



## Improving Civilian Protection in Northwest Central African Republic

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# I. Map of Central African Republic



## II. Glossary

- ANT** Chadian National Army (*Armée Nationale du Tchad*)
- APRD** Popular Army for the Restoration of the Republic and of Democracy (*Armée Populaire pour la Restauration de la République et la Démocratie*)
- BONUCA** United Nations Peace-Building Office in the Central African Republic (*Bureau d'appui des Nations Unies pour la consolidation de la paix en République centrafricaine*)
- CEMAC** Central African Economic and Monetary Community (*Communauté Économique et Monétaire de l'Afrique Centrale*)
- ECCAS** Economic Community of Central African States
- ICC** International Criminal Court (*Cour pénale internationale*)
- FACA** Central African Armed Forces (*Forces armées centrafricaines*)
- FDPC** Democratic Forces for Central African People (*Front démocratique du peuple centrafricain*)
- FOMUC** Multinational Force in the Central African Republic (*Force multinationale en Centrafrique*)
- GP** Presidential Guard (*Garde Présidentielle*)
- ICCPR** International Covenant on Civil and Political Rights
- LCDH** Central African League for Human Rights (*Ligue Centrafricaine des droits de l'Homme*)
- MICOPAX** Council for Peace and Security in Central Africa Mission (*Mission de consolidation de la paix en Centrafrique*)
- MPRD** Movement for Peace, Reconstruction, and Development (*Mouvement pour la Paix, la Reconstruction et le Développement*)
- OCHA** Office for the Coordination of Humanitarian Affairs
- OHCHR** United Nations Office of the High Commissioner for Human Rights
- SSR** Security Sector Reform
- UFDR** Union of Democratic Forces for Unity (*Union des Forces Démocratiques pour le Rassemblement*)
- UNICEF** United Nations Children's Fund

### III. Summary

At the same time that efforts to put an end to the long-running civil war between government forces and rebel factions in the Central African Republic (CAR) appear to be gaining momentum, civilians living in the lawless northwest of the country continue to fend for themselves in the face of abuses by a variety of armed groups and by rampant banditry.

As the parties to the conflict in CAR conclude peace talks that began on December 5, 2008, in the capital, Bangui, this briefing paper assesses civilian protection concerns in the northwest of the country and makes recommendations for more effective civilian protection. Human Rights Watch urges the parties to the conflict, in particular CAR's government, to make civilian protection and human rights concerns the highest priority as the peace process progresses.

Human Rights Watch research in the north of the country in 2007 found government security forces to have been responsible for the majority of human rights violations in the northwest from 2005 to 2007. These abuses diminished after mid-2007, when the government's elite Presidential Guard (*Garde Présidentielle*, GP), which was responsible for the most serious abuses, withdrew most of its forces from the region. The regular Central African Armed Forces (*Forces Armées Centrafricaines*, FACA) have since assumed primary responsibility for security in the northwest, and Human Rights Watch research in the region in 2008 documented a diminished incidence of government abuses against civilians.

However, it is the government's responsibility not only to ensure that its security forces do not attack civilians, but also to protect its citizens from abuses by a number of armed actors ranging from war crimes to petty theft. Further, government abuses by no means ended in the north of the country, with FACA troops responsible for crimes such as extortion and theft in 2008.

The FACA is generally ineffective in protecting civilians in the north of the country, largely due to capacity constraints but also due to operating methodologies that put

civilians at risk. The FACA has failed to provide effective warnings of impending military operations and has resorted to use of indiscriminate lethal force, resulting in several preventable civilian deaths and injuries. As a result, Human Rights Watch research has found that civilians living in the northwest of CAR continue to suffer serious abuses at the hands of other armed groups, including CAR rebels and Chadian government soldiers. They also endure extreme insecurity as a result of persistent attacks by loosely organized criminal gangs that the government has not been able to control.

The CAR government should make every effort possible to improve civilian protection in the north, including by transferring military and financial resources from Bangui to peripheral areas where insecurity and banditry currently prevail.

One of the major impediments to the protection of human rights and the establishment of the rule of law in the northwest is a prevailing culture of impunity, particularly on the part of government security forces. Members of the Presidential Guard who were responsible for serious rights violations in the north of the country from 2005 to 2007 have yet to answer for their crimes. Government efforts to counter impunity have included judicial proceedings against soldiers accused of crimes such as theft and assault, but soldiers who have been responsible for the worst human rights abuses must be prosecuted as well.

Regional and multinational entities may be in a position to enhance government efforts to protect civilians and combat impunity. Both the United Nations and the Economic Community of Central African States (ECCAS) have deployed missions to CAR, including peacekeeping troops, which can augment CAR government efforts to improve civilian protection in the northwest by conducting presence patrols in insecure areas and by helping redirect available military and financial resources toward the areas of greatest need.

The United Nations Peace Building Support Office in the Central African Republic (*Bureau d'appui des Nations Unies pour la consolidation de la paix en République centrafricaine*, BONUCA) can help combat impunity by monitoring judicial

proceedings and facilitating practical aspects of investigations such as transportation and forensics.

## IV. Methodology

A February 2007 fact-finding mission to Central African Republic by Human Rights Watch documented widespread human rights abuses by CAR government forces in both the northwest and the northeast of the country, particularly by the government's elite Presidential Guard, as well as by rebel groups. Government counter-insurgency efforts against rebels were characterized by widespread crimes against civilians, including summary executions and the burning of villages. Human Rights Watch released its findings in a September 2007 report, *State of Anarchy*.<sup>1</sup>

As a result of the international concern following the publication of *State of Anarchy*, the CAR government invited Human Rights Watch researchers to reassess the human rights climate in the north and discuss possible remedies with government officials. Human Rights Watch researchers returned to CAR in March 2008 and conducted research in Ouham and Ouham-Pendé prefectures of northwest CAR, including in the towns of Bozoum, Bocaranga, Ngaoundaye, Bang, Mann, Ndim, Paoua, Markounda, and Maitoukoulou. Interviews were conducted in French; respondents spoke French or Sangho. The majority of interview subjects were identified by Human Rights Watch researchers in the field. In some instances, interviews were facilitated by local leaders, such as village administrators and members of civil society. Human Rights Watch also conducted interviews with sources in CAR and elsewhere by telephone, including up to November 2008. Human Rights Watch researchers were unable to follow up on abuses taking place in the northeast due to logistical and time constraints.

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<sup>1</sup> Human Rights Watch, *State of Anarchy: Rebellion and Abuses Against Civilians*, vol. 19, no. 14(A), September 2007, <http://www.hrw.org/en/reports/2007/09/13/state-anarchy>.

## V. Background

The citizens of the Central African Republic have endured dictatorial rule, corruption, and economic crisis since the country gained independence from France in 1960.<sup>2</sup> In the last decade alone, CAR has witnessed at least 10 military coup attempts and army mutinies, and an almost constant state of rebellion.<sup>3</sup>

In 2000 the United Nations Peace Building Support Office in the Central African Republic (*Bureau d'appui des Nations Unies pour la consolidation de la paix en République centrafricaine*, BONUCA) was set up in an effort to help bring an end to the almost permanent state of rebellion in the country—a goal that has proved elusive.<sup>4</sup>

In 2002, the UN's efforts were bolstered by the Multinational Force of the Central African Economic and Monetary Community (*Force Multinationale de la Communauté Économique et Monétaire de l'Afrique Centrale*, FOMUC), made up of 800 peacekeeping troops deployed to CAR by the Economic and Monetary Community of Central Africa (*Communauté Économique et Monétaire de l'Afrique Centrale*, CEMAC) in a bid to support the government of then-President Ange-Félix Patassé.<sup>5</sup> The next year, Patassé was overthrown by CAR's current President, François Bozizé.<sup>6</sup>

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<sup>2</sup> CAR ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, [http://www.transparency.org/news\\_room/in\\_focus/2008/cpi2008/cpi\\_2008\\_table](http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table) (accessed September 30, 2008). CAR ranked 171 out of 177 countries surveyed in the 2007-2008 United Nations Human Development Index, <http://hdr.undp.org/en/statistics/> (accessed September 30, 2008).

<sup>3</sup> Human Rights Watch, *State of Anarchy*.

<sup>4</sup> BONUCA was established in accordance with UN Security Council Resolution 1271 (1999). As of May 31, 2008, the strength of BONUCA was 23 international civilian staff, five military advisers, six civilian police, three UN volunteers and 54 local civilian staff.

<sup>5</sup> CEMAC is a regional bloc of Central African states sharing a common currency, the CFA franc; member states include Cameroon, CAR, Chad, the Republic of Congo, Equatorial Guinea and Gabon.

<sup>6</sup> Bozizé came to power with military support from the governments of France, Chad, the Democratic Republic of the Congo, Gabon, and the Republic of the Congo. Chadian support was particularly robust: a substantial percentage of the soldiers who helped Bozizé seize power were Chadian nationals, and Chadian commandos continue to provide security for President Bozizé. Patassé had overthrown his predecessor with support from Libya, and Bozizé's ascension to the presidency moved CAR decisively out of Libya's sphere of influence and into the Chadian orbit. Human Rights Watch, *State of Anarchy*. See also International Crisis Group, "République Centrafricaine: anatomie d'un état fantôme," Africa report No. 136, December 13, 2007, <http://www.crisisgroup.org/home/index.cfm?l=2&id=5259> (accessed Dec. 16, 2008) p.15.



Bozizé was elected president of CAR in May 2005 elections that were considered free and fair but that excluded ex-President Patassé. Shortly thereafter, rebellion broke out in Patassé's home region in the northwest of the country. The main rebel group in the northwest, the Popular Army for the Restoration of the Republic and Democracy (*Armée Populaire pour la Restauration de la République et la Démocratie*, APRD), was largely comprised of elements of ex-President Patassé's Presidential Guard. A separate rebellion in northeast CAR, led by the Union of Democratic Forces for Unity (*Union des Forces Démocratiques pour le Rassemblement*, UFDR), was comprised mainly of soldiers who helped bring Bozizé to power but later turned against him for failing to adequately compensate them for their support. A third group, the Democratic Front of the Central African People (*Front démocratique du peuple centrafricain*, FDPC), was led by Abdoulaye Miskine, a Chadian national with close ties to the Libyan government.

Between 2005 and mid-2007, the government's elite Presidential Guard (*Garde Présidentielle*, GP) was responsible for numerous serious rights violations in the north of the country, where hundreds of civilians were summarily executed and many thousands of homes were burned, typically in the context of counter-insurgency operations against anti-government groups. A Human Rights Watch investigation in northern CAR in 2007 found the GP unit based at Bossangoa to have been particularly abusive.<sup>7</sup>

In response to international outcry over the mayhem in the north, President Bozizé ordered the withdrawal of most GP troops from the north of the country, and in mid-2007 the FACA assumed primary responsibility for security in the region.

On June 21, 2008, the APRD and the UFDR signed the Comprehensive Peace Agreement in Libreville, Gabon.<sup>8</sup> This accord, which extended a general amnesty to all parties to the conflict (excepting individuals accused of war crimes, genocide, crimes against humanity or any offense within the jurisdiction of the International

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<sup>7</sup> See Human Rights Watch, *State of Anarchy*.

<sup>8</sup> "Centrafrique: Accord de paix entre le gouvernement et deux factions rebelles," Agence France Presse, June 21, 2008, <http://www.romandie.com/infos/news2/080621180658.2scswju6.asp> (accessed July 2, 2008). The FDPC rebels signed a bilateral peace agreement with the government in February 2007.

Criminal Court (ICC)), prepared the groundwork for an internationally-mediated Inclusive Political Dialogue (*Dialogue Politique Inclusif*) between the CAR government, former rebel factions, and civil society groups. Although the peace process broke down in August 2008 over a dispute on the terms of an amnesty agreement,<sup>9</sup> and government and rebel forces skirmished in the north of the country on several occasions in October and November,<sup>10</sup> the parties to the conflict agreed to participate in the Inclusive Political Dialogue in Bangui from December 5 to 20, 2008.<sup>11</sup>

Progress on the peace process and the government's efforts to improve its rights record have resulted in increased engagement by international actors in CAR. BONUCA brought a team to CAR in May 2008 to support security sector reform (SSR) and governance reform, including justice sector reform and the extension of state services.<sup>12</sup> In June 2008, CAR became the fourth country to be placed on the agenda of the UN Peacebuilding Commission, which aims to help states emerging from conflict avoid sliding back into war.<sup>13</sup>

In July FOMUC transferred its operational responsibilities to an expanded mission, the Council for Peace and Security in Central Africa Mission (*Mission de consolidation de la paix en Centrafrique*, MICOPAX), a peacebuilding operation comprised of Congolese, Chadian, Cameroonian and Gabonese combat troops as well as police, gendarmes, and a civilian element mandated to help revive political dialogue. MICOPAX, which operates under the authority of the Economic Community

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<sup>9</sup> "Central Africa rebels, parties quit talks en masse," Reuters, August 5, 2008 <http://africa.reuters.com/top/news/usnBAN524195.html> (accessed October 7, 2008). The APRD clashed with government forces on August 8 near Ngaoundaye, on August 12 near Mann, and possibly on August 13-14 between Ouandago and Kabo (the rebel group involved in this last skirmish has not yet been confirmed). HDPT CAR, "News Bulletin 73 (11 August - 18 August 2008)," <http://hdptcar.net/blog/2008/08/18/news-bulletin-73-11-august-18-august-2008/> (accessed October 7, 2008). On September 3, a contingent of approximately 100 soldiers from the FACA and the GP clashed with APRD elements on the Bozoum-Paoua road, with seven rebels reported killed. HDPT CAR, "News Bulletin 75 (1 - 8 Sep 2008)," <http://hdptcar.net/blog/2008/09/08/news-bulletin-75-1-8-sep-2008/> (accessed October 10, 2008).

<sup>10</sup> "République centrafricaine: Déjà-vu D(é)s accords pour la paix au détriment des victims," Federation Internationale des Ligues des Droits de l'Homme (FIDH), pp. 36-37, December, 2008.

<sup>11</sup> "Central Africa peace forum to take place in December," Agence France Presse, November 8, 2008.

<sup>12</sup> In supporting security sector reform, the Peacebuilding Fund joined the European Union (EU)-managed and French-led program launched during a national planning seminar in Bangui in April 2008. HDPT CAR, "News Bulletin No. 59, 5 - 12 May 2008," <http://www.reliefweb.int/rw/rwb.nsf/db900sid/LSGZ-7EMH5F?OpenDocument> (accessed October 7, 2008).

<sup>13</sup> UN News Center, "UN peacebuilding delegation visits Central African Republic," November 5, 2008, <http://www.un.org/apps/news/story.asp?NewsID=28827&Cr=peacebuilding&Cr1=fund> (accessed November 25, 2008).

of Central African States (ECCAS), is also mandated to support government efforts to tackle banditry, including by helping restructure the national army.<sup>14</sup>

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<sup>14</sup> The ECCAS differs from CEMAC in that it is a broader regional bloc that includes CEMAC member states as well as the Democratic Republic of Congo, Rwanda, Burundi, Angola, and São Tomé and Príncipe. CEMAC and ECCAS, both of which are dedicated to the establishment of a common market, are exploring ways to merge into a single organization. See “Final Joint Communiqué, 1st meeting of ECCAS and the EU at Ministerial Troika level Brussels, 10 November 2008,” November 10, 2008, <http://europa.eu/rapid/pressReleasesAction.do?reference=PRES/08/323&type=HTML> (accessed December 8, 2008).

## VI. Ongoing Abuses of Civilians

Civilians living in the north of CAR continue to experience serious human rights abuses at the hands of armed groups that include APRD rebels and Chadian government soldiers, and in some instances the very FACA soldiers entrusted with their protection. For example, - FACA soldiers manning a checkpoint outside of Ndim in the northwest shot and wounded a man on February 5, 2008, in an attempt to rob him of the money he had earned selling cotton at Bocaranga market.<sup>15</sup> Civilians also endure extreme insecurity as a result of persistent attacks by loosely organized criminal gangs known as *zaraguinas*. Like the Chadian National Army (*Armée Nationale du Tchad*, ANT) and the APRD, the *zaraguinas* have taken advantage of the security vacuum created by the withdrawal of most elements of the GP from the northwest of the country to attack and prey upon civilians at will.

Since 2005 almost 300,000 people have been displaced by conflict and insecurity in northern CAR. Of these, more than 104,000 have fled northern CAR for refuge in Chad, Sudan, and Cameroon, and 108,000 are internally displaced. Approximately 85,000 internally displaced persons have returned to their areas of origin in 2008.<sup>16</sup>

APRD rebels control many of the smaller towns and rural areas in the northwest and have been responsible for numerous rights abuses in 2008, including the summary execution of civilians.<sup>17</sup> Human Rights Watch documented several incidents in which the APRD arbitrarily executed individuals suspected of sorcery in Kodi commune, between Bocaranga and Bang in the far northwestern corner of the country.

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<sup>15</sup> Human Rights Watch interview with residents, Kowone, CAR, March 8, 2008.

<sup>16</sup> HDPT CAR, "Central African Republic Fact Sheet," October 1, 2008," [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/FA00BCF54AFAD27AC125750C007191CF/\\$file/HDPT+CAR+Fact+Sheet+1+Oct+08.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/FA00BCF54AFAD27AC125750C007191CF/$file/HDPT+CAR+Fact+Sheet+1+Oct+08.pdf) (accessed November 30, 2008).

<sup>17</sup> The bulk of the APRD forces are organized into two operational groups: one north of Paoua, and another north and west of Kaga Bandoro. Recent abuses against civilians have been most widespread in the area north of Paoua, which is under the control of APRD spokesperson Laurent Djim Weil. International Crisis Group, "République Centrafricaine: anatomie d'un état fantôme," Africa report No. 136, December 13, 2007, <http://www.crisisgroup.org/home/index.cfm?l=2&id=5259> (accessed October 8, 2008). The area around Kaga Bandoro is under the operational control of APRD leader Maradoss Lakoué, who has been more successful than some of his colleagues at maintaining discipline among his fighters. In the past, Lakoué's fighters extorted money from civilians at roadblocks and raped women but the incidence of these abuses has diminished. Lakoué's soldiers have received training from the Norwegian Refugee Council on gender-based violence and international humanitarian law. Human Rights Watch interview, Bangui, CAR, March 4, 2008.

Eyewitnesses told Human Rights Watch that APRD elements summarily executed individuals as a demonstration of the degree of authority they wield in areas under their control.<sup>18</sup> On February 17, 2008, in the wake of a *zaraguina* raid near the village of Mberewok in northwest CAR, APRD soldiers killed four people they accused of aiding the *zaraguinas*. Saopou Pierre, a 62-year-old man, was shot and killed, along with two of his sons, age 18 and 27, and a fourth civilian, 27-year-old Mbaye Aymé.<sup>19</sup>

The ANT has also been responsible for abuses of civilians in the north of CAR in 2008.<sup>20</sup> Farmers in northern CAR told Human Rights Watch that they appealed to APRD rebels in late 2007 to defend them against nomadic Peuhl herders, who are frequently the farmers' antagonists in clashes over access to grazing and water sources. Farmers told Human Rights Watch that they believed that their association with the APRD triggered a violent response by Chadian authorities. The first incursions by the Chadian army took place in mid-January 2008 in the village of Sabo, followed by attacks on Dokabi, Bele, and Daga on the Markounda-Maitoukoulou road, as well as Bedaya 2 and Bebingui, north of Paoua, in mid-February 2008. The violence intensified on February 29, 2008, when six villages were burned and four civilians were killed by ANT soldiers.<sup>21</sup>

It remains unclear whether the attacks by the Chadian army were approved and coordinated with CAR authorities, who have in previous years allowed the Chadian army to operate within the border region. The fact that the raids were related to APRD activity raises the possibility that CAR authorities may have authorized the attacks. One of the villages attacked, Bebingui, is the hometown of APRD spokesperson Laurent Djim Weil.

Senior officials in the CAR government disagree about whether ANT enjoys a *droit de poursuite* (right to pursue) criminals on CAR territory, with some stating that the

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<sup>18</sup> Human Rights Watch interviews, Bang, CAR, March 7, 2008, and Mann, CAR, March 8, 2008.

<sup>19</sup> Human Rights Watch interviews, Bang, CAR, March 7, 2008, and Mann, CAR, March 8, 2008.

<sup>20</sup> ANT units involved in the attacks include those based at Moïssala, Koumra, Goré, and N'Djaména. Human Rights Watch interviews, CAR, March 2008.

<sup>21</sup> Human Rights Watch interviews, CAR, March 2008. An APRD rebel who fought against a joint force of ANT troops and Peuhl herders in Dembo, CAR, in February 2008 told Human Rights Watch that an ANT captain was killed in the skirmish, and that attacks on CAR villages intensified afterward. Human Rights Watch interview, Lieutenant Tobaïe Jacob, APRD Commissaire Politique, Zone 6, Maïnoudjoun, CAR, March 2008

Chadian army has the right to penetrate up to 200 kilometers into CAR territory in pursuit of armed groups, and others averring that no such agreement exists. In light of the ANT attacks against civilians, a senior government official told Human Rights Watch that the legal parameters of the Chadian government's *droit de poursuite* would have to be examined.<sup>22</sup>

The single largest threat to civilian security in the north of the country comes from loosely organized bandits known as *zaraguinas*, who prey upon civilians with impunity.<sup>23</sup> *Zaraguinas* are not parties to the conflict in CAR but are organized criminal gangs, with goals that are purely economic and tactics that include hostage-taking.<sup>24</sup> With ransom demands ranging upwards from 100,000 CFA (US\$220), entire communities have had to pool resources to liberate captives. *Zaraguinas* have been known to kill hostages whose families are unable to meet ransom demands.

A recent report by the Internal Displacement Monitoring Center found that internally displaced children in CAR face severe protection problems from ongoing insecurity and violence. Some displaced children, including girls, have been kidnapped by bandits for ransom. Children have also been recruited into armed forces or groups.<sup>25</sup>

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<sup>22</sup> Human Rights Watch interview with Minister of Foreign Affairs Dieudonné Kombo-Yaya, Bangui, CAR, March 2008.

<sup>23</sup> Though *zaraguinas* are most often Chadian nationals, many hail from CAR, Cameroon and Niger. *Zaraguinas* first arrived on CAR territory in the early 1980s as fallout from the Chadian civil war. Since President Bozizé's assumption of power, the number, scope and intensity of attacks by *zaraguinas* have risen dramatically.

<sup>24</sup> See Saïbou Issa, "La prise d'otages aux confins du Cameroun, de la Centrafrique et du Tchad: une nouvelle modalité du banditisme transfrontalier," *Polis* 13, 1-2 (2006), pp. 119-146 (accessed October 17, 2008).

<sup>25</sup> "State of Neglect: Displaced Children in the Central African Republic," Internal Displacement Monitoring Center, November 26, 2008, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/9A2DBF7DA45DF1E4C125750D002FB289/\\$file/CAR\\_SCR\\_Novo8.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/9A2DBF7DA45DF1E4C125750D002FB289/$file/CAR_SCR_Novo8.pdf) (accessed November 30, 2008).

## VII. Improving Civilian Protection

CAR is a party to several international human rights treaties that impose an obligation on government authorities to guarantee protection from unlawful and arbitrary violations of the right to life, freedom from inhuman and degrading treatment and torture, freedom from arbitrary detention, and the right to protection of the home and family.<sup>26</sup>

Human Rights Watch research in northwest CAR in March 2008 found that the withdrawal of the bulk of the GP forces from the northwest in mid-2007 had a significant impact on the scale of human rights violations in the region, as the GP had been responsible for the majority of abuses against civilians.

Following the withdrawal of most GP elements from the north, the FACA significantly broadened its deployment in the region. However, the FACA, which is made up of no more than 5,000 soldiers nationally, has had minimal impact on insecurity in the north.<sup>27</sup> FACA soldiers are issued substandard weapons and rations, are poorly trained, and suffer from low morale: salaries have been in arrears for as long as 33 months, and nearly 15 percent of FACA soldiers are past the mandatory retirement age stipulated in article 3(2)(g) of the *Règlement financier de l'Instrument de Stabilité*.<sup>28</sup>

While a lack of capacity undoubtedly hinders the CAR government's ability to protect vulnerable civilians in the north of the country, better planning and operational methodologies might help the FACA make the most of available resources. The

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<sup>26</sup> In the context of hostilities occurring as part of armed conflict, international humanitarian law, as the *lex specialis* or specialized law, takes precedence but does not replace human rights law. International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by CAR on May 8, 1981; Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by CAR on April 23, 1992; African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by CAR April, 26 1986.

<sup>27</sup> United Nations Development Program, "Crucial Steps: Security sector reform in the Central African Republic," 2008, [http://hdptcar.net/blog/wp-content/uploads/2008/06/undp\\_ssr\\_report\\_may\\_2008.pdf](http://hdptcar.net/blog/wp-content/uploads/2008/06/undp_ssr_report_may_2008.pdf) (accessed Dec 16, 2008).

<sup>28</sup> "Etat des lieux des forces de defense," document prepared by Général de Brigade Francois Mobeou, Deputy Chief of Staff of the FACA, for the Séminaire National sur la Réforme du Secteur de la Sécurité, held in Bangui, CAR, April 14-17, 2008.

presence of international missions in CAR such as BONUCA and MICOPAX could significantly improve civilian protection.

The Human Rights Section of BONUCA, which is supported by the United Nations Office of the High Commissioner for Human Rights (OHCHR), raises human rights cases and issues with local and national government officials, and supports government efforts to adopt a national human rights action plan and establish a strong and independent national human rights commission.<sup>29</sup> BONUCA's activities have a direct impact on civilian protection given the core role that the prevention of human rights violations plays in the provision of overall civilian protection.

### **Expand and Enhance Protection Presence**

Despite the rampant banditry destabilizing the north of CAR, as much as 80 percent of the FACA's 5,000 soldiers are confined to Bangui at any given time.<sup>30</sup> When FACA units do deploy to areas where civilians suffer from insecurity, they do not conduct regular patrols and generally venture no further than a few kilometers from the towns in which they are based, according to civilians living in areas of the northwest with a FACA presence.<sup>31</sup> The mere deployment of security forces that are poorly armed, badly trained, lack motivation, or are not strategically mobilized to safeguard civilians under circumstances that may be hazardous is clearly failing to achieve the necessary protection. By expanding its presence and visibility beyond the capital and the immediate vicinity of its bases in the northwest, the FACA would likely be better placed to deter attacks against civilians.

At the time that it transferred its operational responsibilities to MICOPAX in July 2008, FOMUC was deployed mostly in the northeast and the northwest of the country, in Bozum, Kaga-Bandoro and Paoua, and had been expanding its presence on the

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<sup>29</sup> United Nations, "Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad," September 12, 2008, S/2008/601, <http://daccessdds.un.org/doc/UNDOC/GEN/No8/500/54/PDF/No850054.pdf?OpenElement> (accessed September 30, 2008).

<sup>30</sup> "Etat des Lieux Des Forces De Defense," Général de Brigade François Mobeou, Deputy Chief of Staff of the FACA, document prepared for the National Security Sector Reform Seminar, held in Bangui, CAR, April 14-17, 2008. See also, "République centrafricaine: Déjà-vu D(é)s accords pour la paix au détriment des victimes," Federation Internationale des Ligues des Droits de l'Homme (FIDH), December, 2008.

<sup>31</sup> Human Rights Watch interviews with civilians and local leaders and government officials, various locations, CAR, March 2008.



ground, with the arrival in 2008 of a contingent of 120 soldiers from Cameroon.<sup>32</sup> MICOPAX is well positioned to conduct presence patrols on key corridors in highly insecure areas, such as the roads between Batangfo and Pauoa in the far northwest, which farmers can no longer use to bring their produce to market due to banditry.<sup>33</sup>

### *Recommendation 1*

The CAR government should deploy sufficient military personnel, police and resources to areas affected by banditry and insecurity to ensure that civilians are protected from further attacks.

### *Recommendation 2*

MICOPAX should conduct patrols of areas in the far northwest of CAR where banditry has been allowed to continue unchecked.

## **Provide Effective Warnings of Impending Military Operations**

In 2008 FACA forces, in some cases supported by *archers* (local self-defense groups), have on some occasions raided *zaraguina* encampments and have been able to temporarily dislodge *zaraguinas* from their strongholds. However, Human Rights Watch researchers found that after FACA forces concluded operations in a given area and returned to their bases, civilians often found themselves targeted for violent reprisals by *zaraguinas*.<sup>34</sup>

In late February 2008, FACA forces attacked *zaraguina* bases in Kouï, west of Bocaranga near the Cameroon border. Villagers living nearby told Human Rights Watch that the first indication of fighting was the sound of gunshots; after the FACA withdrew, civilians were subjected to brutal retaliation at the hands of the *zaraguinas* who had been targeted. Bandits burned the villages of Kaita, Assana,

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<sup>32</sup> UN Security Council, "Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Peacebuilding Support Office in that country," June 23, 2008, S/2008/410.

<sup>33</sup> In September 2008 soldiers from the Chadian MICOPAX contingent received training on the UN guiding principles on the rights of internally displaced people and child protection. The workshop was conducted jointly by the United Nations refugee agency (UNHCR), BONUCA and the United Nations Children's Fund (UNICEF). HPDT CAR, "News bulletin 77 (15 - 22 Sep 2008)" <http://hdptcar.net/blog/2008/09/22/news-bulletin-77-15-22-sep-2008/> (accessed October 4, 2008).

<sup>34</sup> Human Rights Watch interviews, De Gaulle, CAR, March 6, 2008.

Yazabo, and Sangodoro, forcing civilians to flee to the nearby town of De Gaulle, which saw its population of 12,500 jump by about 1,500 in the space of a week.<sup>35</sup>

International humanitarian law requires that so long as circumstances permit, warring parties must give “effective advance warning” of attacks that may affect the civilian population. Civilians who do not evacuate following warnings are still fully protected by international law. Thus, even after warnings have been given, attacking forces must still take all feasible precautions to avoid loss of civilian life and property. This includes canceling an attack when it becomes apparent that the target is civilian or that the civilian loss would be disproportionate to the expected military gain.<sup>36</sup>

### *Recommendation 3*

The FACA should provide effective advance warning of military operations whenever possible, both broadly through loudspeakers, radio announcements or leaflets, and through direct messages to community leaders.

## **Enforce the Prohibition on the Indiscriminate Use of Force**

In some instances FACA operations pose an immediate threat to the civilians the army is meant to protect. On March 5, 2008, a FACA detachment based in Bocaranga encountered APRD rebels extorting market permit fees from local traders in the market in Gbama, a town in an APRD-controlled area. According to eyewitnesses, some 50 FACA soldiers opened fire and told villagers that if they fled, they would be presumed to be rebels. One civilian, Mbailaou Michel, was killed by FACA gunfire; another was wounded.<sup>37</sup>

The Bocaranga attack is a clear example of resorting to indiscriminate use of lethal force by FACA soldiers in violation of both international human rights and humanitarian law. This attack and others like it underline the failure of both sides to

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<sup>35</sup> Displaced people alleged the FACA had been paid to attack the *zaraguina* base by a Bouar-dwelling Muslim merchant, whose cattle-grazing land the *zaraguinas* had commandeered. Human Rights Watch interviews, De Gaulle, CAR, March 6, 2008.

<sup>36</sup> See ICRC, *Customary International Humanitarian Law*, rules 19 & 20, citing Protocol I, articles 57(2)(c) and 57(2)(b).

<sup>37</sup> Human Rights Watch interview with residents, Mann, CAR, March 8, 2008.

respect the rights of civilians and to take all feasible precautions to minimize harm to them.

In conducting policing operations, law enforcement officers, whether from the military or police, must only resort to lethal force where absolutely necessary to protect the right to life, and in no circumstances should they resort to the indiscriminate use of lethal force. In conducting military operations, each party to the conflict must do everything feasible to verify that targets are military objectives, and must not use indiscriminate lethal force.<sup>38</sup> All feasible precautions must be taken to avoid loss of civilian life and property.<sup>39</sup>

#### *Recommendation 4*

In the conduct of policing and security operations, the FACA and any other law enforcement agencies should never use indiscriminate lethal force, and should resort to lethal force only when necessary to protect the right to life.

#### *Recommendation 5*

The FACA should devote special attention to prohibiting and preventing the conduct of military operations that do not distinguish between military objectives and civilians, unlawfully target civilians who are not legitimate military objectives, or cause harm to civilians that is disproportionate to the expected military gain.

#### *Recommendation 6*

Governments providing assistance to CAR should ensure that all assistance programs have a prominent training component on human rights and international humanitarian law.

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<sup>38</sup> See generally, ICRC, *Customary International Humanitarian Law*.

<sup>39</sup> *Ibid*, rule 15, citing Protocol II, article 13(1).

## VIII. Ending Impunity

Ultimately, a military solution to the banditry and insecurity in northern CAR is only a short-term response. To ensure security, law and order, and the protection of the human rights of civilians, CAR needs to establish effective governance, provide economic opportunities, and create an effective police force and legal system, with guaranteed fair trials for everyone and access to justice for victims of human rights abuses.

The government of CAR is obligated under international law to investigate and prosecute all individuals responsible for war crimes, be they rebel or government.<sup>40</sup> If the government is unwilling or unable to fulfill these obligations, crimes committed may fall under the jurisdiction of the International Criminal Court (ICC). The ICC has maintained an office in Bangui since October 2007, following the opening of an investigation into crimes committed in 2002-2003 in conjunction with the *coup d'état* that brought Bozizé to power. All persons in CAR responsible for war crimes and other violations of the Rome Statute committed after July 2002, when the statute entered into force, may be subject to the ICC's jurisdiction.<sup>41</sup>

### Strengthen CAR's Commitment to Accountability

CAR's Permanent Military Tribunal, which has jurisdiction to try crimes and violations of military law committed by members of the CAR security forces, regularly reviews cases related to indiscipline and criminality on the part of members of the military, though the most egregious violators tend to escape its notice. Victims of abuses by members of the government security forces in the north of the country, where most violations have taken place, are inhibited from filing complaints due to fear of

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<sup>40</sup> Article 3 common to the four 1949 Geneva Conventions, ("common article 3"), and Additional Protocol II of 1977 to the Geneva Conventions. CAR became a party to the 1949 Geneva Conventions in 1966. CAR became a party to Additional Protocol II of 1977 to the Geneva Conventions in 1984.

<sup>41</sup> Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002. CAR ratified the Rome Statute on October 3, 2001.

retaliation, a lack of familiarity with judicial proceedings, and limited access to court officers.<sup>42</sup>

At a session held from April 27 to May 16, 2007, the tribunal heard cases against soldiers accused of murder, attempted murder, manslaughter, assault, rape, sale of armament, speeding, robbery, and desertion.<sup>43</sup> In a session in May 2007 the tribunal heard 32 cases in which members of the military were accused of crimes including assault, battery, and manslaughter; the tribunal convicted 14 defendants and acquitted one. The rest of the cases were either postponed to the next tribunal session or resulted in convictions for lesser crimes. The tribunal was scheduled to reconvene in December 2007, but that session was postponed due to a lack of funding.<sup>44</sup> The tribunal heard 24 cases in March and April 2008 and had planned to hold a session in October 2008, but was unable to do so as the CAR government failed to approve a budget for the session (a new budget must be approved each time the tribunal meets).<sup>45</sup>

Of the 24 cases heard by the tribunal in March and April 2008, all except two were against soldiers accused of minor crimes. Of the two cases involving more serious crimes, one case concerned a soldier who allegedly shot and killed a civilian in a market in the north of the country. Although further details relating to the crime are lacking, it is known that the tribunal sentenced the soldier to 20 years in prison. The second case was against a *sous-lieutenant* who was charged with summarily executing four civilians—including a woman and a baby—in the context of an attack on the town of Ngaondaye in the northwest in June 2007. Although President Bozizé himself referred the case for prosecution, the military tribunal found mitigating circumstances in favor of the accused and he was sentenced to five years in prison. These two convictions might be counted as modest successes in the struggle against impunity in CAR if not for the fact that both soldiers have reportedly been granted

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<sup>42</sup> Human Rights Watch, confidential communication, December 4, 2008. New dossiers can be opened before the Permanent Military Tribunal by a complaint from a victim or by way of referral from the CAR military hierarchy.

<sup>43</sup> “Résultats de la Session du Tribunal Militaire Permanent de la RCA Tenue du 27 Avril au 16 Mai 2007,” Permanent Military Tribunal of CAR, May 17, 2007.

<sup>44</sup> US Department of State, “Country Reports on Human Rights Practices—2007, Central African Republic,” March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100472.htm> (accessed November 28, 2008).

<sup>45</sup> Human Rights Watch, confidential communication, December 11, 2008.

amnesties for their crimes under the terms of an amnesty law passed by CAR's parliament on October 13, 2008. Both soldiers are expected to be released.<sup>46</sup>

In the eight months since the Permanent Military Tribunal was last convened, it has assembled only a handful of new dossiers, all related to minor crimes. Though the tribunal allows prosecutors to pursue investigations on their own initiative, a tribunal official told Human Rights Watch that the majority of the cases that reach trial are those that have already been investigated by the commanding officers of the alleged suspects.<sup>47</sup>

A non-public government report obtained by Human Rights Watch noted that military tribunal officials ignored widespread and grave violations carried out by the GP and FACA, but the report then dismissed such abuses as normal consequences of counterinsurgency, which indicates a deeply troubling lack of understanding or recognition of the place of international humanitarian law in government military operations.<sup>48</sup>

Further, senior GP commanders responsible for abuses in 2006-2007 that may have risen to the level of war crimes have never been brought to trial or even disciplined by the CAR government.<sup>49</sup> Most notoriously, Eugène Ngaïkosset, the commander of a Bossangoa-based GP unit that has been implicated in widespread atrocities in the northwest, has not been called to account for his crimes. Although diplomats in Bangui have urged President Bozizé to bring charges against Ngaïkosset, he was

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<sup>46</sup> Human Rights Watch, confidential communication, December 11, 2008. A group of Central African human rights organizations led by the Central African League for Human Rights (*Ligue Centrafricaine des droits de l'Homme*, LCDH) denounced the amnesty legislation as unconstitutional. "Déclaration des organisations de promotion et de défense des droits de l'homme relative à la promulgation de la loi sur le conseil supérieur de la magistrature malgré la censure de la cour constitutionnelle," news release, November 5, 2008.

<sup>47</sup> Human Rights Watch interview with Adjunct Commissioner of the Permanent Military Tribunal of CAR, Alisette Nzapaoko, Bangui, CAR, March 19, 2008.

<sup>48</sup> "Rappel de Quelques Sanctions Penales Prises Contre des Militaires entre 2003 et 2008," Government of CAR, undated document.

<sup>49</sup> Human Rights Watch interviews with members of the Permanent Military Tribunal of CAR, Bangui, CAR, March, 19, 2008; Human Rights Watch interview with CAR government officials, Bangui, CAR, March, 2008.

instead promoted to the rank of captain in March 2007 and placed in charge of a GP security brigade.<sup>50</sup>

President Bozizé told Human Rights Watch in a March 2008 meeting that he had questioned Ngaïkosset about his alleged crimes, and reported that Ngaïkosset had denied culpability, asserting instead that any villages destroyed had been put to the torch by rebels before the arrival of government forces, or were accidentally burned by warning flares fired by his men.<sup>51</sup> President Bozizé's explanation is not consistent with numerous eyewitness accounts collected by Human Rights Watch that detail Ngaïkosset's involvement in deliberately burning villages.<sup>52</sup>

On September 10, 2008, the ICC prosecutor sent a letter to the justice minister asking him to share all the dossiers of cases then under investigation by the military tribunal and emphasizing the need for national investigation of crimes committed in the north of the country. President Bozizé wrote a letter to UN Secretary General Ban-Ki moon on August 1, 2008, asking the UN to intercede in any possible ICC investigations of crimes in the north of the country pursuant to article 16 of the Rome Statute of the ICC, which empowers the UN Security Council to suspend court proceedings for up to 12 months, renewable, if required to maintain international peace and security.<sup>53</sup>

### *Recommendation 7*

The CAR government should ensure that the CAR Permanent Military Tribunal has sufficient, competent justices who have the resources to investigate serious human rights abuses and sufficient knowledge of international human rights law and international humanitarian law.

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<sup>50</sup> Human Rights Watch, *State of Anarchy*. Ngaïkosset graduated from military studies in Senegal with distinction and had had a spotless military record when he was dispatched to the northwest along with several other young officers to help quell the APRD rebellion. Human Rights Watch interviews, Bangui, CAR, March 13, 2008, and Paris, France, April 1, 2008.

<sup>51</sup> Human Rights Watch interview with President Bozizé, Bangui, CAR, March 2008.

<sup>52</sup> See Human Rights Watch, *State of Anarchy* for detailed accounts of Ngaïkosset's role.

<sup>53</sup> Letter from Francois Bozizé to Ban-Ki moon, August 1, 2008.

*Recommendation 8*

BONUSCA can enhance its impact on improving the rights climate in CAR in a number of ways, including by monitoring future sessions of the Permanent Military Tribunal and by facilitating practical aspects of investigations such as transportation and forensics, and by providing expert advice on international humanitarian law and the conduct of criminal investigations.

*Recommendation 9*

The International Criminal Court (ICC) should continue to encourage CAR government authorities to investigate and prosecute recent crimes committed the north, and CAR officials should comply in a timely manner with all ICC judicial requests, including requests for information about investigation and prosecution of crimes committed in the north.