush.
- One woman who was trying to flee, drowned with her baby while attempting to find a place to cross the river in the morning.

The mission was also able to obtain information on the Séléka killings of Sunday, **May 19, 2013** in the **Ouham-Bac** route. The bishop of Bossangoa produced a document which lists the following figures and which also states that there are more.

VILLAGE	KILLINGS	
	MEN	WOMEN
BOMISSI	-	1 pregnant women
GBADOMA	1	-
GAYO	2	-
BEDORO	5	-
BOGONE	2	1
GBADE	6	-
GOLA	1	-
BOBERA	2	1
BODORE	2	1
TOTAL	21	4

Another list submitted to the mission shows the number of killings committed on the Mazare route in the Bouca area (up to 50 km from Bouca).

VILLAGE	DISTANCE FROM BOUCA	NUMBER OF PERSONS KILLED
DAMBA KOZORO	50 Kms	1
SONGBAFO	45 kms	3
BOYAYANGUERRE	22 Kms	1
BAABAWANGUE	12 kms	1
BAMBIA	8 kms	1

On June 2, Séléka rebels went to the village of Gbigbi (located 7 km from Bouca) on the Batangafo – Bouca route, and killed one women and injured a young man called E K, a scout with the Catholic church. They broke his tibia (Note: see the following report).

« I have never seen such violence in the CAR. Patients with bullet wounds arrive here every day !» The director of the community hospital.



Civilians receiving treatment for bullet wounds at the community hospital. Credit: FIDH

Sexual crimes

Les statistiques rapportées par la Croix-Rouge centrafricaine présentent 82 cas de viols recensés dans Bangui entre le 24 mars et le 30 avril 2013 dans le seul mois qui a suivi l'arrivée des troupes Séléka dans la capitale.

Location	Number of rape cases reported
1st District	5
2nd District	3
3rd District	17
4th District	6
5th District	16
6th District	4
7th District	-
8th District	12
Begoua	19
Total	82

FIDH met with Doctor Rock Mbetide at the Friendship hospital. This doctor has provided medical consultations to female rape victims since March 24, 2013. From March 24 to April 21, he reported 56 cases of rape committed by the Séléka. More cases of sexual assault have been reported since then. Except for the three minors (13, 15, and 17 years old), most of the rape victims are adult females. Several cases of spousal rejection of rape victims have been reported. One rape also resulted in the transmission of HIV. According to one practitioner, sexual violence is prevalent in all the CAR provinces because of the Séléka. The doctor expressed his wish for the international community to provide support for treating the female victims of sexual violence in all of the CAR, by opening several clinics that could provide medical laboratory testing, free medication, and psychological assistance.

The following case of Mrs.F was reported in writing to the Central African League of Human Rights: « *May 14, 2013, (...) I rose early in the morning, around 3 a.m. to take my sick child, age one year and eight months, to the Emergency Health Centre in front of the National Assembly building; the taxi let me out at the Place Omar Bongo. I walked, and when I arrived at the cinquantenaire level, I was confronted by three of the Séléka. They stopped and harassed me. I told them that my child was ill and I was going to Emergency. They asked me for money and my cellphone; I told them I had no money, only the small sum of 200 FCFA, change from my cost of transport. They took the money and they made me fall by pushing me. One of them took the child who was crying to let him go. The other two stripped me naked and forced intercourse on me, one by one. The third one came back with the child and put her in my arms. While getting up, one of them hit me with the butt of his rifle behind my left knee. The perpetrators of this crime against me must face justice and be punished according to the law; Included are medical documentation and photo showing the serious injuries inflicted on my body* ».

After examining the rare statistics that are available on the number of cases of sexual violence reported since the coup d'Etat, and the fact that many villages are located far from any standing, or mobile, health clinics, as well as the existence of a strong social taboo regarding rape, dissuading victims to talk about it or seek treatment it is fair to conclude that this phenomenon

is widespread but is not reflected in the reported figures. We already know that, during the previous conflicts, especially during the one in 2002/2003, rape and other sexual crimes were rampant and systematic, making up a majority of the criminal charges brought before the International Criminal Court.

Abductions, confinements, ill-treatment and torture

Abductions by the Séléka are commonplace in Bangui since the coup d'Etat and it is creating panic among the population. People are targeted for supposedly having money, for their status (i.e., ex-FACAs) or for behaviour considered to be contrary to Séléka interests. Some of the abductions end by executions. Other people are released after one or more days in hidden detention and sometimes after undergoing torture or ill-treatment.

The mission was told a story by a mother whose son was taken away by the Séléka. The son is 21 years old and refused to comment on his case. The facts are as follows: On March 28, 2013, 4 days after the rebels arrived in Bangui and took over, young «X» went to the internet café in the Benz-vi neighbourhood to go online. On leaving the café, Séléka rebels stopped him and demanded money. Stating that he did not have any FCFA, they bound him up and dumped him in the back of their pick-up truck. After several hours of driving around town, he was taken in the evening to a detention centre which according to the mother could be the head place for the Research and Investigation Section (SERI). Locked alone in a cell, the Séléka apparently threatened to insert a pepper into his anus. He was released the next morning.

Mr. AA also reported to the members of the mission about an abduction he witnessed. On July 4, 2013, « a youngster » was taken by surprise in front of the community hospital by the Séléka photocopying a tract calling for a «dead city» day to denounce the crimes being carried out by the Séléka. They captured the «youngster» and then proceeded to get the chief supervisor of the community hospital accusing him of giving the original tract to the boy. Alarmed and worried that the events would take a bad turn, Mr. AA asked the Séléka if he could accompany the supervisor and the boy. They were taken to *Camp de Roux*. There, they found themselves facing some twenty men bearing arms who asked them to sit on the ground. Mr. AA refused to listen to the order in spite of the arms pointed at him. Finally, they were led to a room where at the end of a discussion, the boy finally admitted that the tract was given to him by the supervisor's secretary (she had stopped coming to the hospital for fear of being kidnapped by the Séléka). On July 6, the chief supervisor and the boy were still at *Camp de Roux*. They were to have had a hearing in front of the prosecutor of the Republic the night of the 4th to the 5th of July.

On July 5, 2013, during the FIDH mission, an American journalist was an eyewitness to the abduction of two men: Auguste, 35 years old, garage owner, living in the Miskine neighbourhood; Raymond Moussa, between 35 and 38 35 years old, driver. The two men were bound up and made to lay in the back of a pick-up truck by the Séléka. According to the information gathered from the onlookers, they were captured while they were reading the tract calling for a «dead city» day denouncing the crimes committed by the Séléka. According to the parents of both of these men, they were taken to *Camp de Roux*.

Abductions, torture and ill-treatment also occur in the provinces. A document submitted by

the bishop of Bossangoa reports the following events which occurred on May 15, 2013 in the region of Bouca.

- Mr.G. was abducted at 4a.m from his home along with 4 young members of his family who had come to help him with the death of his grand-son. They were physically and psychologically tortured for the entire day. They were released after paying a ransom of 75,000 FCFA and 3 goats.
- Mr.H. was taken hostage and physically and psychologically tortured before being released after an eleven hour detention period.
- Mr.I. was captured at 5a.m while going to mass. He was tortured all day. He was released around 6p.m after handing over the sum of 15,000 FCFA to the Séléka. He still has the markings of torture on his body.
- Mr.J. was captured at home at 6p.m. He was beaten, tortured and detained for three days before being released after paying a ransom of 155,000 FCFA.

Recruitment of minors

In a press release released on April 12, 2013, UNICEF reported there were 2,000 child soldiers in armed forces, in rebel and in self-defense militia groups in Central Africa before the coup d'Etat. The organization denounces the ongoing recruitment of children by Séléka's since March 24, 2013. ⁶

UNICEF is conducting an operation to register child soldiers with the intent of providing them with an area where they can sleep, be fed, and clothed. A second phase of the operation will be to ask each child « what is his goal in life », in order to re-orient them back into society. The priority therefore, will be one of children's schooling. And during this second phase, UNICEF will begin the process of re-unifying children with their families.

The President would have personally handed over some fifty child soldiers to UNICEF on May 30th, at Camp de Roux. However, the Chief of State justified the presence of children among the ranks of the Séléka by stating that « everyone wanted to integrate this rebellion, that is why, in spite of the fact that we returned these children, a few stayed until we reached Bangui », and added, «some of them are older than they appear, but they are small in stature. That is why people think they are minors. The only way to know is through identification by UNICEF ». ⁷

In Tiroungoulou, the cradle of Michel Djotodia's rebellion, where the members of FIDH mission managed managed to visit, a humanitarian reported that 74 youth from the village (between the ages of 12 and 20) left to join the rebellion. The members of the mission were able to see for themselves the presence of child soldiers among the Séléka. In front of the entrance to the Central African Bureau for the Prevention of Organised Crime (Office centrafricain de répression du banditisme), was a dirty pick-up truck carrying some fifteen Séléka rebels, two of whom were children, probably under 12 years and armed with Kalashnikovs.

6. UNICEF communiqué ,April 12, 2013. <http://www.unicef.fr/contenu/actualite-humanitaire-unicef/l-unicef-condamne-le-recrutement-d-enfants-soldats-en-rca-2013-04-12>

7. http://www.afrik.com/centrafrique-michel-djotodia-livre-des-enfants-soldats-a-l-unicef?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+afrikfr+%28Afrik+VF%29

Burning of villages, widespread pillaging

Burning of villages

The members of FIDH mission were informed about several villages that were burned down by the Séléka since the *coup d'Etat*. To confirm this, FIDH travelled on Kaga-Bondoro – Mbrès route where they were able to see that 6 villages (272 houses) were burned on April 14, 2013.

Six villages burned in the Kaga-Bondoro – Mbrès region on April 14, 2013

On July 10, the members of the mission went along the Mbrès – Kaga-Bondoro route (about 90 km). Between PK 5 and PK 18, FIDH travelled through several villages (Zaire; Yagassou; Ndanika; Dimba; Maorka; Nguimallet), some of which were completely burned away, and others which had many houses burned to the ground. The members of the mission were able to obtain stories about the incidents from the rare residents who were still in the villages.

One young man who was met along side of the road close to the village of Zaire recounted it this way: « Everything happened on April 14. In the Yagassou village, a youngster was wearing a FACA cap. One of the Séléka came up to him and threatened him by saying that if he was wearing the cap, he should also have the uniform and arms. One father intervened and said that the youngster did not carry arms and gave the Séléka 20,000 FCFA to leave. But the Séléka fired at him. He was not killed. In revenge, the people, including women, hurled themselves at the Séléka, physically mutilating him and dumping the body pieces into the bush. That was around 11 a.m. Later, another Séléka entered the village. He saw part of the dead body of the killed Séléka in the mouth of a pig. Around 2 p.m. the Séléka returned to the village and burned everything down. They also burned down the neighbouring villages. I think there were also two people shot to death in Nguimallet and two wounded; 4 wounded in Yagassou; 5 wounded in Ndanika and 4 wounded in Maorka. Before this, more than 1,500 people lived in the village of Zaire. Now we are between 10 and 20. The Séléka continue to threaten us. They came to see my cousin who owns cattle and demanded 10,000 FCFA from him».

In the village of Zaire (PK 9), the members of the mission met with Mr. K., 48 years old, farmer and artisan. « On April 14, a the Séléka was at a pub. He saw a young man of around 20 years old with a cap on his head. He asked him where he had obtained it. He had found it near Mbala where some of the FACAs had been killed. The Séléka hit the young man. One of the villagers came to get between them. The Séléka opened fire and hit his jaw. Another villager went to get a pointed cane (a traditional rifle) and killed the Séléka. The people took their machetes and cut him into pieces. That same day, other Séléka came to the village and saw the end of an arm with torn military cloth on it. They set fire to the houses in Yagassou and Zaire. Nine houses were set on fire in Zaire. There are 1,714 people living in the village of Zaire. Today, most of the villagers have taken refuge in the bush between 2 and 5 km from the village ».

The members of the mission were also able to confirm that the entire village of Yagassou (PK 11) was burned down. About one hundred houses were destroyed. The village was completely deserted.

In Danika (PK 13), the members of the mission found the same sight, about a dozen houses burned down.

Between Danika and Nguimallet, in the village of Ndiba (or Dimba), a few houses were burned. Mr. L., farmer, told the members of the mission that everyone was in the bush.

At PK 15, FIDH met with Mr. N. who comes from Nguimallet (at PK 18). He said that all the villagers were in the bush. In his village's events, 2 were shot to death (namely Gilberte and Jean-Pierre) and 3 wounded.

In Maorka, one villager, M.O., estimates that 18 homes were burned down. According to him, more than 600 inhabitants live in the bush. *« Only three homes are inhabited. We are 20. We are scared of the Séléka. The colonel from Mbrès comes to the village sometimes to ask for money. He is tall and thin. They asked my older brother for money, for example. And they took M.P., the village chief to Mbrès for discussions. He had to give them 25,000 FCFA. I think they will kill us if we do not give them money.»*

At Nguimallet (PK 18), the members of the mission met with Miss R., 16 years old. According to her, there are 245 homes in her village. Forty-five were burned down. There were 2 people shot to death and 4 wounded on April 14, 2013. A reliable humanitarian source working in the Kaga-Bandoro region estimated that 272 homes were burned down between PK 5 and PK 18, on April 14, 2013, in reprisal for the murder of one Séléka, and estimates that 6 villagers were killed.

Humanitarian witness reports and the fact-finding mission report of Human Rights Watch⁸ also cite many cases of village burnings similar to those documented by FIDH on the Mbrès – Kaga-Bandoro route.

The bishop of Bossangoa also documented the destruction of villages in his diocese. During his meeting with the FIDH mission, he indicated that on the Bouca-Bantangafo route (about 10 km), there are no more villages (a written document indicates that in the Zere area: 52 houses as well as the market were burned down. In the Boubou area: 50 houses were burned down). Every village was razed to the ground and emptied of its inhabitants who now live in the bush. For the bishop, this is not a «scorched earth» policy but rather a policy of submission. Any village that resists Séléka pillage is burned to the ground.

8. <http://www.hrw.org/fr/news/2013/06/27/republique-centrafricaine-les-forces-de-la-seleka-tuent-des-dizaines-depersonnes-et>

The village of Gbigbi on the Bouca – Batangafo route

The bishop of Bossangoa gave the mission an account of what happened in Gbigbi on the Bouca-Batangafo route. One morning, the leader of the Séléka came to the village and gave a speech to the people on how to live together. In spite of the speech, the village was pillaged that afternoon. But one man refused to have his house pillaged. He was killed by one of the Séléka. In revenge for his father's murder, the son grabbed a rifle and killed the rebel. As a result, the Séléka set fire to the whole village.

The members of the mission visited the community hospital on July 7 after being informed by the bishop that someone who was wounded in the Gbigbi event was in intensive care in the trauma unit. M.S., who was bedridden in Room 9, with a pin in his leg, recounted: « *I live in Bouca. On June 2, I was shot in the leg by the Séléka. That was the day the Séléka arrived and demanded that the villagers come out of the bush. When some came out, the Séléka pointed their guns at them. They stole 2 cows and 5 sheep from an owner. A member of the family grabbed a gun and shot the Séléka. That Sunday, 4 motorbikes ridden by eight Séléka men, returned to the village and others nearby. They set fire to the houses and fired on the people. My oldest brother's wife, Irène, was killed, and I was shot in the leg* ».

Pillage

According to everyone who met with the mission in the CAR, the Séléka have literally wiped the country of its public and privately-owned possessions. Private homes were and continue to be pillaged. No social class is spared. Public establishments (i.e. the mayor's building, government ministries) have been pillaged, as well as businesses and churches. The means of transportation and communication have also been pillaged by the Séléka. The Séléka control customs, border crossings, and the extraction sites of natural resources such as diamonds. According to an official of MICOPAX who spoke to the mission, « *There is nothing left to take* ». Yet, it continues. The population is also at the mercy of permanent racketeering, especially at the barriers set up for entering and leaving towns and villages run by the Séléka.

Mr. T. wrote an account of the pillage of his house to the Central African League of Human Rights : « *On May 9, 2013, at about 23h30, Séléka rebels burst into my concession located in PK 11, heavily armed in a pick-up truck, while my wife, children and me were asleep. They entered through the back door and shot at the protective grill and broke the door locks. They entered the house and continued shooting in the living-room. There were 12 of them in the house. I don't know how many were outside. The whole family was in terror. They put us all in my room and threatened to kill us if we did not hand over money. They spoke Arabic. At the same time, others were stealing everything we owned. They took my wife and made her sit in front of us. Then they shot at her between the legs without hitting her and continued to threaten us if we did not give them money. I gave all the money I had: 100,000 FCFA . Then they left.* »

The following table is a list of property stolen from the Catholic community in Markounda. It shows the extent to which the Séléka pillages:

QUANTITY	ITEM DESCRIPTION	UNIT COST	TOTAL COST
1	Vehicle Hi lux 4X4	18,000,000	18,000,000
2	Spare tires	125,000	250,000
1	Tool case	250,000	250,000
1	Tool case for water pump	250,000	250,000
2	Multi Usage GM Mill	650,000	1,300,000
2	Gas fridge 300L	550,000	1,100,000
2	Generators 5 KVA	1,500,000	1,500,000
2	Gas stove 4 burners	275,000	550,000
1	Electric warmer	375,000	375,000
5	Whellbarrow	25,000	125,000
65	Sheet- metal	5,500	357,500
5	Ladders	85,000	425,000
2	Rolls of electrical wiring 2X1.5	47,500	95,000
100	Litres of gasoil	870	87,000
150	Litres of petrol	660	99,000
4	Filters	65,000	260,000
18	Doors	25,000	450,000
3	Windows	5,000	15,000
10	Empty drums 20L	1,500	15,000
6	Small empty drums	25,000	150,000
16	Wooden chairs	10,000	160,000
12	Tables	40,000	480,000
3	Bags of cement	12,000	36,000
300	Empty bags	3,000	900,000
3	Rechargeable lamps	12,000	36,000
7	Suitcases	35,000	245,000
10	Hand bags	12,000	120,000
1	Camera	150,000	150,000
1	Cell phone (NOKIA)	24,000	24,000
6	Beds	35,000	210,000
15	Matresses	47,500	712,500
15	Blankets	12,000	180,000
16	Sets of sheets	12,000	192,000
12	Bedspreads	2,500	30,000
1	6 place Danish suite	120,000	120,000
15	Stepstool	500	7,500
2	Bicycle	65,000	130,000
15	Chapel pews	4,000	60,000
5	Bottles of mass wine	6,000	30,000
5	Communion Host Sachets	2,500	12,500

QUANTITY	ITEM DESCRIPTION	UNIT COST	TOTAL COST
36	Boxes of candles	1,000	36,000
1	Clock	5,000	5,000
6	Large mats	5,000	30,000
3	Radios	7,500	22,500
5	Jets de bols	14,500	72,500
3	Dozen of glasses	10,500	31,500
60	Plates	1,200	72,000
30	Bowls	1,200	36,000
35	Dessert plates	1,600	56,000
48	Cups	1,000	48,000
48	Saucers	1,000	48,000
135	Covers	9,500	1,282,500
2	25 Kg bags of rice	25,000	50,000
3	Bags of cassava	10,000	30,000
1	Bags of corn	15,000	15,000
1	Containers of peanut oil (20L)	25,000	25,000
1	Bags of wheat flour (25 kg)	30,000	30,000
1	Bags of sugar (25 kg)	26,000	26,000
2	Bags of salt (10 kg)	7,000	14,000
3	Cases of milk NIDO	13,500	40,500
1	Cases of sardines in oil	22,500	22,500
1	Cases of powdered soap	10,500	10,500
2	Cases of hand soap	25,000	50,000
3	Cases of dish soap	12,000	36,000
15	Bottles of table wine	5,000	75,000
10	Cases of vache qui rit	900	9,000
7	Cases of jam	2,800	19,600
5	Boxes of chocolate	2,400	12,000
6	Wrist watches	25,000	150,000
1	Case of common tools (HPV60, HPV100)	212,027	212,027
1	Case of common tools (mechanic)	187,250	187,250
	Sisters' clothing	366,000	366,000
	Sisters' shoes	144,000	144,000
	Sisters' money	299,000	299,000
	Kitchen utensils	260,000	260,000
5	Glass table carafes	5,500	27,500
17	Pails	2,000	34,000
25	Pans (Basins)	1,800	45,000
5	Thermos (large)	12,500	62,500
2	Thermos (small)	6,000	12,000
2	Iron (electric)	5,000	10,000
2	Iron (charcoal)	5,500	10,000
2	Sewing machines	65,000	130,000
16	Umbrellas	3,000	48,000
24	Towels	3,000	72,000
6	Alarm clocks	15,000	90,000

The archbishop of Bambari who met with the members of the mission also recounted the armed robbery he experienced: « *They did a lot of pillaging in Bambari,. When the Séléka arrived to our town they came 3 times to visit the bishop's quarters. They came to take money and thurayas. They also emptied the storage of pharmacy. On the night of January 3, 2013, at about 10-11pm, the Séléka forced their way through the doors of the bishopry. They pillaged the place. When they were about to leave, I heard one of them shout in Sango: « There is still the house there ».* They passed through the grill and made their way to the rear of the house. I opened the door to let them in. They entered and searched the place. One of them asked me to go down a small staircase. At first, I refused. I saw a Séléka grab his Kalashnikov the other way around to get ready to hit. I made a sign to him not to do it. Finally, they forced me to go down the steps. And on the first step, I was hit with the butt of a gun on the head. I bled a lot. They continued to search the house. They took my laptop computer and telephone. I do not believe that this is an Islamic and anti-Christian criminal group, even though many Muslims celebrated the arrival of the Séléka in Bangui by saying: « it's our turn, now ».

Items pillaged by the Séléka are located in Seleka barracks and in their leader's houses (rumour has it that some twenty vehicles were discovered in the garden of the residence of Dhaffane during a search ordered by the prosecutor of the Republic). Some are also transported by truck to the Séléka's home towns and villages (in the north of the Central African Republic, in Sudan, South Sudan and in Chad) where they are sold in the markets, as well as in the neighbouring States.

FOMAC parking

On entering the MICOPAX compound, the members of the FIDH mission were surprised to see a large automobile parking area with vehicles marked « UN » which were left there by internationals to avoid their cars being stolen.

The N'Djamena market

Officials of the MICOPAX and villagers, confirmed to the members of the mission that many vehicles loaded with goods were seen crossing the border and going towards Chad and Sudan. A member of the Chadian Association for the Promotion and Defense of Human Rights (*Association tchadienne pour la promotion et la défense des droits de l'Homme - ATPDH*), a FIDH member organisation in Chad, stated that there is a market in N'Djamena known for selling stolen vehicles from Bangui that still have their Central African licenses on them. Some humanitarian sources state that since the coup d'Etat, they have seen many vehicles of all types loaded with goods in Ndele and Tiroungoulou making their way to neighbouring countries such as Chad and South Sudan.

Some towns are surprisingly prospering

One humanitarian told the members of the mission that in Boromota, Michel Djotodia's home village, there were no vehicles before the conflict. Patients from neighbouring villages arrived at the clinic on the back of donkeys. Today, they arrive by motorbike or by car. There are thurayas everywhere. Business is prospering.

Legal Classification

Murder, assassination, wounding and intentional battery, illegal arrests and confinements, rape, acts of torture and inhuman treatment, are listed as criminal offences in the Central African Criminal Code.

In the context of an armed conflict which is not international in nature, the crimes cited above and which have been attested to by members of the FIDH mission are considered war crimes, according to Article 156 of the Central African Criminal Code which is in keeping with the 1949 Geneva Convention: « in the case of an armed conflict which is not of international character, war crimes consist of serious violations of article 3 common to the four Geneva Conventions of August 12, 1949 namely any of the acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause. »

These crimes, as well as the recruitment of minors, may also be classified as war crimes according to Article 8 of the Rome Statute of the International Criminal Court ratified by the CAR on October 3, 2001.

In addition to that, if some of these crimes were committed during a widespread and systematic attack against civilians, they could be deemed to be crimes against humanity, as defined in Article 7 in the same Statute.

International Criminal Court Statute

Article 7 Crimes against humanity

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

- (a) Murder;
- (...)
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, or any other form of sexual violence of comparable gravity;
- (i) Enforced disappearance of persons;
- (...)
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Article 8 War Crimes

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

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

(...)

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

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;

(...)

d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

(e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

(ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

(iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

(v) Pillaging a town or place, even when taken by assault;

(vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a

serious violation of article 3 common to the four Geneva Conventions;

vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;

(...)

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

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

III. Impunity for the most serious crimes

Without sufficient protection, the civilian population fall victim to the most serious crimes, which can qualify as international crimes, committed by the Seleka. The FIDH fact-finding mission investigated the state of the fight against impunity in cases involving the perpetrators of the most serious forms of crimes. The fight against impunity is essential to the safety of Central Africans because of its positive consequences: prevention, determent, sanctions, and reconciliation.

A justice system affected by a ten-year crisis

During the course of the last ten years, the FIDH has conducted several fact-finding missions to the CAR and has on several occasions had to study the justice system in CAR and its ability to bring to trial the perpetrators of the most serious forms of crimes committed during armed conflicts.

The inability of the national justice system to try the perpetrators of international crimes has been already brought to the fore

FIDH reports for the years 2003, 2004 and 2005 analyse the judicial response to serious crimes perpetrated by the troops loyal to the government and their associates the Banyamulengue (Congolese mercenaries working for Jean-Pierre Bemba). The FIDH concluded that the justice system in CAR was incapable of protecting victims' rights for the following reasons: its lack of independence, its lack of representation throughout the country, its lack of the means and the expertise needed to conduct inquiries, and because of evident anomalies in its procedures. These conclusions influenced the ICC's decision to intervene in the CAR in 2002-2003. Acting on the basis of the principle of complementarity, the ICC opened an investigation in 2007 and the trial against Jean-Pierre Bemba in November 2010.

The granting of amnesty and pardons

In 2008, in a context where serious crimes were being committed in the CAR during the armed conflict between forces loyal to the government and armed fighters FIDH publicly criticised the practice of awarding amnesty to combatants on both sides during the peace negotiations. Such measures are not conducive to the prevention of conflicts, undermine victims' rights to justice and are further proof that authorities in the CAR lack the will to fight against impunity for the perpetrators of the most serious crimes. This practice was followed by "dialog and conciliation days" during which former heads of state and heads of national administrations asked the population to forgive them for the crimes they had committed, but were free from any fear of prosecution. The Truth and Reconciliation Commission, in this regard, provided for in the 2007 peace agreements was never established.

Unsurprisingly, failure to apply justice for the most serious crimes explains why for the last ten years the people in power and those heading rebel factions have been the very same persons who have committed serious human rights violations.

A judicial system affected by conflict

During the course of the FIDH fact-finding mission to CAR, the State Prosecutor, Alain Tolmo, made the following comment, « *The country has undergone a social fracture which has had an impact on the justice system* ». CAR has five sitting judges, three investigating judges and a

judicial police force comprised of ten investigating officers. Due to current events, all Prosecutors are based in Bangui, making it impossible to serve justice in the provinces. While some form of justice is available in Bangui, it appears the system lacks resources and is unable to adequately deal with the scale of human rights violations or with the victims' suffering. The justice system is more inclined to prepare cases which are of interest to the President such as that of former head of state François Bozizé and of Dhaffane, the former rebel leader.

Selective and minimal justice

Bozizé and Dhaffane: two sensitive cases

These two judicial cases are of particular interest to the state prosecutor. The first case is that of ousted president François Bozizé who is currently living in exile. On 29 May 2013 an international arrest warrant was issued against him for crimes against humanity and inciting genocide. The State Prosecutor has charged the former head of state with 22 counts of homicide, 119 summary executions, 53 arbitrary arrests, and the destruction of 3,823 homes.

The second case concerns Mohamed-Moussa Dhaffane, leader of the CPSK --an armed Seleka faction-- and former Minister for Water and Forests under the national union government. He was arrested on 29 June 2013 at *Camp de Roux* by Djotodia's presidential guard.

The Dhaffane case

Dhaffane, then Minister of Water and Forests, made declarations over the radio (the French international radio station RFI and on the Central African Radio) reacting to deadly shots fired into a crowd by the Seleka on 28 June 2013 (See the Gobongo Killing, part II) which were the subject of heated discussions held in *Camp de Roux* between himself and the head of state. The discussions ended with Dhaffane leaving the room and slamming the door. The presidential guard arrested him on the spot and held him in a closet at *Camp de Roux*. Unofficially, he was accused of offending the President, with several counts of vehicle theft and the recruitment of two Chadian mercenaries. The head of state issued a public decree officially dismissing him.

When the FIDH mission met with the state prosecutor Mr. Dhaffane had been in custody for six days. When questioned on the matter by the FIDH, the State Prosecutor responded that Mr Dhaffane was the subject of « *a raft of accusations* » and that the case was, according to him, about to go before the courts. As for the legality of the arrest, the Prosecutor indicated to the members of FIDH mission that « *Mr. Dhaffane was arrested by temporary officers working for the judicial police* » and went on to state that it was, « *Central African doctrine and jurisprudence* ». When questioned about the time spent in custody for questioning, the State Prosecutor pointed out that under CAR law a person may be held for a renewable period of 48 hours. He also confirmed that Dhaffane had not seen his lawyer but that his younger brother, who had been arrested along with the Minister, had “very briefly seen” his own lawyer.

At the time the FIDH was conducting its fact-finding mission both cases were the State Prosecutor's main focus of attention, for clearly political reasons. The administration of justice was clearly less of a priority in cases where the most serious crimes had been committed by members of the Seleka.

18 persons prosecuted and 16 warrants for detention issued

Prosecutor Alain Tolmo indicated to the members of FIDH mission that as of 7 July 2013, there were 18 persons being prosecuted on the basis of article 295 of the Central African Criminal Code which reads that, « *Any manoeuvre or act that compromises public safety or causes serious political turmoil, incites hate of the government or the breaking of the laws of the land shall be punished with up to five-year prison term* ». The prisons of Bimbo and Ngaragba had been not working since 24 March, which is why these persons were being held at the Central African Bureau for the Prevention of Organised Crime, (Office centrafricaine de répression du banditisme - OCRB), at the Department of Research and Investigations (SERI) or at *Camp de Roux*. The Prosecutor also confirmed that warrants for detention had been issued for 16 persons who, according to him, were civilians and members of the Seleka.

On 5 July the FIDH mission went to the premises of the OCRB.

The prisoners housed at the Central African Bureau for the prevention of Organised Crime (OCRB)

On 5 July the FIDH mission went to the premises of the OCRB where the members of the mission met with its commander, Mahamat Said Abdel Kain.

The commander has been a member of rebel forces CPJC for five years which is currently led by the Minister of Security, Nouredine Adam. Mahamat is 43 years old and is from Bria located in the province of Ndélé. He speaks Sango, Arabic and French. He comes from a family of diamond miners. He explained that he joined the rebellion because of an act of injustice. His nephew was killed in a mine by persons who had been identified, and despite his repeated requests, the State was unable to arrest them. He joined the rebellion during a rebel attack which took place 28 km from the town of Brja in 2008. He became a lieutenant and then a colonel. According to him, the CPJC was comprised of slightly less than 3,000 men (900 under Nouredine and 1,700 under Aboulaye before Nouredine took over command). As a rebel he was not paid wages. He explained to the members of FIDH mission that to eat, rebels would build barricades that were used to extort 3,000 to 5,000 FCFA from passengers in vehicles. On a "good day they would collect between 100,000 to 200,000 FCFA". [...] "People gave because they were afraid". He arrived in Bangui, via Bossembele and Bossangoa, on 24 March with what by then had become the Séléka. He indicated that the fighting on 23 March left 9 dead among the Séléka and 30 dead among the South African contingents, between PK 55 and PK 13.

He has been stationed at the OCRB since 12 April 2013. He was appointed commander on verbal orders handed down by Nouredine Adam and the director general of the police, Mr. Ouazé. He works in collaboration with State Prosecutor Tolmo and is the assistant to the director general of the OCRB, Mr. Mazengué. He is assisted in his duties by 6 judicial police officers.

The commander explained that when the Seleka, the general population or the FOMAC have witnessed a crime or a misdemeanour they dial 119 (emergency calls) and ask the OCRB to intervene; either he or his men go out to the places where exactions are committed.

According to the commander there have never been more than 50 prisoners housed at the OCRB. When the FIDH went to the OCRB, there were 42 prisoners, six of whom had a warrant of detention issued against them and one prisoner who had been sentenced. Some of the prisoners had been there for over two months.

FIDH representatives were able to speak with three prisoners.

The first prisoner, M. U., said that he was 15 years old (according to his file he is 23). He had been at the OCRB for two months and was accused of complicity in the pillaging a house. The person who committed the crime remains at large. He stated that sometimes he was given food and sometimes not and that his back hurt. He did not have a lawyer.

The second prisoner with whom FIDH representatives spoke had been accused of dealing forged identity documents. He had not seen the prosecutor yet.

The third person, M. V., was sharing a cell that measured 2 x 4 metres with seven other persons and that for the last 5 weeks. He had yet to meet with the prosecutor. A security guard by trade, he had been accused, along with M.W. and M. AA, of pillaging the offices of the manager of the Ledger Hotel.

The prisoner with whom the FIDH mission met stated that they had not been mistreated by the guards and were allowed to leave their cells three hours per day.

According to the Prosecutor, members of the Seleka who are arrested are taken to the SERI or to *Camp de Roux*. Based on the information gathered by the FIDH mission, members of the Séléka who are arrested are detained at these two locations to receive “disciplinary training” and almost none are prosecuted.

With regard to the question asked by members of FIDH mission as to any judicial proceedings related to the Gobongo killing which took place on 28 June 2013 (see part II), the Prosecutor explained that there was an investigation underway which will probably be handed over to an investigating judge. The FIDH has not been informed of any judicial follow-up, of any kind, to these events.

However, after the fact-finding mission, the FIDH was informed that on 30 August 2013, trial opened for 24 detainees, members of the Seleka who stood accused of pillaging and degrading property, illegally obtaining property, acts that compromise security and incite hate of the institutions of the Republic, and acts committed during the Boy-Rabe killing on 20 August 2013. These proceedings must be hailed, although they were started after the international community had protested against the state of impunity for the most serious crimes committed in the CAR and are far from corresponding to the level of legal action required to satisfactorily deal with the scale of exactions committed in the country.

An incipient national inquiry commission

Decree no. 13.106 dated 22 May 2013, provides for the creation of a commission of inquiry to be chaired by Magistrate Flammarion Goba. The decree stipulates that the mandate of the commission is to:

- **Investigate crimes of blood, economic crimes, misdemeanours and additional forms of human rights violations, and acts leading to property damage or personal harm, committed since 2004;**
- **Identify the perpetrators, accomplices, and victims of said crimes; and**
- **Evaluate losses and injuries with a view to possible, future compensation.**

The decree stipulates that to undertake these tasks, the commission shall hear victims' complaints, reports and facts and shall subsequently conduct hearings, interrogations, confrontations, and shall travel to sites involved; for each case, findings and minutes must be drafted.

According to the information gathered, but which could not be verified by the members of FIDH mission, the Commission has already received testimonies from several witnesses. Notwithstanding, an informed interlocutor indicated to the FIDH mission that the resources granted to the Commission to fulfil its mandate were insufficient. There are also other obstacles to the effective fulfilment of its mandate: the security situation, the shortage of resources needed for victims to travel, and the complete lack of protection for victims.

The reaction of the International Criminal Court

On 22 May 2007, The International Criminal Court reacted to the referral made by the Central African authorities by opening an investigation into the crimes against humanity and the war crimes committed during the 2002-2003 conflict. To date, the results of the investigation have led to prosecution of only one person, Jean-Pierre Bemba. His trial opened on 22 November 2010. The ICC is still has jurisdiction on the situation in the CAR. The ICC Trust Funds for Victims runs support programmes for the victims of sexual crimes committed during the conflict.

On 22 April 2013, the ICC Chief Prosecutor announced that, "Those allegedly responsible for crimes committed in the Central African Republic that fall under the jurisdiction of the ICC, will be prosecuted. The situation in the Central African Republic is deteriorating daily and the number of civilian victims affected by serious crimes continues to rise". She added that her office continues to closely monitor allegations of crimes under the Court's jurisdiction and specifically made mention of attacks against civilians, including killings and pillaging in the Central African Republic. The ICC prosecutor explained that, "This Court exists to end impunity for such crimes and our jurisdiction covers the whole of the Central African Republic. The people of the Central African Republic have already suffered too much. I will not hesitate to prosecute those responsible for their suffering", concluded Fatou Bensouda.

Conclusion: A human rights roadmap is urgently needed

Since the coup d'état on 24 March 2013, anarchy reigns in the CAR, consequently the law is that of the strongest.

Authority can only be exercised in Bangui, and there it is divided among former rebel leaders - first among them is the president - and the prime minister. The State has no presence in the rest of the country. Policy-making is overly active on theoretical aspects but is limited when it comes to concrete action.

The ranks of the Seleka have increased since the rebel victory, by attracting the idle and unemployed in the Central African Republic, Sudan, South Sudan, and Chad who have been eager to join in the pillaging and racketeering. Seleka troops rule supreme over the country.

Because there is no army, no police and no justice system young people and children prey on a defenceless population. They are heavily armed and ride on pick-up trucks and motorbikes, killing, kidnapping and torturing for money or to snuff out any protests. They burn entire villages and rape women. Such violations of human rights may qualify as international crimes.

While not all members of the Seleka are under the direct command of the former rebel leaders, the latter seem to have nonetheless preserved their position of authority over most of the "commander of zones" (known as "com-zones") controlling a neighbourhood or a city with their men. Because they have committed crimes against civilians they are criminally liable.

Given this state of chaos, the absolute priority is protecting the population; consequently it is imperative to support and strengthen the AFISM-CAR mandate and forces. Its presence must be increased throughout the country, and its patrols must be used to help to contain and disarm the Seleka so that national public law enforcement authorities can return. Equally urgent is the sanctioning of the persons who created this situation: the former rebel leaders and the "com-zones", and supporting the administration of international and national justice in bringing to trial those responsible for the most serious crimes. The international community also needs to act promptly on the implementation of a pluralist and transparent elections process which does not include those involved in the transition.

Lasting security and peace cannot be built, however, without the implementation of a human rights roadmap, the component of the peace agreements which has been overlooked. Transition authorities must comply with their international obligations to protect human, civil, political, economic, social and cultural rights: freedom of expression, equality before the law, freedom from discrimination, the right to education, the protection of women's rights, the right to an adequate standard of living, etc. The international community must contribute to the implementation of this roadmap by studying the efficiency of its funds and the possibility of creating

conditions for funding by calling on its private companies to adopt strategies which comply with the principles of due diligence.

If the Central African Republic is to put a stop to the chaotic cycle the population is caught in and which endangers security in the region, the leitmotif for transition authorities and the international community must be the rule of law which is respectful of human rights.

Recommendations

The FIDH recommends

I. To the authorities of the Central African Republic

Protection of the population

- Systematically and publicly condemn all violations of human rights perpetrated by members of the Seleka.
- Re-establish a national law enforcement corps as rapidly as possible and, along with international forces, engage in the effective containment and disarmament of the Seleka troops
- In collaboration with the international community, engage in a true process of strengthening the defence and law enforcement forces which includes training in human rights
- Establish State authorities throughout the country (defence forces, law enforcement corps, and justice) and services (schools, hospitals, etc.)
- Facilitate and support the work of human rights NGOs, journalists and humanitarian workers throughout the entire country

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

- Prosecute and sanction the members of the Seleka accused of human rights violations and international crimes
- Strengthen the means of action of the commission of national inquiry and ensure that it has the ability to establish the facts and determine liability for offences committed before and after the *coup d'état*, regardless of the identity of those responsible
- Plan for the implementation of a hybrid (national and international) court within the Central African judicial system to try those accused of the most serious crimes on the basis of the conclusions of the commission of national inquiry and of the fact-finding mission of the Office of UN High Commissioner for Human Rights
- Create, with support from the international community, a victims compensation fund
- Enact legislation to fight sexual violence and to give women greater access to justice
- Cooperate with the International Criminal Court, in compliance with principle of complementarity in the Rome Statute

The Administration of justice

- Take all necessary measures to make arrests and detentions compliant with the Central African criminal code of procedure and with the corresponding provisions in international human rights' law which are binding for the Central African Republic
- Release all persons arbitrarily arrested or detained
- Take all necessary measures to end acts of torture and ill-treatment in detention centres and to expedite investigations of those who commit such acts
- Close all illegal detention centres and re-open the prisons in Ngaragba and Bimbo
- Draft an action plan aimed at strengthening justice, with support from the international community
- Take steps to abolish the death penalty as stated in the relevant resolutions of the African Commission on Human and Peoples' Rights

Elections

- Implement, from now on, the measures required to create a free, pluralist and transparent elections process

Economic and social rights

- Guarantee the payment of salaries for civil servants
- Take all of the measures required to fight corruption
- Fight against the illegal use of natural resources
- Make public commercial contracts for exploitation of the country's natural resources

The ratification of regional and international instruments

- Ratify the African Charter on Democracy, Elections and Governance; the Protocol to the African Charter on the rights of women in Africa; the Protocol to the African Charter on the African Court on Human and Peoples' Rights, and make the declaration under Article 34.6 of the Protocol establishing the African Court, enabling individuals and NGOs to have direct access to the Court; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict ; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

II. Recommendations to the United Nations Security Council and the Peace and Security Council of the African Union

- To remain seized of the situation in CAR and to condemn publicly all violations of international humanitarian law and human rights perpetrated in the country
- Support and strengthen the mandate, staff and budget of the African-led International Support Mission to the Central African Republic (AFISM-CAR) to guarantee, before all else, protection of the population throughout the country; AFISM-CAR should:
 - specifically guarantee the protection of journalists and human rights defenders
 - establish more provincial garrisons in the country's main cities
 - increase patrolling in a wide area around the garrison to prevent all acts of violence and human rights violations
 - support the implementation of the Libreville Agreements, which covers containing and disarming the Seleka rebels
 - guarantee the security of national institutions, of diplomatic offices and of international institutions
 - facilitate freedom of movement for people and goods
 - Contribute to the fight against impunity, in particular through cooperation with Central African and international justice, if applicable
 - facilitate humanitarian operations and the work of the human rights organisations throughout the country
 - Assign, to the AFISM-CAR a team of independent observers to guarantee that it fulfils its mandate in accordance with international human rights law
- Adopt sanctions, e.g. the freezing of financial assets, against individuals presumed responsible for serious abuses of human rights, especially former rebel leaders and Seleka com-zones

- Strengthen the means and the mandate of the UN Integrated Peacebuilding Office in the Central African Republic (BINUCA) in particular:
 - strengthen the effectiveness of the disarmament, demobilisation and reintegration (DDR) process for the Seleka and other rebel fighters
 - facilitate the reform of the security sector, including training defence and law enforcement forces in human rights and international humanitarian law, and the establishment of an effective vetting mechanism (exclusion from the defence and law enforcement forces of any individual who has allegedly committed human rights' violations)
 - strengthen its action with regard to the fight against impunity, including for sexual crimes
 - create a protection unit for human rights defenders
 - include a training and capacity-building action for civil society organisations
 - increase the number of investigations on the situation of human rights throughout the country and provide for public access to the same
 - encourage the authorities to harmonise national law with international law and to ratify international instruments on the protection of human rights
 - support the creation of a national human rights institutions in compliance with the Paris Principles
- Encourage authorities to implement a human rights roadmap, including these recommendations

III. Recommendations to the United Nations Security Council

- Publish, as quickly as possible, the report on the human rights situation in CAR
- Appoint a Special Rapporteur on the situation in CAR

IV. Recommendations to the European Union

- To remain seized of the situation in CAR and publicly condemn all violations of international humanitarian law and human rights in the country
- Provide financial support to the AFISM-CAR
- Include human rights organisations in the strengthened policy dialogue process being held with Central African authorities, and examine the possibility of conditioning aid, with the exception of humanitarian aid, on compliance with a human rights roadmap
- Guarantee that aid provided by the EU supports justice and the creation of a free and transparent elections process
- In light of commercial negotiations underway between the EU and the CAR, guarantee that progress on human rights is examined and that the current human rights situation in CAR is used as the baseline
- Support civil society through the funding of action programmes for the protection of human rights

V. Recommendations to the International Criminal Court

To the Office of the Prosecutor

- Renew public statements on the Court’s jurisdiction over crimes committed since 1 July 2012 in CAR, and specifically since March 2013
- Conduct a fact-finding mission to CAR with a view to re-examining its jurisdiction over crimes committed in CAR since March 2013

To the Office of the Registrar

- Maintain the field bureau operational and continue to provide information on the Court’s jurisdiction beyond the Bemba case

To the Trust Fund for victims

- Continue to run projects to help victims of sexual crimes and extend them to include the victims of sexual violence as of March 2013.

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Establishing the facts

investigative and trial observation missions

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

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

Supporting civil society

training and exchange

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

Mobilising the international community

permanent lobbying before intergovernmental bodies

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

Informing and reporting

mobilising public opinion

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

FIDH
represents 178
human rights organisations
on 5 continents

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inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest, detention or exile. Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty

ABOUT FIDH

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

A broad mandate

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

A universal movement

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

An independent organisation

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

fidh

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