



UPR Submission

## Central African Republic

November 2008

### Background

In a February 2007 fact-finding mission to Central African Republic (CAR), Human Rights Watch documented widespread human rights abuses by CAR government forces in the north of the country between 2006 and 2007, particularly by the government's elite Presidential Guard (*Garde Présidentielle*, GP), and by rebel groups in both the northwest and northeast. Government counterinsurgency efforts against rebels in the northwest and the northeast of CAR from 2005 to 2007 were characterized by widespread crimes against civilians, including summary executions and the burning of villages.

Human Rights Watch released its findings in a September 2007 report, *State of Anarchy*. The Chad government withdrew most of the forces of the Presidential Guard, which committed the most serious abuses, from the region in 2007. This led to a decrease in abuses.

Following the publication of *State of Anarchy*, the CAR government invited Human Rights Watch researchers to reassess the human rights climate in the north and discuss possible remedies with government officials. At the invitation of the government, Human Rights Watch researchers returned to the country's northwest region in March 2008. Human Rights Watch conducted research in Ouham and Ouham-Pendé prefectures of northwest CAR, including the towns of Bozoum, Bocaranga, Ngaoundaye, Bang, Mann, Ndim, Paoua, Markounda, Maitoukoulou. *State of Anarchy* had documented abuses in both the northeast and the northwest of the country; however Human Rights Watch researchers were unable to follow up on abuses taking place in the northeast due to logistical and time constraints.

The regular Central African Armed Forces (*Forces Armées Centrafricaines*, FACA) had assumed primary responsibility for security in the north, and there have been fewer government abuses against civilians. However, civilians continued to be victims of

human rights abuses committed by multiple armed groups that are active in the north of CAR, which has been the site of anti-government insurgency since 2004. Loosely organized criminal gangs known as *zaraguinas* that are not party to the conflict in CAR have been responsible for attacks and creating a general climate of insecurity for civilians.

The CAR government and the major rebel groups signed a peace agreement in June, but disagreements between rebels and the government over an amnesty law passed by the CAR parliament in September threaten to derail the peace process. Rebel leaders contended that the amnesty insulated government officials from responsibility for war crimes.

The Lord's Resistance Army (LRA), which has been responsible for widespread atrocities in northern Uganda and southern Sudan over the past 21 years, has been conducting operations in the far southeastern part of CAR since early 2008. The LRA made its presence in CAR known in a series of raids between the towns of Obo and Bambouti in February and early March 2008 in which 150 civilians were abducted, 55 of them children.

**Improvements in the government's rights record** -- Government security forces were responsible for the majority of human rights violations in northwest CAR from 2005 to 2007. These abuses, however, have diminished since the GP, which committed the most serious abuses, withdrew most of its forces from the region in mid-2007.

Taking the place of the GP in the north were FACA units, with well-trained commanders installed in a deliberate effort to address indiscipline. Although FACA soldiers were responsible for thefts and harassment of civilians in 2008, particularly at roadblocks and checkpoints along roads in the northwest, violent abuses against civilians by FACA elements did not appear to go beyond the level of isolated incidents. In September the CAR government established an office for International Humanitarian Law within the FACA that is responsible for conveying the laws of war to members of the army.

## **Accountability**

The government has taken some steps to counter impunity in CAR by prosecuting individual members of the CAR security forces found to be responsible for crimes such as theft and assault, but for the most part the CAR government turned a blind eye to abuses committed by its forces. Senior GP commanders responsible for abuses in 2006-2007 that may have risen to the level of war crimes have never been brought to trial or even disciplined by the CAR government. Diplomats in Bangui urged CAR President Francois Bozize to institute judicial proceedings against Eugène Ngaïkosset, the

commander of a GP unit that has been implicated in widespread atrocities in the northwest. Instead, Ngaïkosset was promoted to the rank of captain and placed in charge of a GP security brigade.

### **Lawlessness and the *Zaraguinas***

The past year has seen a sharp spike in the number, scope, and frequency of attacks perpetrated by loosely organized criminal gangs known as *zaraguinas*, which have come to constitute the single greatest threat to civilians in the north of CAR. *Zaraguinas* are not parties to the conflict in CAR but have goals that are purely economic and engage in tactics that include hostage-taking. *Zaraguinas* have killed hostages when ransom demands were not met. In July the United Nations estimated that 197,200 people in the north of the country had been displaced due to insecurity, in many cases by *zaraguina* attacks. *Zaraguina* activities have had a deleterious impact on humanitarian operations in the north of the country, with private transporters contracted to deliver aid supplies frequently fired upon.

The withdrawal of Republican Guard forces from the north of the country has left a security vacuum that the CAR government's regular armed forces have not been able to prevent. Rebel factions and criminal gangs are able to commit abuses against civilians in the region with complete impunity. The government of CAR apparently lacks the capacity to effectively protect civilians in the north of the country.

### **Abuses by rebel groups**

Civilians in north of CAR face violence and harassment at the hands of multiple armed groups, and in the northwest, rebel fighters from the Popular Army for the Restoration of the Republic and Democracy (*Armée Populaire pour la restauration de la République et la Démocratie*, APRD), were responsible for unlawful killings, rapes and property thefts. APRD abuses increased in 2008, with a high incidence of abuses in areas where none had been reported one year earlier. Since January, the Chadian National Army (*Armée Nationale Tchadienne*, ANT) has launched cross-border raids on villages in northwestern CAR, killing civilians, burning villages, and stealing cattle.

### **Recommendations**

*Regarding accountability:*

- Investigate and prosecute those responsible for violations of the laws of war; senior officials implicated, including as a matter of command responsibility, should be prosecuted regardless of rank;

- Ensure that no one responsible for serious violations of international human rights and humanitarian law in Central African Republic since March 2003, including any offence set out in the Rome Statute of the International Criminal Court benefits from immunity or amnesty from investigation and prosecution. This extends to both those who bear direct individual criminal responsibility and those with command responsibility.
- In particular, investigate and prosecute any present or former member of the Bossangoa-based GP unit, including the former commander Eugène Ngaïkosset for his individual actions as well as on the basis of command responsibility for crimes documented by Human Rights Watch, as well as other human rights violations and violations of international humanitarian law.
- Fully cooperate with and facilitate any International Criminal Court (ICC) investigation in Central African Republic.

*Regarding the protection of civilians from abuses by government soldiers*

- Review and revise the training curriculum of the Central African Republic security forces, the FACA and GP in particular, to ensure comprehensive training on human rights and international humanitarian law, including law on the use of force and the protection of the civilian population and civilian objects; and
- Issue clear public orders to the FACA, GP, and other relevant government security agencies, to ensure that they fulfill their obligations under national and international law to protect civilians and civilian property.

*Regarding the protection of civilians from abuses by rebels and Zaraguinas:*

- Make every possible effort to combat lawlessness and protect civilians in the north of the country from the depredations of the APRD, Chadian ANT soldiers, *zaraguina* bandits, and all other armed groups, including government security forces.
- Deploy military personnel, police, and resources to areas affected by zaraguinas, and criminal nomads, with the objective of protecting civilians from further attacks.