



CENTRAL AFRICAN REPUBLIC

ACTION NEEDED TO END
DECADES OF ABUSE

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GLOSSARY

APRD	Armée populaire pour la restauration de la démocratie
AU	African Union
BINUCA	Bureau intégré des Nations unies pour la consolidation de la paix en République centrafricaine
BONUCA	Bureau des Nations unies pour la consolidation de la paix en République centrafricaine
CAR	Central African Republic
CEEAC	Communauté économique des Etats d'Afrique centrale
CEMAC	Communauté économique et monétaire d'Afrique centrale
CPJP	Convention des patriotes pour la justice et la paix
DDR	Disarmament, Demobilisation and Reintegration
DRC	Democratic Republic of Congo
DPI	Dialogue politique inclusif
EUFOR	European Force in Chad and CAR
FACA	Forces armées Centrafricaines
FDPC	Front démocratique du peuple Centrafricain
FOMAC	Force multinationale de l'Afrique centrale
FOMUC	Force multinationale en Centrafrique
FPR	Front populaire pour le redressement
GP	Garde présidentielle
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
LRA	Lord's Resistance Army
MICOPAX	Mission for the Consolidation of Peace
MINURCA	Mission des Nations unies en RCA
MINURCAT	Mission des Nations unies en République Centrafricaine et au Tchad
MISAB	Mission de surveillance des accords de Bangui
MLC	Mouvement de libération congolais
MLCJ	Mouvement des libérateurs centrafricains pour la justice
MNSP	Mouvement national de salut public
MSF	Médecins sans frontières
PSC	Peace and Security Council
SPLA	Sudanese Peoples Liberation Army
UFDR	Union des forces démocratiques pour le rassemblement
UNHCR	United Nations High Commissioner for Refugees
UPDF	Uganda Peoples Defence Forces

1. INTRODUCTION

The human rights situation in Central African Republic (CAR) is dire. Ravaged by a conflict involving a myriad of groups, the CAR is a volatile and unstable country. Innumerable human rights abuses, some of which may amount to war crimes and crimes against humanity, continue to be committed by the various parties in the conflict-ridden country. The civilian population bears the brunt of the abuses, which include unlawful killings, enforced disappearances, abductions, torture, destruction and burning of houses, and sexual violence, including rape. Tens of thousands of Central Africans have been forced to flee to neighbouring countries, and several hundred thousand civilians are internally displaced in the CAR.

The CAR government must step up measures to ensure that the root causes of the conflict in the country are addressed and that the rights of the people are respected. In support of the CAR, the African Union must spearhead efforts to ensure that the conflict, which continues to bring untold suffering to civilians, is resolved and that coordinated efforts to protect civilians from human rights abuses are enhanced.

Grave human rights violations, including possible war crimes and crimes against humanity, continue to be committed in the CAR by the various armed groups. Only one person has been put on trial for these crimes at the International Criminal Court. The government has shown itself to be incapable or unwilling to take action to uphold and protect human rights. The police, prosecutors and investigating judges are unable, and it appears sometimes unwilling, to investigate and prosecute people who have committed these acts.

Abuses that may amount to crimes under international law continue to be perpetrated in the CAR with impunity, despite the fact that they are defined and criminalized in the new Penal Code, which came into force in January 2010.¹ The other reasons include the fact that CAR is unstable, has a malfunctioning criminal justice system, has ill-equipped, ill-disciplined, poorly trained security forces, and has tenuous control over most of the country.

The referral of the situation in CAR to the International Criminal Court has resulted in just one arrest – of a foreign national now on trial for war crimes and crimes against humanity in 2002-3.² No other arrest warrants have been issued (see section 4). Although many of the armed groups have claimed that they have taken up arms to protect their people from government forces, they themselves have committed crimes and perpetrated abuses against civilians, especially those they accuse of supporting the government.

METHODOLOGY

As part of the organization's continuing research on the CAR, Amnesty International sent two researchers to the CAR in July 2010. The main purpose of their visit was to gather information about human rights abuses and the role played by the government, armed group leaders and intergovernmental organizations to uphold human rights and ensure adherence to international humanitarian law. Some of the information contained in this report was gathered by the researchers from other published sources, before, during and after their visit.

The researchers interviewed several dozen people, including victims of human rights abuses, members of the Central African civil society, humanitarian and human rights workers, and foreign diplomats. Amnesty International is disappointed that repeated requests for meetings with senior government officials were ignored. The organization is grateful for interviews granted by two government officials and a leader of an armed political group. Attempts to meet other government officials, including government ministers, were unsuccessful despite numerous requests for meetings through the Ministry of Foreign Affairs. Amnesty International hopes that its representatives will during future visits be able to meet more government officials to discuss concerns and recommendations on human rights in the CAR.

Some of the information in this report was gathered by Amnesty International's researchers before and after they visited the CAR in July 2010. Examples of abuses mainly pertain to 2010 but closely mirror those that occurred in previous years.³

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

The organization calls especially on the African Union to:

- take the lead in coordinating the CAR and other foreign governments and intergovernmental organizations' efforts to seek the resolution of root causes of the armed conflict in CAR;
- urgently adopt lawful measures necessary to bring an end to the human rights and humanitarian crises in the CAR, which are also affecting neighbouring countries;
- ensure the immediate protection of a beleaguered civilian population in the CAR from armed groups and especially from elements of the Lord's Resistance Army (LRA); and
- end impunity by ensuring that perpetrators of human rights abuses are brought to justice in the CAR and elsewhere, in trials that meet international standards.

2. HUMAN RIGHTS ABUSES, INCLUDING WAR CRIMES AND CRIMES AGAINST HUMANITY

2.1 HUMAN RIGHTS ABUSES BY MEMBERS OF CAR ARMED OPPOSITION GROUPS

Armed opposition groups from inside and outside the CAR have carried out human rights abuses. These abuses appear to have been carried out, ordered or condoned by leaders of these armed groups. None of the perpetrators have been brought to justice in a court of law. Amnesty International urges leaders of the armed groups to cooperate with national and/or international courts of law to bring the perpetrators to justice. Justice against past perpetrators would play a significant role in dissuading leaders and members of current and future armed groups from deliberately targeting civilians. The list of perpetrators mentioned below is not exhaustive and is not intended to single out those considered to be the worst violators. It is simply a snapshot based on information that Amnesty International has been able to obtain and confirm.

2.1.1 CONVENTION DES PATRIOTES POUR LA JUSTICE ET LA PAIX

Members of the Convention des patriotes pour la justice et la paix (CPJP) have been responsible for numerous human rights abuses and violations of international humanitarian law. There continues to be serious concern among humanitarian organizations that their work is made very difficult and dangerous in the northeast due to escalating levels of fighting between government forces and the CPJP, as well as between CPJP and other armed groups. CPJP attacks on civilians and government forces appear to have escalated after the disappearance and alleged death of its leader, Charles Massi, in January 2010. These have included direct attacks on civilians. Such attacks are prohibited by international humanitarian law. The CPJP accused CAR government forces of killing Charles Massi after he was allegedly handed over to them by their Chadian counterparts.

Members of the CPJP have repeatedly been accused of targeting local civilian government officials, killing some of them and looting or destroying their property. One such attack took place on the night of 2 July 2010 at Takara, a village situated between the towns of Ndele and Ouadda in Vakaga province. CPJP fighters attacked the home of a local official and looted his property, including two sheep and two bicycles. On leaving the village, the CPJP fighters reportedly threatened to return and attack the village if the residents informed CAR government armed forces known as the *Forces armées centrafricaines* (FACA) about the attack. Expecting the CPJP to return, many of the residents fled to Ndele town.

CPJP fighters often carry out attacks on civilians to loot food to eat and property to sell. Such acts may comprise the war crime of pillaging. For example, Amnesty International researchers were informed that in July 2010, CPJP fighters occupied and looted the property of the population of Yagoundrondia, some 130 kilometres from Bria in Haute-Kotto province.⁴ People interviewed by Amnesty International stated that CPJP fighters looted from shops and

homes, extorted money from travellers and looted livestock from the local population. Similar abuses have been reported in north-eastern CAR where CPJP fighters are active.

2.1.2 ARMÉE POPULAIRE POUR LA RESTAURATION DE LA DEMOCRATIE

Amnesty International also received reports of human rights abuses by the Armée populaire pour la restauration de la démocratie (APRD). These abuses against civilians have continued, despite a lull in clashes between the APRD and government forces since 2008. For example, in February 2010 APRD fighters are reported to have killed 18 Chadian cattle keepers between Bossangoa and Poua in north-western CAR. A Chadian consular source in the CAR told AFP news agency that the cattle keepers had been killed by armed men whose intention was to steal the cattle. Although the circumstances of the killing of the cattle keepers are unclear, APRD fighters frequently extort money or force cattle keepers to sell their animals to pay taxes imposed by the APRD.

Similar abuses were reported in 2009. For example, the APRD killed a local businessman known as Souleyman Garga on 24 April 2009 in Paoua, allegedly by or on the orders of an APRD commander. An APRD leader told Amnesty International researchers in July 2010 that following a complaint by the family of Souleyman Garga the APRD leadership detained the commander and paid compensation to the deceased businessman's family. The APRD leader denied reports that the APRD commander had been extrajudicially executed on the orders of the group's leadership.

In January 2011, the United Nations expressed concern that the APRD had been responsible for summary justice and that trials were carried out in an arbitrary manner.⁵ The UN Secretary General's Representative in the CAR had learned that in May 2010, the APRD had executed five people who had been found guilty of witchcraft by the people's tribunals. The people's tribunals are informal courts operated and run by the APRD. As well as being opposed to the death penalty in all cases, Amnesty International is concerned that the five people were unlawfully killed.

On 30 January 2011, suspected members of the APRD abducted eight workers of the Spanish section of Médecins sans frontières (MSF) who were travelling in a vehicle close to the CAR/Chad border. Two days later, six of the workers who were Central Africans were found in the vehicle but two of their colleagues who were Spanish had been taken away by the abductors. Humanitarian sources in the CAR said that the abductions may have been intended to exert pressure on the CAR government to release an APRD fighter who had been detained by government forces in Bossembélé. The two abductees were released by their captors on 10 February 2011, although the APRD fighter is not known to have been released by July 2011.

2.1.3 MOUVEMENT DES LIBÉRATEURS CENTRAFRICAINS POUR LA JUSTICE FACTION

In June 2010, a Mouvement des libérateurs centrafricains pour la justice (MLCJ) faction, predominantly composed of fighters of Sudanese origin attacked residents of Kamoune village near Birao where the Mission des Nations unies en République centrafricaine et au Tchad⁶ (MINURCAT) forces had a base. Amnesty International researchers were informed that the MLCJ fighters looted property belonging to the residents. Although there were no reports of any civilian casualties, scores of the residents fled the area and were internally displaced.⁷

2.2 ABUSES BY THE LORD'S RESISTANCE ARMY

Among the groups in the CAR responsible for grave human rights abuses, some of which may amount to war crimes and crimes against humanity, is the Lord's Resistance Army (LRA). The LRA has caused the most alarm since early 2008. The LRA has launched incursions into eastern CAR, mostly from neighbouring Democratic Republic of Congo (DRC) and at times from South Sudan.⁸ The abuses committed by the LRA include unlawful killings, abductions, sexual violence including rape, mutilations, looting food and property, forcibly recruiting children and using them as fighters, and burning homes.

In July 2010 Amnesty International researchers met and interviewed scores of victims of LRA abuses. The interviewees included two women and a man who had been abducted from south-eastern CAR and forced by the LRA to take part in its operations.

The women alleged that they were raped or subjected to sexual slavery by LRA commanders. Other LRA victims interviewed by Amnesty International researchers included civilian men who had been injured during an LRA ambush in which several civilians were killed. The experiences of Félicité Mboligassie, Aubin Kotto Kpenze, Adimedi Kombobira, Thierry Bakonote and François d'Assise Bangbanzi, described below, suggest that LRA fighters have committed abuses that may amount to war crimes. These include mutilation, cruel treatment, torture, rape, sexual slavery, pillaging, the conscription of children under the age of 15 and intentional directing of attacks against civilians. These testimonies also reveal that abuses, which may amount to crimes against humanity, were committed, including enslavement, severe deprivation of liberty, torture, rape, and sexual slavery.⁹

Félicité Mboligassie, a 26-year-old mother of two, was abducted with as many as 80 other men and women at around 1am on 6 March 2008 by the LRA in a village in Obo. The attackers were armed with guns and sticks, which they used to beat their captives.

LRA fighters took the captives to their base in Nabanga forest in the DRC. Mboligassie estimated that there were as many as 100 Central Africans in the camp. They included boys and young men who had been trained to use firearms and take part in combat operations. Mboligassie said she never took part in operations but was forced to be a cook for Joseph Kony, leader of the LRA. On arrival in the camp, women were distributed among LRA officers and were subjected to repeated rapes. Women who refused to have sex with the officers were beaten into submission. Mboligassie told Amnesty International researchers that she became the tenth woman of the LRA commander in charge of the camp and was repeatedly raped. She said she was described as the "wife" of the commander. Mboligassie was among hundreds of people in LRA camps in northern DRC when the forests in which they were located were attacked by the Ugandan army known as the Uganda Peoples Defence Forces (UPDF) in mid-December 2008. Mboligassie told Amnesty International researchers that the camp did not take direct hits from UPDF aerial bombardment and its residents fled before the UPDF soldiers reached it. Intermittent bombardment of the forests continued till February 2009 as she and other camp residents fled, hiding in the forests. In February 2009, she was shot in the thigh and captured by the UPDF in Doruma, north-eastern DRC. Between March and 1 June 2009 she and four young men from the CAR were moved by the UPDF between several military bases in eastern and western DRC before crossing on 2 June 2009 to the CAR capital, Bangui, from Zongo, across the Oubangui river.

Mboligassie told Amnesty International that on arrival in Bangui, she and the four boys were detained by the Gendarmerie. They were not interrogated or charged with any offence. After two weeks, the gendarmerie

released them without charge and handed them over to members of the National Assembly from south-eastern CAR. The politicians assisted them with food and accommodation for several months. Humanitarian organizations provided them with clothes and blankets. Officials at the Ministry of Social Affairs provided them with mats and mosquito nets.

On returning to Obo on 21 October 2009, Mboligassie was reunited with her children. She learned that her youngest child had been found by a neighbour who handed the child to her grandmother. Like other Central Africans in south-eastern CAR, Mboligassie continued to fear further attacks and possible abduction by the LRA.

Aubin Kotto Kpenze was a trader in pharmaceuticals in Obo when the LRA abducted him and dozens of other civilians in the middle of the night on 6 March 2008. He told AI that it was around 2am when he was woken up by people who were screaming. The attackers looted everything in his house, including medications and food. He and other abductees were forced to transport the looted property. The abductors forced him to abandon his twin children who were with him in his house.

Kpenze estimated that there were about 16 women and 35 men among his group of abductees from a village in Obo. LRA fighters abducted more people along the way to Yangija in the DRC. Some of the LRA fighters guarded the abductees night and day. Kpenze told Amnesty International researchers that he was not ill-treated but many other abductees were beaten. From Yangija he and other abductees were moved to Nabanga LRA camp, where they found Joseph Kony. On arrival at the camp, his captors informed Kony that they had a “doctor” among the new arrivals. Kony immediately appointed him his personal “doctor” to replace a previous one that had died. Kpenze told AI that on arrival at the camp, female abductees were kept as slaves and repeatedly raped by senior LRA commanders and other fighters. After being forced to take up a senior position in the LRA, he said he was “given” an abducted woman from Dungu in northern DRC. Kpenze remained with Kony as his doctor for 18 months. Kpenze informed Amnesty International researchers that Kony told him that he, Kony, would appoint Kpenze as a Minister of Health when he assumed power in Uganda.

Kpenze informed Amnesty International that during the period he spent in captivity, he together with other LRA fighters carried out military operations in the DRC and in South Sudan. They abducted civilians and attacked members of the DRC armed forces. In Sudan, LRA fighters mainly stole food from homes of the civilian population. According to Kpenze, LRA fighters avoided contact with the UPDF but attacked and captured weapons from units of the Congolese army. Kpenze was shot during an attack on the Congolese army on 25 December 2008 and again in the right leg during a UPDF attack in March 2009 near the border with Sudan.

Kpenze got an opportunity to escape after the bombardment by the UPDF of the forests in the DRC where LRA camps were located. In March 2009, Kpenze entered Sudan and was subsequently detained by the Sudanese Peoples Liberation Army (SPLA). He told Amnesty International researchers that members of the SPLA beat him severely but he was saved by the intervention of their commander. He was subsequently taken to the South Sudan capital, Juba, by South Sudanese authorities and from there he was subsequently flown to Obo in south-eastern CAR and released. By July 2010, Kpenze had not been able to re-establish contact with his wife, whom he left in the CAR when he was abducted.

Adimedi Kombobira¹⁰, a 30-year-old mother of two, was abducted by the LRA in March 2008, together with several dozen other civilians who were attending a funeral. Adimedi told Amnesty International about the abuses she experienced – and about her part in abuses against others. She said that the attackers from the LRA struck at about 4am and used a rope to tie their victims together. The abductees were made to carry property looted along the way on the orders of the LRA fighters. Kombobira carried a bag of groundnuts. As they were frog-marched to the Nabanga camp, the abductees were repeatedly beaten if they failed to walk fast enough. Others were beaten if they came across water and attempted to drink before their abductors. At night the abductees slept together under a tarpaulin, guarded by LRA fighters.

Kombobira told Amnesty International researchers that her group of abductees were addressed by Kony when they arrived at Nabanga. Kony warned the new arrivals that anyone attempting to escape would be killed. There were other Central Africans in the camp who already spoke Acholi, the language of the Acholi ethnic group in northern Uganda, and interpreted into Azande, a language spoken in eastern CAR, for the new arrivals. There were also Sudanese and Congolese nationals, in addition to Ugandans, in the camp. Kombobira said that she spent one-and-a-half years with the LRA. Camps were located a full day's walk from local villages. Women and girls in the camps were used to transport looted property, while men and boys aged 10 years and above were trained and armed to fight.

Kombobira was raped by an LRA fighter who repeatedly beat her. Abductees could not complain to any of the camp leaders about sexual or any other violence. The fighters placed women they killed in sitting positions in order to deceive passers-by into believing the victims were alive and thus fall into LRA ambushes. Kombobira alleged that the fighters used drugs to make them pitiless.

Kombobira said that she was in Nabanga camp when it was attacked by the UPDF in December 2008. She and other camp residents, including LRA fighters, fled the camp. They attacked and looted from villages as they fled. On Christmas day of 2008 they came upon a church which they burned with the congregation inside it. She did not know the name of the village or the church. During raids on villages they looted clothes and distributed them among themselves. She participated in many such attacks.

Kombobira and other people who were forced by LRA leaders to become fighters came out of the forest near Obo in CAR. They attacked small villages at Mboki, where they were counter-attacked by the local community there who killed three of the LRA fighters. In Dembia, she hid behind a house as other fighters abducted more people. She remained in hiding till the following day when she met and asked a local woman to help her surrender to local authorities. The woman took her to a local gendarmerie, who, in turn took her to UPDF soldiers. The UPDF soldiers took her to Obo in September 2009. She was interrogated by the gendarmerie and a Ugandan army colonel about her abduction and living with the LRA.

During one of numerous raids on the civilian population, an LRA fighter injured her in the eye with a gun butt. The injury had not healed and the eye was still covered with cloth dressing when Amnesty International researchers met her in July 2010. She had been unable to buy most of the medication a doctor had prescribed for her injury.

Thierry Bakonote, a 23-year-old trader, was taking goods to Sudan when on 3 April 2010 a pick-up truck he was travelling on was ambushed by the LRA at Guerekindo, between Dembia and Rafai in south-eastern CAR. He told Amnesty International researchers that the truck was suddenly sprayed with bullets. There were 15

passengers and a driver on the pick-up. Seven of the passengers died, while eight were injured.

They had left Rafai in a convoy of two Hilux double-cabin vehicles, the second one being a government vehicle. The government vehicle, with a soldier, was in front. The attackers let the first vehicle through and attacked the second one. When the LRA opened fire, the vehicle in front fled the scene. Bakonote was hit by a bullet in the back. He fled and hid in an adjacent bush. The attackers looted goods from the vehicle. There were dead bodies on the vehicle; some of the victims were shot in the head. An old woman was stabbed in the heart with a bayonet. From his hiding place, Bakonote said he saw an LRA fighter who he believed to be a commander signal to an attacker not to kill an injured woman with a baby. A third woman survived a gunshot to the jaw and a stabbing. The attackers burned the pick-up truck, with bodies of their victims on it.

Bakonote remained hidden for several hours, until two vehicles arrived at the scene. The second vehicle had five armed soldiers onboard. Bakonote came out of his hiding place, taking care not to be mistaken by the soldiers for an LRA fighter. One of the vehicles was carrying a CAR government minister. The minister's convoy carried the survivors of the ambush to hospital in Zemio. On 20 April 2010, Bakonote travelled to Bangui for medical examinations and further treatment. Subsequent x-ray photographs revealed that he had a bullet lodged in his rib cage. In January 2011, Amnesty International learned that Bakonote had been assisted by a humanitarian organization to undergo an operation on his leg in Uganda. Amnesty International learned that the surgeons decided that it was not safe to remove the bullet in his rib cage.

Bakonote told Amnesty International researchers that the April 2010 attack was not his first encounter with the LRA. On 3 December 2004 armed men he believed to be LRA fighters had broken his leg. He said they held his leg to a log and broke it after he refused to set alight motorcycles he had bought in Sudan.

Also travelling with Bakonote and injured during the ambush was François d'Assise Bangbanzi. He told Amnesty International researchers that he was seated beside the driver at the time of the attack. He saw an armed man step out of the bush on to the road and open fire. Bangbanzi was shot in the right arm while the driver was shot in the thigh. Although he had been treated for his wounds after surviving the ambush, Bangbanzi told Amnesty International researchers that he still suffered from partial paralysis in his right arm. Doctors told him that he required physiotherapy in order to regain the full use of his arm. It was unclear by July 2011 whether he had been able to undergo the physiotherapy or regain full use of his arm.

LRA fighters in eastern CAR have attacked and at times injured or killed humanitarian workers. For example, on 5 May 2010, LRA fighters at Dembia, a village situated between Obo and Rabaï, opened fire on a lorry hired by the World Food Programme to transport supplies for people displaced by LRA attacks in and around Obo. According to AFP, the lorry driver, Arnaud Mambé, and his assistant, Adramane Bouar, were killed in the attack and two other people on the vehicle were seriously injured.¹¹

During a press briefing on 15 October 2010, UNHCR spokesperson Adrian Edwards said that the LRA had since December 2008 killed some 2,000 people, abducted more than 2,600 and caused the displacement of more than 400,000 in the DRC, CAR and Sudan.¹² More than 24,000 people had been displaced during the period.¹³ In Mbomou and Haut-Mbomou provinces, tens of thousands of civilians were forced during 2010 to flee their villages for the relative safety of towns, such as Obo and Bangassou, where the UPDF were based.¹⁴ However, some of the people had found it difficult to stay in camps for the displaced in and around towns and had to return to their villages in order to have access to food and protect their homes, and hoped that the LRA would not return.

Very often, LRA fighters returned to kill and abduct more people. For example, AFP news agency reported on 15 March 2010 that the LRA had on 13 March 2010 killed at least six people and abducted at least 30 others during an attack in the area around Nzako in Mbomou province.¹⁵ AFP quoted a CAR military source as saying that LRA fighters had killed eight people and abducted about 100 others around Bokouma, some 60 kilometres south of Nzako.¹⁶ During February 2010, LRA had reportedly launched five attacks, during which they looted property and abducted dozens of people around Nzako.

While LRA attacks during 2008 and 2009 were largely limited to south-eastern CAR's Mbomou and Haut-Mbomou, they extended further north during 2010. In September 2010, an armed group reported to comprise members of the LRA attacked Ouadda-Djalle in the north-eastern CAR Vakaga province. The attackers reportedly killed at least two civilians, abducted more than 40 others and burned several dozen homes. During the same month, LRA fighters carried out further attacks on civilians in Koumbal and Tiroungoulo, south of Birao, the capital of Vakaga province. In October, the LRA are reported to have attacked and looted areas around Birao, abducting local people and using them to carry the loot. Several thousand people were internally displaced by the attacks.

Further attacks by LRA on civilians were reported in March 2011. For example, members of the LRA reportedly killed at least two civilians and four FACA soldiers, and abducted as many as 50 people in the area of Nzako in Mbomou province.¹⁷ LRA fighters also reportedly looted private property and burned many houses. Earlier in February 2011, LRA fighters had reportedly attacked and occupied Nzako for several hours before leaving the area with looted property and at least 10 abducted civilians.

On 6 June 2011, LRA fighters are reported to have killed a doctor and his driver during an ambush on a vehicle carrying polio vaccines. The attack took place on the road between Zémio and Rafai in Haut-Mbomou province. According to Radio Ndeke Luka, the attackers burned the vehicle and all its contents.

2.3 ARMED GROUPS RECRUIT AND USE CHILDREN IN ARMED CONFLICT

Amnesty International also received information of child soldier recruitment by various armed groups. In its report dated 13 April 2011, the UN Secretary-General expressed grave concern about the recruitment and use of children as fighters by CAR armed groups between June 2008 and December 2010.¹⁸ However, the Secretary-General acknowledged and welcomed the removal of 1,300 children from within the ranks of the APRD between 2008 and 2010.

The Secretary-General identified the UFDR, CPJP, FDPC, MLCJ and local self-defence militias which are associated with the CAR government among CAR groups that continued to use children. As well as recruiting children, CAR armed groups are also reported to have killed some. For example, four children were among 18 members of the Peuhl ethnic group killed by the APRD in Taley, near Markounda, in February 2010. A 16-year-old girl was killed during a 26 October 2010 CPJP attack on Kpata, near Ndélé in Bamingui-Bongoran province.

The Secretary General's report also highlights the abduction and forced recruitment of children by the LRA in the CAR, DRC and Sudan and using them in the CAR. The LRA has used the children as fighters, spies, servants, sex slaves and carriers. During raids in the CAR, the LRA has killed and maimed children. For example, at least three children aged between 12 and 15,

were killed by the LRA in Haut-Mbomou on 3 November 2009. One of the victims was a girl beaten to death.

3. APPLICABLE INTERNATIONAL LAW

CAR is bound by human rights law, both those norms that are customary international law as well as those set forth in the international and regional human rights treaties to which CAR is a party.¹⁹ CAR is also bound by international humanitarian law governing non-international armed conflicts. In addition, some of the acts documented in this report may amount to war crimes or crimes against humanity, acts for which there is individual criminal responsibility, including command responsibility.

The parties to the conflict in CAR include government forces and various armed groups. There is a considerable international military presence in CAR (see Appendix). Foreign government and inter-governmental forces are present in CAR at the invitation of the government and to assist it to provide security in the country.

MEMBERS OF ARMED OPPOSITION GROUPS

Although armed opposition groups are not themselves parties to international treaties on the protection of civilians in times of conflict, members of armed groups, including military commanders and civilian superiors in CAR, are nevertheless bound to observe the customary laws of war applicable to non-international armed conflict.

Armed groups in CAR are, like the government, bound by customary rules that require parties to a non-international armed conflict to distinguish between on the one hand civilian persons and objects, and on the other military objects. Customary international law also prohibits direct or indiscriminate attacks on civilians. Armed groups are also bound by customary rules on humane treatment embodied in Article 3 common to the four Geneva Conventions.²⁰ In addition to prohibiting “violence to life and person”, including “cruel treatment and torture,” Article 3 also prohibits “outrages upon personal dignity, in particular, humiliating and degrading treatment.” Additional Protocol II to the Geneva Conventions also prohibits such outrages and explicitly lists “rape, enforced prostitution and any form of indecent assault” as among them.²¹ The prohibition of rape and other forms of sexual violence is a rule of customary law.²² Violations of these rules of customary international law carried out by armed groups in CAR include the war crimes of targeted killings of civilian government officials, killings resulting from direct or indiscriminate attacks, violence and torture perpetrated on abducted civilians, and rape and other forms of sexual violence.

Other relevant and customary international law binding on armed groups includes the prohibition of pillage, a war crime within the jurisdiction of the International Criminal Court.²³ The Elements of Crimes, which elaborate on the content of crimes under the Rome Statute of the ICC, describe pillage as the appropriation of property without the consent of the owner.²⁴

INTERNATIONAL CRIMINAL LAW

The Rome Statute of the International Criminal Court (Rome Statute), ratified by CAR, also criminalizes war crimes in non-international armed conflict.²⁵ In consonance with Article 3 common to the four Geneva Conventions, Article 8(2)(c) lists acts that constitute war crimes in non-international armed conflict, and Article 8(2)e details “(o)ther serious violations of the laws and customs applicable in armed conflicts not of an international character” that also constitute war crimes. These include “(i)ntentionally directing attacks against the civilian population ... or individual civilians not taking direct part in hostilities,” rape, sexual slavery, the conscription or use of children under age 15 to participate actively in hostilities, and pillage.

The Rome Statute also details crimes against humanity that fall within the jurisdiction of the ICC. A crime is a crime against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. Among the acts that are crimes against humanity when they meet these criteria are murder, enslavement, imprisonment or other severe deprivation of physical liberty, torture, rape, sexual slavery, “any other form of sexual violence of comparable gravity”, enforced disappearance and “(o)ther inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”²⁶

4. FAILURE TO BRING PERPETRATORS TO JUSTICE

The CAR police, prosecutors and investigating judges have failed to investigate abuses committed against civilians, including serious abuses which may amount to war crimes or crimes against humanity, such as those detailed in this report. CAR prosecutors and investigating judges have not instituted criminal prosecutions against anyone suspected of such crimes. Amnesty International is concerned that measures such as amnesties and a failure to prosecute members of the security forces and armed group leaders will continue to encourage others to commit human rights abuses with impunity.

One of the reasons for the failure to hold individuals to account is the lack of an independent, impartial and well-functioning police, public prosecutor's department (*parquet*) and judiciary. Offences of a political nature, such as endangering the security of the state and belonging to armed political groups are investigated and prosecuted by the public prosecutor's department of the Bangui High Court. The same public prosecutor's department also has responsibility for the investigation and prosecution of non-political offences that occur under the jurisdiction of the Bangui High Court. The public prosecutor's department has often been accused by local human rights and professional legal organizations of not investigating crimes, but of acting on the orders of the government (including the President) to order the arrest and prosecute opponents of the government on trumped up and/or politically-motivated charges.²⁷ Human rights defenders and government opponents have

accused the public prosecutor's department of failing to investigate allegations of abuses ordered, condoned or carried out by government officials and security forces. Amnesty International has for several decades called on successive CAR governments to ensure that perpetrators of human rights violations and abuses must be brought to justice. In the organization's experience, calls for justice to be implemented according to international standards for fair trial have not been heeded by successive governments. The public prosecutor's department often fails to carry out investigations into abuses ordered, condoned or carried out by government and/or security officials and prosecute suspects. Some judicial officials have told Amnesty International that they fail to order arrests of alleged perpetrators because suspects with connections to senior government and security officials pose a threat to their lives. There is an urgent need to strengthen the judiciary and grant it the political support, independence and impartiality it requires to bring those suspected of human rights abuses to justice, regardless of the political affiliation of the alleged perpetrators or the victims.

A second reason is that the CAR had until January 2010 not defined war crimes and crimes against humanity as crimes in national law, making it impossible to prosecute those suspected of such crimes except for ordinary crimes under national law. However, as the International Criminal Tribunal for Rwanda has made clear, the prosecution of these offences as ordinary crimes is not consistent with the gravity of these acts.²⁸ In October 2002, CAR became a party to the Rome Statute and thus committed itself to cooperate with the International Criminal Court. It is only in January 2010 that the CAR incorporated in its new Penal Code articles that define war crimes and crimes against humanity as crimes. However, Amnesty International is not aware of anyone in the CAR having been investigated, let alone being charged, in connection with any of these crimes.

In December 2004, the government referred allegations of war crimes and crimes against humanity committed in the CAR in late 2002 and early 2003 to the International Criminal Court (ICC). The government stated that its judicial system was unable to carry out the complex investigations and trials required to bring to justice those accused of unlawful killings, rape and other war crimes during the 2002-2003 armed conflict.²⁹ In May 2007, the International Criminal Court opened an inquiry into war crimes and crimes against humanity, including rape, committed in the CAR in late 2002 and early 2003.³⁰

In May 2008, Jean-Pierre Bemba, leader of an armed group from the DRC³¹ that had been involved in the armed conflict in CAR, was arrested in Belgium and subsequently transferred to the custody of the ICC in July 2008. After numerous legal arguments and delays, Bemba's trial started in November 2010. He is charged with crimes against humanity and with the war crimes of murder, rape, and pillaging.

In August 2008, a month after Jean-Pierre Bemba was transferred to the ICC for crimes committed in the CAR, President Bozizé wrote a letter to the UN Security Council asking the body to declare CAR courts competent to try war crimes committed in the country since he took power in March 2003 and thus ask the ICC to end ongoing investigations in the country. Under the principle of complementary, the ICC ordinarily acts only if a country is unable or unwilling to do so itself. The Security Council has not granted President Bozizé's request. No other person has since been arrested by the CAR government or at the request of the ICC in connection with the crimes committed in late 2002 and early 2003.

In September 2008, the CAR National Assembly adopted a general amnesty law. This law provides an amnesty for all persons who committed crimes between 15 March 2003, when President François Bozizé came to power, and 13 October 2008 when the law was promulgated by the President.³² Although the law does not explicitly cover crimes committed between October 2002 and March 2003, it grants immunity to former President Ange-Félix Patassé³³ who was in power during the period, and his former senior government and security officials. Amnesty International opposes amnesties and/or granting immunities for human rights abuses and urges governments not to implement any political or legal mechanisms that are likely to entrench impunity. Amnesties for crimes under international law are prohibited, as they deny the right of victims to justice. Amnesty International has consistently opposed, without exception, amnesties, pardons and similar measures of impunity that prevent the emergence of truth, a final judicial determination of guilt or innocence and full reparation to victims and their families.

It was unclear by April 2011 – when former President Patassé died - whether the ICC had plans to prosecute the former president and several political and military leaders of the 2002 – 2003 armed conflict. It was also unclear by mid-September 2011 whether the ICC had plans to prosecute anyone linked to President Bozizé in connection with allegations of war crimes and crimes against humanity committed by members of his armed group which overthrew former President Patassé in March 2003.

Although Amnesty International welcomes the start of the trial of Jean-Pierre Bemba, the organization is concerned that members of government forces, including military commanders and civilian superiors, and members of armed groups, including their leaders, in the CAR have yet to be brought to justice. Amnesty International documented that many state and non-state actors carried out, ordered or failed to exercise command or superior responsibility to prevent crimes under international law and other human rights abuses, especially since October 2002 when the CAR became a party to the Rome Statute.³⁴ Amnesty International is concerned that the ICC appears to have limited its investigation to crimes allegedly committed in 2002 and 2003. Although the ICC's prosecutor has acknowledged "worrying reports of violence and crimes being committed in the northern areas of the country", the Office of the Prosecutor only "continues to monitor" the situation.³⁵

Abuses detailed in this report, and in Amnesty International's previous report,³⁶ have not been investigated. Perpetrators continue to enjoy impunity. This is due in large part to a weak criminal justice system, lack of control over many parts of the country, and a palpable lack of political will on the part of the government. Successive amnesties incorporated in peace agreements and presidential decrees also further entrench impunity.

5. FAILED ATTEMPTS TO END WAR CRIMES, CRIMES AGAINST HUMANITY AND OTHER HUMAN RIGHTS ABUSES

Successive CAR governments, often assisted by foreign governments and intergovernmental organizations, have over the years taken measures aimed at ending armed conflict in the CAR. The measures have included a combination of anti-insurgency operations, peacekeeping operations by intergovernmental organizations and the holding of elections. These measures have failed to protect civilians from chronic and widespread abuses.

5.1 PEACEKEEPING AMIDST WAR

Following a spate of mutinies by sections of the FACA in the mid-1990s, several African regional governments set up a *Mission interafricaine de surveillance des accords de Bangui* (MISAB)³⁷ in January 1997. The Bangui Accords were reached between mutinous forces and those loyal to then President Ange-Félix Patassé. MISAB was established to oversee the disarmament of mutinous soldiers, private militia and other individuals in illegal possession of military weapons. MISAB was dissolved in April 1998 after the French government withdrew its logistical and financial support to the force.

MISAB was replaced in April 1998 by the *Mission des Nations unies en RCA* (MINURCA).³⁸ In addition to the mandate previously held by MISAB, MINURCA was also charged with protecting key installations in Bangui, protecting UN staff and providing technical assistance in the run up to the 1998 elections.³⁹ Although general elections took place at the end of 1998, stability remained elusive in the CAR.

MINURCA was replaced in February 2000 by the *Bureau des Nations unies pour la consolidation de la paix en République centrafricaine* (BONUCA).⁴⁰ BONUCA was established pursuant to an exchange of letters between the UN Secretary General and the President of the Security Council.⁴¹ BONUCA was mandated to assist the CAR government consolidate peace and national reconciliation and support democratic institutions, as well as monitor and promote human rights. BONUCA became the *Bureau intégré des Nations unies pour la consolidation de la paix en République centrafricaine* (BINUCA)⁴² in January 2010, following a recommendation of the UN Secretary General in his letter to the Security Council.⁴³ In addition to the mandate of its predecessor, BINUCA is also charged with coordinating UN efforts to support the process of national reconciliation, as well as disarmament, demobilisation and reintegration of armed group fighters.

Following coup attempts in May 2001 by forces suspected by the government to be loyal to former President André Kolingba⁴⁴ and in October 2002 by forces led by General Bozizé, member states of the *Communauté économique et monétaire d'Afrique centrale* (CEMAC) established in late 2002 the *Force multinationale en Afrique centrale* (FOMUC).⁴⁵ FOMUC had a mission to protect President Patassé, restructure the armed forces and supervise joint patrols along the

border with Chad. Chad had been accused by the Patassé government of supporting General Bozizé.

The presence of FOMUC in Bangui and the military support of an armed group known as the *Mouvement de libération congolais* (MLC) from the DRC to the government did not prevent the overthrow in March 2003 of President Patassé by General Bozizé. FOMUC became *Force multinationale de l'Afrique centrale* (FOMAC) in February 2008. In July 2008, FOMAC became *Mission de consolidation de la paix en Afrique Centrale* (MICOPAX) drawn from the *Communauté économique des Etats d'Afrique centrale* (CEEAC),⁴⁶ which have since included forces from the DRC. In July 2010, a senior MICOPAX commander told Amnesty International researchers that the force did not consider itself to be responsible for the protection of civilians in the CAR or for the prevention of armed conflict.

Whereas BONUCA and its successor, BINUCA, were largely civilian operations (except for a few military and civilian police advisors), the MINURCAT authorized by the UN Security Council in September 2007 had a more significant armed component of nearly 300 personnel in north-eastern CAR. Although MINURCAT's presence helped protect some civilians, especially in and around Birao in the north-east of the CAR, and protect some humanitarian convoys, the force remained largely ineffective in the stabilisation of the region or protection of civilians who continued to be at great risk of human rights abuses. Following UN Security Resolution 1923 (2010) of 25 May 2010 authorizing the end of the MINURCAT deployment in Chad and the CAR by the end of December 2010, MINURCAT had by 15 November 2010 fully withdrawn from the CAR.

5.2 DISARMAMENT, DEMOBILIZATION AND REINTEGRATION OF ARMED GROUP FIGHTERS

In December 2008, the government, political parties, civil society organizations and armed political groups held a *Dialogue politique inclusif* (DPI)⁴⁷ to chart a way forward for bringing an end to armed conflict and restore democracy in the CAR. Disarmament, Demobilization and Reintegration (DDR) of armed group fighters was one of the key recommendations of the DPI.⁴⁸ A DDR committee included representatives of BONUCA/BINUCA and military observers from CEEAC, in addition to representatives of groups that took part in the DPI.

The DDR process, including the establishment of lists of combatants to be eventually disarmed, started in early 2009. In what appeared to have been a move to promote chances of implementing the DDR, President Bozizé appointed in January 2011 six leaders of the UFDR, FDPC, APRD, MLCJ and UFR as his advisors on disarmament, demobilization and reintegration.⁴⁹ By July 2011, there had been no announcement as to whether the appointees had taken up their positions. However, at the end of July 2011, the CAR government minister responsible for DDR told Radio Ndeke Luka that demobilization of members of the APRD was taking place in Ouham-Péndé province⁵⁰. He reportedly added that a similar operation would soon start in north-eastern CAR. Earlier in mid-July, there were reports that members of the UFDR had attacked and occupied the north-eastern town of Sam Ouadnja. The UFDR claimed that the attack was retaliation against CPJP attacks on its positions. The continuing existence of numerous armed groups which commit human rights abuses against civilians seriously undermines any other measures intended to bring the armed conflict to an end and create a more conducive environment in which perpetrators of human rights abuses can be brought to justice.

5.3 INTERNATIONAL AND REGIONAL EFFORTS TO END ARMED CONFLICT

CAR has seen a succession of foreign forces and a high level of military activity by its own forces, FACA. Due to high levels of insecurity, the people of the CAR have been subjected to innumerable human rights violations, some of which may amount to war crimes and crimes against humanity. In late 2008, the US government financed and supported the UPDF to militarily end the threat of the LRA which had bases in northern DRC.⁵¹ UPDF attacks on LRA bases killed some fighters and dispersed others but did not bring an end to the armed group's abuses. Following the deployment of thousands of UPDF soldiers in eastern CAR, the frequency of LRA attacks on major towns in the southeast was reduced. However killings, sexual enslavement of women and girls and rape, abductions, forced recruitment (especially of children) and other abuses against civilians by the LRA in the CAR, DRC and South Sudan were continuing in July 2011.

In May 2010, US President Obama signed a law committing his government to provide political, economic, military and intelligence support to multilateral efforts to apprehend LRA leaders or remove them from the battlefield, to provide humanitarian assistance, and to promote justice and reconciliation in LRA affected areas.⁵² In June, a contingent of US Special Forces visited south-eastern CAR to assess the situation with a view to proposing measures required to bring an end to the LRA threat to the region. On 24 November 2010, US President Barack Obama submitted to the US Congress a "Strategy to Support the Disarmament of the Lord's Resistance Army".⁵³ In a letter to the Chairman of the House of Representatives' Committee on Foreign Relations, President Obama stated that the strategy had four objectives, namely to: (a) increase protection of civilians; (b) apprehend or remove from the battlefield Joseph Kony and senior commanders; (c) promote the defection, disarmament, demobilisation, and reintegration of remaining LRA fighters, and (d) increase humanitarian access and provide continued relief to affected communities. Implementation of the strategy would involve the Department of State, the Department of Defence, the US Agency for International Development, and the Intelligence Community.

The 33-page strategy paper describes and analyses the risks engendered by the LRA. The strategy relies heavily on supporting local and regional partners for its implementation and success. The strategy does not mention any existing US Government co-operation with the CAR government. The strategy also fails to acknowledge and address the war crimes, crimes against humanity and human rights abuses by CAR armed groups and other human rights violations by government forces, other than the LRA.

In April 2010 France and the CAR government signed a defence accord. The accord provides for France to contribute to the restructuring and training of the FACA.

For many years, the African Union (AU) has been concerned with the activities of the LRA and encouraged regional initiatives, including military operations, against the LRA. In 2009, the AU called upon regional countries to work together to bring an end to the insecurity and human rights abuses perpetrated by the LRA. In July 2010, the AU organized consultations among countries affected by the LRA in order to facilitate coordinated regional military action against the LRA. In October 2010, the African Union convened a meeting of regional ministers of defence⁵⁴ to discuss LRA activities in the region. The African Union was represented by its Commissioner for Peace and Security. Participants agreed to put in place joint security, humanitarian and other initiatives towards a durable solution to the LRA threat.

A communiqué⁵⁵ published at the end of the meeting stated that similar meetings would be held every four months.

5.4 FAILED PEACE AGREEMENTS

President Bozizé's government has signed peace agreements with several armed opposition groups but these have failed to bring an end to the armed conflict and war crimes, crimes against humanity or human rights abuses.

In February 2007, the CAR government and the FDPC, under Libyan government mediation, signed a peace agreement.⁵⁶ Although the UFDR was mentioned in the agreement, it did not sign it. Two months later in April, the government signed a peace agreement with the UFDR in the north-eastern town of Birao⁵⁷. Article 4 of each of the two agreements provided for the release of political prisoners and a general amnesty for soldiers of the armed groups. In May 2008, the government signed a peace agreement⁵⁸ with the APRD. Article 4 of the agreement provided for a cessation of all legal proceedings in Central African courts against civilian and military members of the APRD through an adoption of a general amnesty law and the release of the group's civilian and military members in detention. In June of the same year, the government signed in the Gabonese capital, Libreville, a Global Peace Accord⁵⁹ with the APRD and UFDR. Although the FDPC had initially agreed to be a party to and is mentioned in this accord, it did not sign it at the time. According to the UN Secretary-General's report to the UN Security Council, the FDPC "adhered to the peace process in the Central African Republic" on 3 July 2009.⁶⁰ On 7 December 2008 – a day before the start of the DPI – the government signed a peace agreement with the MLCJ faction led by Abakar Sabone. In this agreement, the MLCJ undertook to abide by the Global Peace Accord signed in June 2008.⁶¹ The signing of the agreement in Bangui was witnessed by the UN Secretary General's Special Representative, the French Ambassador, the Special Representative of the President of Gabon and the Special Envoy of the Secretary General of the Francophonie.⁶² Another armed group known as the *Union des forces républicaines* (UFR) signed the agreement on 15 December 2008.⁶³ Despite the agreement, the MLCJ announced in February 2009 that it and the FDPC had launched attacks on government forces in Batangafo in northern CAR.⁶⁴

The peace agreements, especially those reached during 2008, set the scene for the DPI which took place in December 2008. Key among the decisions of the DPI was the Disarmament, Demobilization and Reintegration (DDR) of armed group fighters in order to create a political environment in which free and fair elections would be held and bring an end to armed conflict. The DPI and the peace agreement notwithstanding, armed conflict was by July 2011 continuing in northern CAR between government forces and some of the armed opposition groups.

6. CONCLUSION

The human rights and humanitarian situation in CAR remains precarious. Thousands of civilians have been killed or otherwise died from exposure and preventable illnesses as a result of the armed conflict. Nearly 200,000 people have fled the country and a further nearly 200,000 are displaced inside the country. Hundreds have been abducted and many women and girls subjected to sexual slavery by the LRA. The people of the CAR have limited or no protection from human rights abuses, violations of international humanitarian law and the violence of criminal groups.

Those who have survived abuses have no access to the assistance that they need to rebuild their lives. For example, individuals who have been able to escape from the clutches of the LRA or survived its ambushes receive no support from the government and those who are wounded receive no medical care. Former abductees are treated as criminals and detained by the authorities or shunned instead of being helped to overcome their ordeal and be reintegrated in society to start a new life.

Investigation and prosecution of abuses that indicate that war crimes and crimes against humanity may have been committed are a shared responsibility of the international community and the CAR. The investigation of these abuses and the bringing to justice of those responsible deserve the same coordinated response and shared material, financial and personnel resources that states devote to other serious crimes. Measures by the US government, the AU, regional and other governments to address abuses by the LRA must be coordinated and implemented jointly by all those involved, with due regard and respect for international human rights and humanitarian law. The initiatives must also be implemented in full consideration of measures to counter abuses by armed groups and criminal gangs, as well as government forces, all of which continue to disregard the right to life and other human rights in the CAR.

Due to lack of investments in the judiciary and absence of political will, most of the perpetrators of human rights abuses and violations of international humanitarian law have not been brought to justice. The CAR forces have committed and continue to commit human rights violations with impunity.⁶⁵ The requisite political will must be cultivated and a national consensus built around it. However, a national consensus is unlikely to occur without formation of a functional and coordinated response by all stakeholders.

The African Union, through its Peace and Security Council (PSC), must take the lead and coordinate measures to build a coalition of governments and intergovernmental organizations for the purpose of protecting and promoting human rights in the CAR.

The PSC draws its mandate and authority for intervention in ending the human rights and humanitarian crisis from the AU's Protocol Relating to the Establishment of the Peace and Security Council of the African Union.⁶⁶ All but two – CAR and DRC – of the Member States of the African Union which are involved in or affected by the human rights situation pertaining in the CAR, have ratified the Protocol; the CAR and DRC signed it in 2003. Paragraph 1 of Article 2 of the Protocol states in part: "The Peace and Security Council shall

be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.” Article 3 of the same Protocol states in part: “In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts;” It further states that the PSC is established to “promote ... the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.”

In its Article 4, the Protocol establishing the PSC states that the PSC shall be guided (among other principles) enshrined in the AU’s “Constitutive Act, the Charter of the United Nations and the Universal Declaration of Human Rights”, as well as the “the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity,,,” and “the right of Member States to request intervention from the Union in order to restore peace and security, in accordance with Article 4(j) of the Constitutive Act.⁶⁷

As demonstrated in Section 5 above, there have been numerous but largely uncoordinated attempts to end a succession of crises and the attendant human rights abuses, including war crimes and crimes against humanity, in the CAR. As well as the lack of political will at both the national and international levels, there has been a failure of the various players to act together to bring an end to the crises that have for decades plagued the CAR. The international community, particularly with the leadership of and coordination by the AU must urgently fulfil its responsibilities to restore peace and security in the CAR and bring an end to the scourge of serious human rights abuses, including war crimes and crimes against humanity. The PSC has regional and international legal backing for this mission, enshrined in its Protocol and the African Union’s Constitutive Act. The African Union’s Assembly needs to demonstrate its determination to uphold its own Constitutive Act by granting the political and resource backing the PSC needs to undertake this urgent task. The USA and EU Member States have already demonstrated their willingness to provide resources for the restoration of peace and security in the CAR and should promise their commitment to doing so with the AU.

7. RECOMMENDATIONS

Governments, inter-governmental organizations, and human rights and humanitarian organizations have expressed concern about the serious human rights situation in the CAR. Many of these stakeholders have tried to address the endemic scourge of human rights abuses but have failed. The stakeholders must devise new mechanisms and commit themselves to the implementation of viable measures to address the situation in CAR.

Amnesty International makes recommendations to key actors inside and outside the country , with particular emphasis on and led by the AU, through its Peace and Security Council (PSC), in the strong belief that when implemented, they may significantly reduce and eventually bring an end to human rights abuses and impunity in the CAR.

To the AU:

- Take a leadership role in coordinating the efforts of the CAR, other foreign governments and intergovernmental organizations' efforts to seek the resolution of root causes of the conflict in the CAR. This leadership role should include the development of a common strategy to end the human rights violations and abuses in the CAR. This common strategy must include the full participation of the CAR and should not only focus on military and other forms of security assistance, but also humanitarian and medical support to the civilian population. Implementation of such a strategy must be seen as extremely urgent and given adequate human and material resources and include human rights observers to oversee - including representatives of, or led by, the African Commission on Human and Peoples' Rights (ACHPR) - and advise on the protection of civilians by any security forces and other actors involved;
- Adopt lawful measures necessary to bring an end to the human rights and humanitarian crises in the CAR, which are also affecting neighbouring countries, including the setting up of a Commission of Inquiry to investigate all alleged human rights violations and abuses with the aim of bringing perpetrators to account for such violations and abuses, and making recommendations to ensure that such human rights violations and abuses are not repeated in future;
- The processes undertaken by the AU must ensure that all security forces in the CAR, foreign and domestic, respect their obligations under international human rights and humanitarian law;
- To provide technical, financial or other assistance to the CAR, in collaboration with the United Nations, foreign governments and other inter-governmental organizations to rebuild the criminal justice system, so that it is able to investigate and prosecute war crimes and crimes against humanity and provide effective remedies to victims, including reparations;
- Call on the CAR government to prosecute - after full and impartial investigations - all those suspected of having committed crimes under international law in trials that meet international fair trial standards;

To the CAR government:

- Urgently call on the African Union to establish, lead and coordinate a strategy involving national and international actors in the CAR, including foreign governments and intergovernmental organizations, to develop a coordinated response to prevent and investigate war crimes, crimes against humanity and human rights abuses, and develop mechanisms required to effectively protect civilians from both local and foreign perpetrators. The drawing up and implementation of such a coordinated strategy must be considered urgent so that people in the CAR do not have to endure further human rights abuses and violations of international humanitarian law, including war crimes and crimes against humanity;
- Request foreign governments, such as the USA, France, Uganda, DRC and Republic of South Sudan, and inter-governmental organizations such as the UN and the Economic

Community of Central African States (*Communauté économique des Etats d'Afrique centrale*, CEEAC), that have already pledged to assist the CAR to protect civilians to come together under the aegis of the AU and agree a common strategy that includes the full participation of the CAR. The agreed strategy should not only focus on military and other forms of security assistance, but also humanitarian and medical support to the civilian population. Implementation of such a strategy must be seen as extremely urgent and given adequate human and material resources and include human rights observers to oversee and advise on the protection of civilians by any security forces and other actors involved.

- Give clear public instructions to members of the security forces that they must respect their obligations under international human rights and humanitarian law; they must not carry out any actions that are likely to undermine measures necessary to protect civilians, and make it clear that any members of the security forces who commit human rights violations, including acts that amount to war crimes, crimes against humanity and other human rights abuses will be brought to justice in accordance with national law, to the extent it is consistent with international law and international human rights standards;
- Seek the assistance of the AU and foreign governments, the United Nations and other inter-governmental organizations to develop a long-term action plan, in transparent consultation with civil society, to rebuild the criminal justice system, so that it is able to investigate and prosecute war crimes and crimes against humanity and provide effective remedies to victims, including reparations;
- Prosecute, after full and impartial investigations, all those found responsible of committing serious crimes, including serious human rights violations and abuses, in trials that meet international fair trial standards; Declare null and void and legislate against any parts of peace agreements that grant amnesties or pardons to perpetrators of war crimes and crimes against humanity.

To leaders of armed political groups

- Give public instructions to fighters that they must not commit human rights abuses and must respect their obligations under international humanitarian law;
- Agree to participate in the drawing up of terms of reference and play a full part in drawing up and implementing an AU-led strategy involving national and international actors to prevent human rights abuses and ensure adherence to international humanitarian law, and bring an end to CAR's human rights and humanitarian crises;
- Support deliberations and other measures to institute an independent, impartial and competent judiciary that will be equipped to ensure prompt, thorough, independent and impartial investigations and, where there is sufficient admissible evidence, to prosecute persons suspected of war crimes, crimes against humanity and other human rights abuses, including members of armed political groups, in the CAR to justice.

To the UN, European Union, CEEAC and member states

- Urgently provide human and material resources, including human rights and protection experts, to establish and supervise measures to protect civilians in the CAR. Whereas the LRA is rightly seen as a major priority, ending human rights abuses and violations of international humanitarian law by armed political groups, as well as members of the CAR security forces, must also be taken into consideration and included in the strategy;
- Inter-governmental organizations should consider supporting the CAR government to build its capacity to protect and promote human rights including working with the government to develop a long-term action plan, in transparent consultation with civil society, to rebuild the justice system, so that it is able to investigate and prosecute war crimes and crimes against humanity and provide effective remedies to victims, including reparations;
- Medical and other humanitarian assistance to victims of human rights abuses must be included in plans to protect civilians in the CAR.

To the US government

- Consider providing political, as well as human and material resources to the AU's initiative to involve all governments, inter-governmental organizations and actors in the CAR in drawing up and implementing a strategy to protect civilians in the CAR and help coordinate efforts to achieve this objective;
- Seek assurances that the AU's strategy includes measures geared towards ensuring that any security forces involved in peacekeeping or peace enforcement in the CAR are governed by a code of conduct that ensures that protection of civilians from human rights abuses and violations of international humanitarian law by any forces are central to any operations, and that administrative and judicial measures are taken against anyone that may be implicated in abuses;
- Take a lead in ensuring that adequate human and material resources are provided to ensure that victims of human rights abuses are given medical and other humanitarian assistance they require to recover from the effects of the abuses;
- Remain committed to supporting the protection of civilians in the CAR until the country's government and its law enforcement forces have the expertise and means to prevent and investigate human rights violations and abuses, as well as to bring perpetrators to justice;
- Contribute resources and exercise all necessary political influence to ensure the implementation of mechanisms to prevent a recurrence of human rights and humanitarian crises, as well as to promote and protect the rule of law based on respect for the civil, political, social and economic rights of all the people of the CAR.

APPENDIX: FORCES TAKING PART IN THE ARMED CONFLICT OR ITS RESOLUTION IN THE CAR

As of mid-2011, there were at least 14 armed entities intermittently or regularly operational in the CAR. They include CAR government forces, units of the armies of Uganda, Chad, France and forces from members of the Economic Community of Central African States. At least six CAR armed political groups operate in the country, in addition to armed political groups from Uganda, Chad and Sudan. Other armed groups using violence include poachers and highway robbers locally known as *Zaraguinas* with no known political control or agenda.

■ I. FORCES ARMEES CENTRAFRICAINES

The Forces armées centrafricaine (FACA), Central African Armed Forces, are composed of ordinary soldiers, gendarmes and the relatively better equipped and paid Presidential Guard (Garde présidentielle, GP). Diplomatic sources in the CAR estimate the FACA to number about 5,000 soldiers responsible for the defence of the country. With an area of 622,942 square kilometres and a population of approximately 4.5 million people, the CAR has a ratio of one soldier defending 125 square kilometres or 900 people. In addition, the FACA are poorly equipped, irregularly paid and struggling to become a modern disciplined army largely comprising former rebel fighters, including those enlisted from neighbouring Chad. Poor road, transport and telecommunications infrastructure significantly slows down response times and effectiveness of intervention in areas where incidents of insecurity are reported. Parts of the country, especially in the northeast, are virtually inaccessible by road for up to half of the year due to totally or virtually impassable roads during the rainy season.

■ II. UGANDA PEOPLES DEFENCE FORCES

The Uganda Peoples Defence Forces (UPDF) have been deployed in eastern CAR since 2009. Humanitarian sources in eastern CAR have told Amnesty International that UPDF commanders there say they have as many as 6,000 soldiers in the region. The commanders have told local leaders that their aim is to track down and eliminate the threat of the LRA. The UPDF are better equipped and more mobile than the FACA. The UPDF are largely deployed in key towns in eastern CAR. As a result, people seeking protection have fled their homes and farms to live in and around towns, such as Obo and Zemio, where the UPDF are deployed.

■ III. CHADIAN SOLDIERS

An unspecified number of members of the Chadian army have been seconded to the FACA since President François Bozizé took power in March 2003. More than 100 Chadian soldiers also serve as members of the MICOPAX regional peacekeeping force. Some critics argue that the role of Chadian soldiers in the CAR appears to be to strengthen the protection of the president and his hold on to power. There are repeated complaints from among CAR civil society and the general population that Chadian soldiers in the FACA are ill-disciplined and

enjoy almost absolute impunity for acts of violence and other violations they commit against members of the general public and/or FACA soldiers.

There are also numerous reports of Chadian soldiers who have been seconded to the FACA committing human rights violations when they intervene on the side of their compatriots to settle personal scores between Chadian civilians, especially traders, and CAR nationals. On some occasions, Chadian soldiers based in Chad have intervened on the side of the FACA to fight armed opposition groups. Most recently in late November 2010, Chadian soldiers attacked and repelled members of an armed opposition group known as the Convention des patriotes pour la paix et la justice (CPJP), Convention of Patriots for Peace and Justice. The CPJP had a few days previously seized the north-eastern town of Birao from the FACA. The Chadian authorities claimed that their soldiers intervened because they believed the attack and temporary occupation of Birao had been carried out by Chadian armed opposition groups. Chadian soldiers withdrew from Birao on 14 February 2011, leaving the town under the protection of FACA soldiers.

■ IV. MISSION POUR LA CONSOLIDATION DE LA PAIX

The Mission pour la consolidation de la paix (MICOPAX), Mission for the Consolidation of Peace, peacekeeping force is a successor to the Force multinationale en Centrafrique (FOMUC), Multinational Force in Central Africa. Fomuc was established in October 2002 by the Economic Community of Central African States to protect former President Ange-Félix Patassé and state institutions from an armed group led by former army Chief of Staff General François Bozizé. MICOPAX, which comprises nearly 700 soldiers and police officers from Chad, Gabon, Cameroon, the Republic of Congo and the Democratic Republic of Congo (DRC) has been in place since July 2008. As well as providing logistical support and training to the FACA, MICOPAX also carries out security patrols and mediates between FACA and armed political groups to prevent armed confrontations and facilitate dialogue between them.

A MICOPAX commander told Amnesty International researchers in July 2010 that the force does not have a mandate to prevent human rights abuses by FACA or armed political groups. MICOPAX has a mandate – inherited from FOMUC - to protect civilians, secure the territory of the CAR, contribute to national reconciliation processes and facilitate mechanisms to end armed conflict.

MICOPAX receives financial support from the European Union and logistical support from French government forces in the CAR.

■ V. FRENCH GOVERNMENT FORCES

There are as many as 200 French government soldiers in the CAR. See Ministry of Defence, France, *Les forces française en République centrafricaine*, 12/07/2010, website: www.defence.gouv.fr. According to the French Ministry of Defence, “at the request of the Central African authorities, French soldiers have on several occasions provided to the Central African Armed Forces and to FOMUC intelligence and logistical support, air power, planning and conduct of operations aimed at retaking the control of the north-east of the country occupied by elements of armed rebels.” (“à la demande des autorités centrafricaines, les militaires français ont apporté à plusieurs reprises aux forces armées centrafricaines et à la FOMUC un soutien renseignement et logistique, un appui feu aérien, une aide à la planification et à la conduite des opérations visant à reprendre le contrôle du Nord-Est du

pays occupé par des éléments armés rebelles.») In August 2010, the French government announced that it would provide support to the FACA against the LRA (see Radio France International, 21 August 2010). A French army spokesperson told Radio France International that French forces in the CAR would provide training and logistical support to the FACA but would not participate in operations against the LRA. In July 2011, Radio Ndeke Luka reported that French Ministry of Foreign Affairs spokesman Bernard Valéro urged the governments of the CAR, Sudan, South Sudan and the DRC to reinforce their coordination under the aegis of the African Union in order to fight the LRA more efficiently. The spokesman reportedly announced that France had trained and equipped 300 FACA soldiers to fight the LRA (see <radiondekeluka.org>, 16 July 2011).

In 1998, the French government closed two major military bases in the CAR after government opponents accused French troops of actively supporting former President Ange-Félix Patassé. However, French military cooperation with the CAR government and assistance to the FACA has continued. More recently in April 2010, France and the CAR signed a defence agreement which provides for French government forces contributing to restructuring and training the FACA (see Agence France Presse, 8 April 2010).

■ VI. EUFOR AND MINURCAT

In an effort to protect Sudanese refugees in eastern Chad and north-eastern CAR, the European Union deployed a European Force in Chad and CAR (EUFOR) in October 2007. EUFOR deployment started in February 2008. In north-eastern CAR, EUFOR consisted almost entirely of French forces. It was replaced by the Mission des Nations unies en République Centrafricaine et au Tchad (MINURCAT), United Nations Mission in Central African Republic and Chad in March 2009. MINURCAT's main mission was to provide security to internally displaced persons (IDPs) and refugees, as well as to humanitarian workers, in eastern Chad and north-eastern CAR in the context of armed conflict in the Darfur region of western Sudan. MINURCAT was established on 25 September 2007 by United Nations Security Council Resolution number 1778 (2007).

A United Nations official in the CAR told Amnesty International researchers in July 2010 that there were at any one time nearly 300 members of MINURCAT in north-eastern CAR's Vakaga province. Although they at times provided a buffer between CAR government forces and armed political groups, as well as providing security for humanitarian convoys and personnel, MINURCAT was largely ineffective in protecting civilians, including in and around Birao where it had its main base. A senior official of the United Nations High Commissioner for Refugees (UNHCR) in the CAR told Amnesty International researchers that the refugee agency largely depended on MINURCAT to provide security for supplies to a camp for 3,500 Sudanese refugees at Sam Ouandja.

Following persistent demands by the Chadian government for the withdrawal of MINURCAT, the UN Security Council eventually conceded to the pressure. Although the CAR government never demanded the withdrawal of the MINURCAT contingent on its territory, it failed to make an explicit request to the Security Council to continue or reinforce the deployment. MINURCAT contingents in the CAR were completely withdrawn by 15 November 2010. In November, in anticipation of MINURCAT withdrawal, the UNHCR moved Sudanese refugees from Sam Ouandja further inland to south-central CAR.

■ VII. ARMEE POPULAIRE POUR LA RESTAURATION DE LA DEMOCRATIE

The Armée populaire pour la restauration de la démocratie (APRD), Popular Army for the Restoration of Democracy, has existed since 2006, mainly based in the Ouham-Pende province. Before it signed peace agreements with the government, APRD's stated aim was to overthrow the government of President Bozizé. A senior official of the APRD accused government forces of carrying out human rights abuses and of failing to protect the local population from abuses by armed gangs. APRD fighters are mainly drawn from the region and have often included children whom the APRD leadership claim are armed to protect themselves.

A ceasefire agreed in 2008 between the CAR government and the APRD has led to an almost total cessation of hostilities between these two parties to the armed conflict. Much of Ouham-Pende remained under almost total political and military control of the APRD. The APRD also levied business taxes and the group's leaders claimed that they needed the money to administer areas under their control.

■ VIII. UNION DES FORCES DEMOCRATIQUES POUR LE RASSEMBLEMENT

The Union des forces démocratiques pour le rassemblement (UFDR), Union of Democratic Forces for the Rally, armed group is based in the north-eastern Haute-Kotto province and draws most of its support from Central African and some Chadian members of the Goula ethnic group. The UFDR was founded in 2005. Its founders were former supporters of President Bozizé when he was leading an armed group that overthrew former President Patassé in March 2003. UFDR founders fell out with President Bozizé and formed the armed group.

■ IX. FRONT DEMOCRATIQUE DU PEUPLE CENTRAFRICAIN

The Front démocratique du peuple centrafricain (FDPC), Central African Peoples' Democratic Front, is one of the first armed groups to be formed by opponents of President Bozizé after he overthrew former President Patassé. It is led by Patassé's former head of the presidential guard, Martin Koumtamadji (also known as Abdoulaye Miskine). The group has bases in the Sido-Kabo area of Ouham prefecture. In 2007, the FDPC and the CAR government signed a peace agreement in Libya, under the auspices of Libyan President Muammar Gaddafi, but the agreement was never effectively implemented.

■ X. FRONT POPULAIRE POUR LE REDRESSEMENT

The Front populaire pour le redressement (FPR), Popular Front for Redress, is a Chadian armed opposition group with a base in CAR's Gribingui province. FPR is believed by humanitarian workers who have met its leaders in the CAR to comprise several hundred fighters and also has women and children in its bases. Although the FPR is not known to have any political ambitions in the CAR, it has taken advantage of the weakness of the CAR state and a reportedly superior firepower to that of the FACA, to remain on CAR territory. The FPR leader, Baba Laddé, was arrested in October 2009 by the CAR authorities and handed over to the Chadian government. In August 2010, Baba Laddé reportedly escaped from

custody in Chad and fled to Cameroon. In January 2011, Baba Laddé reportedly told AFP news agency that he had rejoined his armed group in the CAR.

A UN official told Amnesty International researchers visiting the CAR in July 2010 that the FPR was known to have an unspecified number of children and women in its camps. In 2009, FPR leaders approached humanitarian organizations in the CAR for assistance, including eventual repatriation of people in its camps to Chad. The UN official said that humanitarian workers asked for access to the camps in order to verify reports that there were children and women in the armed group's camps. The humanitarian workers wanted to establish whether any of the non-combatants in the camps were being held in the camps against their will. The FPR denied the humanitarian workers access to the camps.

In mid-June 2011, the FPR reportedly signed a peace agreement with the Chadian government, the implementation of which was supposed to lead to the return of the armed group's fighters to Chad. At the end of June, the FPR handed 18 APRD fighters it was holding to the International Committee of the Red Cross (ICRC). Around 22 July, FPR leader Baba Laddé announced that he would cease to abide by the terms of the agreement if the Chadian government did not release two of his fighters it had arrested in southern Chad on 16 July. It was unclear at the end of August whether the FPR fighters had been released, or if and when the FPR would leave the CAR. In August, Baba Laddé was demanding security guarantees and protection by the UN before he could travel to Chad to negotiate with the Chadian government the terms for the return of FPR fighters to Chad (See <radiondekeluka.org>, 22 August 2011).

■ XI. CONVENTION DES PATRIOTES POUR LA JUSTICE ET LA PAIX

The Convention des patriotes pour la justice et la paix (CPJP), Convention of Patriots for Justice and Peace, emerged in north-eastern CAR in late 2008. It draws most of its support from the Central African and some Sudanese members of the Rouga ethnic group. CPJP leaders are reported to have formed the group to protect members of the Rouga ethnic group from Goula members of the UFDR.

Among CAR armed political groups, the CPJP launched most attacks on government forces during 2010 and often committed human rights abuses against the civilian population (see section 2.2). There were reports in February 2011 of fighting between two factions of the CPJP in north-eastern CAR. According to the Bangui-based *Le Confidentiel* newspaper, dated 25 February 2011, the fighting was a result of disagreements between a faction that favoured peace talks with the government and another that opposed them.

Further fighting between CPJP and FACA in Vakaga province was reported by the AFP news agency on 24 March 2011. CPJP claimed that fighting started after its bases were attacked by government forces and UFDR combatants. A FACA source told AFP that CPJP had attacked Léména and Gozbéida on 20 and 21 March, killing seven people and burning 149 houses. In a press release issued on 28 April 2011, the CPJP Secretary General and spokesman declared a unilateral ceasefire in order to start negotiations with the CAR government. According to the 28 April 2011 AFP news agency which reported that it received the press release in the CAR capital, Bangui, an armed clash between the CPJP and FACA forces in Nzako had occurred as recently as 24 April 2011. On 26 April, Bangui-based Radio Ndeke Luka reported that it had interviewed CPJP leader, Abdoulaye Hissen, who said that he was ready to sign a definitive peace agreement with the government (see <radiondekeluka.org>, 26 April 2011). According to Radio Ndeke Luka, the main faction of the CPJP and the CAR government signed a peace agreement on 12 June 2011 (see

<radiondekeluka.org>, 12 June 2011). On 17 July 2011, a dissident faction of the CPJP also signed a peace agreement with the government (see AFP News Agency, 19 July 2011). In mid-August 2011, Mahamat Sallet, leader of a faction of the CPJP based in Nzako, was in the CAR capital, Bangui, to meet President Bozizé for talks on terms of a peace agreement with the government (See www.radiondekeluka.org, accessed on 19 August 2011). Mahamat Sallet and the CAR government signed a peace agreement on 27 August (See www.radiondekeluka.org, accessed on 28 August 2011).

CPJP's political leader, former government minister Charles Massi, disappeared in January 2010 amidst persistent reports that he was secretly extra-judicially executed or tortured to death by government forces.

■ XII. MOUVEMENT DES LIBERATEURS CENTRAFRICAINS POUR LA JUSTICE

The Mouvement *des libérateurs centrafricains pour la justice* (MLCJ), Movement of Central African Liberators for Justice, was until August 2008 part of the UFDR in north-eastern CAR. MLCJ signed a peace accord with the CAR government in early December 2008 and participated in the Inclusive Political Dialogue (Dialogue politique inclusif, DPI) later that month.

Despite the peace agreement and participation of the MLCJ in the DPI, there have been clashes between its fighters and government forces. Following disagreements between MLCJ leadership, a new splinter group known as the Mouvement national de salut public (MNSP) was formed. MNSP leader, Hassan Ousman disappeared in Bangui in early 2010. Sources in Bangui told Amnesty International researchers in July 2010 that they suspected that government agents were responsible for his alleged enforced disappearance.

■ XIII. UNION DES FORCES REPUBLICAINES

The Union des forces républicaines (UFR), Union of Republican Forces, took up arms against the government of President Bozizé in December 2005. It was based in the north-west of the CAR and for several years was in alliance with the APRD.

On 6 August 2009, UFR leader Florian Ndjadder declared in a press statement that his armed group had become a political party. In the statement, Florian Ndjadder said that he would be a presidential candidate in the elections that were then slated for 2010. The statement said that the UFR stood for good governance, peace, security and freedom of movement, as well as being opposed to armed conflict and human rights violations. However, Florian Ndjadder was not a candidate during the general elections which took place on 23 January 2011.

■ XIV. THE LORD'S RESISTANCE ARMY

The Lord's Resistance Army (LRA) originates from northern Uganda. It is present in the CAR, despite not sharing a border with Uganda. It was formed in the late 1980s to fight the Ugandan government. For nearly two decades it fought Ugandan government forces, killed and mutilated civilians and forcibly recruited others, including children, among its ranks. It also used women and girls as sex slaves. Although the LRA has been flushed out of northern Uganda, it has continued to commit similar abuses (see section 2.2), including replenishing its combat force by forcibly recruiting fighters, in the DRC, South Sudan and the CAR. LRA

fighters include men, women and children. Some former fighters who were abducted and forced to join the ranks of the LRA told Amnesty International in July 2010 that they had to learn to speak Acholi, the language of its founders from northern Uganda.

Attacks by the LRA (also known in CAR as *Tongo Tongo*) in eastern CAR from DRC and South Sudan started in early 2008. Some sources in the CAR indicated to Amnesty International that earlier incursions may have taken place as early as 2004. Although LRA attacks were largely limited to the south-eastern provinces of Haut-Mbomou and Mbomou, more attacks were being reported farther north in the province of Haute-Kotto from mid-2010. Some CAR contacts informed Amnesty International's researchers that part of the LRA interest in the Haute-Kotto and possibly beyond was access to mines of precious minerals such as gold and diamonds. As well as clashes with FACA and UPDF, there were more frequent LRA clashes with CAR armed opposition groups which also have an interest in controlling the mines and/or taxes they levy on mining and other forms of trade.

■ XV. HIGHWAY ROBBERS AND POACHERS

The chronic weakness of the CAR state and its limited control of large swathes of its territory, has given rise to a proliferation of armed gangs, including poachers. Highway robbers are also known locally as *Zaraguinas* or *coupeurs de route*. These gangs do not have any discernible political agenda. They pose a perennial and serious security risk to people in the CAR, especially in the north of the country. For more information, see Amnesty International, *Central African Republic: Civilians in peril in the wild north* (Index: AFR 19/003/2007), published on 18 September 2007.

Highway robbers have, especially since the early 1980s, not only robbed and even killed travellers; they have also kidnapped children, as well as adults, for ransom. Victims whose relatives fail to raise ransom money or attempt to rescue them are often killed. Highway robbers are widely believed by people in the CAR to include Central African citizens and foreign nationals from West African countries. Armed political groups have been known to recruit some of their fighters from among the *Zaraguinas*. The highway robbers phenomenon has become increasingly evident in Cameroon and other neighbouring countries.

Poachers are largely interested in killing animals in game parks for their meat, skins, tusks and other animal products for illegal local and foreign trade. The poachers come from within the CAR as well as from neighbouring countries, such as Sudan. They are heavily armed and frequently attack and kill civilians, including local hunters. They also attack and kill members of the security forces.

■ XVI. SELF-DEFENCE GROUPS

In many parts of the country, especially in the north and the east, local people frustrated by the government's failure or even at times encouraged by the same government, have set up self-defence groups to defend themselves against attacks by armed groups. In some cases, these self-defence groups have evolved into fully-fledged armed political groups, such as the ones mentioned above, with a political agenda. Self-defence groups have recently been formed in eastern CAR in response to attacks by the LRA after the government failed to protect people from LRA attacks.

Whereas self-defence groups are often formed due to frustration with and failure by

government forces to protect them, they are almost always poorly equipped and lacking in training to effectively fight off attacks by better armed groups and bandits. These groups are known to include children who are recruited and/or armed with the knowledge of the government.

ENDNOTES

¹ Articles 152 to 162 of the CAR Penal Code

² Jean-Pierre Bemba, a former armed group leader and subsequently Vice-President of the DRC was arrested in May 2008 and was in July 2008 handed over to the jurisdiction of the International Criminal Court. His trial started in November 2010 and had not ended by mid-September 2011. He faces two counts of crimes against humanity and three counts of war crimes.

³ See Amnesty International, *Central African Republic: Civilians in peril in the wild north* (Index: AFR 19/003/2007), published on 18 September 2007, and *Amnesty International Reports 2009* (Index: POL 10/001/2009), and *2010* (Index: POL 10/001/2010).

⁴ Interview with a UN official in the CAR

⁵ Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, dated 18 January 2011

⁶ United Nations Mission in the Central African Republic and Chad

⁷ Radio Ndeke Luka website www.radiondekeluka.org, accessed on 24 June 2010

⁸ South Sudan obtained its independence from the rest of Sudan on 9 July 2011.

⁹ The International Criminal Court is seeking the arrest of a number of LRA leaders with respect to war crimes and crimes against humanity committed in Uganda. See Amnesty International report entitled *Uganda: Arrest Now! Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* (Index: AFR 59/008/2007), 28 November 2007. However, it has not sought to amend the arrest warrants to include crimes committed in other countries or sought arrest warrants against other members of the LRA.

¹⁰ Amnesty International learned that Adimedi Kombobira died from illness on 24 April 2011.

¹¹ Agence France Presse news agency, Two killed in aid vehicle attack blamed on LRA: Red Cross, 7 May 2010

¹² UNHCR seeing new displacement caused by Lord's Resistance Army, Briefing notes, 15 October 2010, www.unhcr.org.

¹³ UN Information Service

¹⁴ Ibid

¹⁵ Agence France Presse news agency, Centrafrique: la LRA tue au moins 6 personnes, en enlève au moins 30, 15 March 2011

¹⁶ Ibid

¹⁷ Radio Ndeke Luka, 8 personnes tuées par la LRA à Nzacko (See www.radiondekeluka.org, accessed on 15 March 2011)

¹⁸ Report of the Secretary-General on children and armed conflict in the Central African Republic, 13 April 2011.

¹⁹ Customary international law comprises international rules derived from consistent state practice and

consistent consideration by states of these rules as binding on them. Customary international law is binding on all states and, in some circumstances, on armed groups. Many rules of international law can be found in both customary law and treaty law.

²⁰ Common Article 3 of the Geneva Conventions states, in part: “In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) 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, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. (2) The wounded and sick shall be collected and cared for.

²¹ Article 4, Protocol II.

²² See Rule 93, International Committee of the Red Cross, Customary IHL Database, http://www.icrc.org/customary-ihl/eng/docs/v1_rul

²³ See Rule 52, International Committee of the Red Cross, Customary IHL Database, http://www.icrc.org/customary-ihl/eng/docs/v1_rul

²⁴ Article 8(2)(b)(xvi) of the Elements of War Crimes under the Rome Statute

²⁵ Article 8(2)c and e of the Rome Statute of the International Criminal Court

²⁶ Article 7 of the Rome Statute of the International Criminal Court

²⁷ There have been numerous cases which bring into question the independence of the judiciary. In June 2010, President Bozizé ordered the public prosecutor’s department in Bangui to arrest the CAR Bar Association President and a businessman accused of involvement in the burning of a privately-owned supermarket. On failing to find the two men, the public prosecutor’s department detained 12 of their family members and associates. In July 2010, a senior government official told Amnesty International researchers that the two wanted men should surrender to the authorities if they wanted their associates to be released. The 12 detainees were still being held without trial at the end of August 2011.

²⁸ Prosecutor v. Bagaragaza, Decision on Rule 11 bis Appeal, Case No. ICTR-05-86- AR11 bis, Appeals Chamber, 30 August 2006, para. 16, aff’ing, Prosecutor v. Bagaragaza, Decision on the Prosecution Motion for Referral to the Kingdom of Norway – Rule 11 bis of the Rules of Procedure and Evidence, Case No. ICTR-2005-86-11 bis, Trial Chamber, 19 May 2006, para. 16.

²⁹ ICC Press Release no. ICC/OTP/2005.39, dated 7 January 2005.

³⁰ ICC Press Release no. ICC-OTP-20070522-220, dated 22 May 2005

³¹ Mouvement de libération du Congo

³² *Loi d’amnistie no. 08020 du 13 octobre 2008 portant amnistie générale à l’endroit des personnalités, des militaires des éléments et responsables civils des groupes rebelles.*

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- ³³ Former President Ange-Félix Patassé died in a Cameroonian hospital on 5 April 2011. He was President of the CAR from 1993 to 2003 when he was overthrown by General François Bozizé..
- ³⁴ See Amnesty International, *Central African Republic: Civilians in peril in the wild north* (Index: AFR 19/003/2007), published on 18 September 2007
- ³⁵ *Prosecutor opens investigation in the Central African Republic*, International Criminal Court Press Release, 22 May 2007.
- ³⁶ Amnesty International, *Central African Republic: Civilians in peril in the wild north* (Index: AFR 19/003/2007), published on 18 September 2007.
- ³⁷ Inter-African Mission for the Surveillance of the Bangui Accords
- ³⁸ UN Mission in the CAR
- ³⁹ Article 10 of UN Security Council Resolution 1159 (1998) authorising establishment of MINURCA
- ⁴⁰ UN Bureau for the Consolidation of Peace in the CAR
- ⁴¹ United Nations Security Council, “Letter dated 3 December 1999 from the Secretary General addressed to the President of the Security Council”, S/1999/1235, and Letter dated 10 December 1999 from the President of the Security Council addressed to the Secretary-General”, S/1999/1236
- ⁴² UN Integrated Office for the Consolidation of Peace in the CAR
- ⁴³ UN Security Council, “Letter dated 3 March 2009 from the Secretary-General addressed to the President of the Security Council, S/2009/128 of 3 March 2009
- ⁴⁴ Former President André Kolingba died in France in February 2010. He was president of the CAR from 1981 to 1993 when he was replaced by Ange-Félix Patassé following multiparty elections.
- ⁴⁵ Multinational Force in Central Africa
- ⁴⁶ Economic Community of Central African States
- ⁴⁷ Inclusive Political Dialogue
- ⁴⁸ Recommendation no.5 of the Security and Armed Groups Commission of the DPI states: “Immediately implement a DDR programme based on a document signed in Libreville (Gabon) on 20 November 2008 in order to confine the combatants of politico-military movements that are signatories of the Global Accord to zones identified in common agreement with the government>.
- ⁴⁹ See Centrafrique.com, 26 April 2011.
- ⁵⁰ See www.radiondekeluka.org, 30 July 2011.
- ⁵¹ Between December 2008 and November 2010, the US provided more than 23 million US dollars to the UPDF, largely in the form of logistical and intelligence support (source: Strategy to Support the Disarmament of the Lord’s Resistance Army, November 2010).
- ⁵² Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), www.whitehouse.gov
- ⁵³ Letter from the President on the Strategy to Support the Disarmament of the Lord’s Resistance Army , The White House, Office of the Press Secretary, November 24, 2010, <http://www.whitehouse.gov/the->

press-office/2010/11/24/letter-president-strategy-support-disarmament-lords-resistance-army

⁵⁴ Countries represented at the meeting were Uganda, CAR, DRC, South Sudan. The meeting was also attended by representatives of the UN and regional intergovernmental organizations.

⁵⁵ *Communiqué de presse sur la réunion régionale ministérielle sur l'Armée de résistance du seigneur (LRA) tenue à Bangui en République centrafricaine (RCA), les 13 et 14 octobre 2010*

⁵⁶ *Accord de paix entre le gouvernement de la République centrafricaine et les mouvements politico-militaires ci-après désignés : Front démocratique du peuple centrafricain (FDPC), Union des Forces démocratiques pour le rassemblement (UFDR)*

⁵⁷ *Accord de paix entre le gouvernement de la République centrafricaine et le mouvement politico-militaire ci après : Union des forces démocratiques pour le rassemblement (UFDR)*

⁵⁸ *Accord de cessez le feu et de paix entre le gouvernement Centrafricain et le Mouvement politique et militaire Centrafricain Armée populaire pour la restauration de la démocratie (APRD)*

⁵⁹ *Accord de paix global entre le gouvernement de la République centrafricaine et les mouvements politico-militaires centrafricains désignés ci après : Armée populaire pour la restauration de la démocratie (APRD), Front démocratique du peuple centrafricain (FDPC), Union des forces démocratiques pour le rassemblement (UFDR)*

⁶⁰ Report of the Secretary-General on children and armed conflict in the Central African Republic, dated 13 April 2011.

⁶¹ Agence Centrafrique de presse, Centrafrique: Signature dimanche à Bangui d'un accord de paix entre le gouvernement et le MLCJ d'Abacar Sabone, Dimanche 2 Décembre 2008. www.acap-cf.info

⁶² See Agence centrafricaine de presse, [acap-cf.info](http://www.acap-cf.info), dated 7 December 2008.

⁶³ Report of the Secretary-General on children and armed conflict in the Central African Republic, dated 13 April 2011.

⁶⁴ See Jeune Afrique magazine www.jeuneafrique.com, dated 3 March 2009.

⁶⁵ See Amnesty International, *Central African Republic: Civilians in peril in the wild north* (Index: AFR 19/003/2007), published on 18 September 2007.

⁶⁶ The Protocol Relating to the Establishment of the Peace and Security Council of the African Union was on 9 July 2002 adopted in Durban (South Africa) by the 1st Session of the Assembly of the African Union. It entered into force on 26 December 2003.

⁶⁷ Article 4(j) of the AU's Constitutive Act states: "The right of Member States to request intervention from the Union in order to restore Peace and Security;" Article 4(h) states: "The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity;".



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CENTRAL AFRICAN REPUBLIC

ACTION NEEDED TO END DECADES OF ABUSE

The people of the Central African Republic have suffered decades of violence and human rights abuse. Government forces, armed groups and criminal gangs have killed unarmed men, women and children with impunity. Women and girls have been raped, homes and granaries looted and destroyed. The catalogue of violations and abuses includes arbitrary arrests, enforced disappearances and torture, as well as abductions for ransom. Hundreds of thousands of people have been displaced, many seeking refuge in neighbouring countries.

Much of the Central African Republic is under the control of armed groups from within and outside the country. Criminal gangs, taking advantage of the state's weakness, have proliferated. Soldiers from Uganda, Chad and France are deployed there, as well as intergovernmental peacekeepers.

Amnesty International is calling for action, led and coordinated by the African Union and involving local and foreign governments and groups, to protect civilians and end impunity in the Central African Republic.

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