




HUMAN  
RIGHTS  
WATCH

# KILLING WITHOUT CONSEQUENCE

War Crimes, Crimes Against Humanity and the Special Criminal Court  
in the Central African Republic

## SUMMARY AND KEY RECOMMENDATIONS





**“It is not surprising that violence continues because the message is clear: you can kill without consequence.”**

– HUMAN RIGHTS ACTIVIST, BANGUI, JUNE 17, 2016.

**This report documents war crimes and crimes against humanity committed by Seleka and anti-balaka forces in the central regions of the Central African Republic between late 2014 and April 2017.**

**Based on hundreds of interviews with victims and witnesses, primarily in the Nana-Grébizi, Ouaka, Ouahm and Haute Kotto provinces, this report provides a detailed account of the widespread abuses committed against civilians in those parts of the country.**

**All photos  
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**Burned home in Marzé. Seleka and Peuhl fighters attacked the town in the Ouham province in July 2015.**





Displaced people waiting at a medical clinic in the main camp in Batangafo, Ouham province, August 2015.



Residents of Marzé hid in the woods after Seleka and Peuhl forces attacked the town in July 2015.

The report also highlights two urgent needs that require international support. First is improved civilian protection by the roughly 12,800-member United Nations peacekeeping force currently in the Central African Republic. As the crimes documented here show, the force was too often unable to protect civilians from killings and forced displacement. Vulnerable civilians desperately need protection because fighting in the central regions flared in late 2016 and continues in 2017, even after the signing of a peace accord in June 2017.

Second is attention and support to the recently established Special Criminal Court (SCC), which offers a unique chance to hold accountable the perpetrators of these grave crimes. A hybrid institution within the Central African justice system, with national and international judges and prosecutors, the SCC has a mandate to investigate and prosecute serious human rights violations committed in the Central African Republic since 2003. Together with the International Criminal Court (ICC), which has jurisdiction and ongoing investigations in the country, the SCC has the potential to break the country's long-standing tradition of impunity for atrocities.

To be effective, however, the SCC requires sustained commitment from the government of President Faustin-Archange Touadéra, as well as practical, political and financial support from the United Nations and individual governments, including for the protection of witnesses and security of court personnel.





Children working in the Ndassima gold mine in the Ouaka province, July 2015.

The report also demonstrates how the killing of civilians, sexual assaults, and razing of villages have laid at the heart of Seleka and anti-balaka fighting tactics. In this report, Human Rights Watch documented the killing of at least 566 civilians in attacks between November 2014 and April 2017, and the deaths of an additional 144 people in the bush after they had fled fighting, mostly children and older people, from injury, illness, exposure or hunger. During that time, armed groups destroyed at least 4,207 homes. All of these numbers are likely to be a fraction of the totals during this period because no comprehensive record of the deaths and destruction exists.

To give some examples, Seleka fighters killed at least 37 civilians, wounded 57, and forced thousands to flee when they razed a camp for displaced people in Kaga-Bandoro on October 12, 2016. Fighters destroyed at least 175 homes in the neighborhoods around the camp and 435 huts in the camp itself, despite the presence of UN peacekeepers. The next month, fighting between Seleka groups in Bria resulted in at least 14 civilian deaths over eight days, some of them women and children. In December 2016, Seleka fighters executed at least 32 civilians and captured fighters after clashes with another Seleka group in the Ouaka province. Between February and April 2017, clashing Seleka factions killed at least 45 civilians in Ouaka province, including 15 children.

Serious abuses were widespread and often systematic in areas under the control of Seleka forces, who together with



A UPC fighter at the Ndassima gold mine in the Ouaka province in 2015. Seleka factions began fighting around the mine in early 2017.





Former FPRC and current MPC commander Mahamat Al Khatim. Witnesses accuse him of commanding fighters between 2015 and 2017 who committed abuses that could amount to war crimes. Al Khatim denies the allegations.

Peuhl fighters committed war crimes and potential crimes against humanity. In one incident from December 2014, forces from the Union for Peace in Central Africa (UPC)—a Seleka offshoot that controls large swaths of Ouaka province—killed 14 unarmed men in the village of Kanga whom they accused of being anti-balaka. After telling the men to lie face down, UPC soldiers shot them in their backs and heads.

Anti-balaka fighters, having pushed most Muslims out of the country’s west, attacked and killed civilians they suspected of having collaborated with Muslims. In Ngbima,

fighters from Pende killed 28 civilians in November 2014, including many Peuhl who lived on the outskirts of the village. In March 2015, anti-balaka forces killed at least 14 ethnic Peuhl herders outside Kaga-Bandoro, 10 of them under 9 years old.

In none of the cases above, has any fighter or commander been detained, arrested or otherwise held accountable. On the contrary, those responsible still operate freely, often in the area where they committed their crimes.

Countrywide, armed groups forced tens of thousands of people from their homes and into the bush, where hundreds died of exposure, disease or hunger. In some cases, Seleka fighters attacked displacement camps.

People with disabilities were especially at risk of abuse, including killings, because they could not flee attacks in time. When they reached sites for displaced people, they faced barriers to access sanitation, food and medical care.



Franco Yagbegue, alias “Pele,” an anti-balaka commander from Blakajda. Witnesses said he led several attacks on the Kaga-Bandoro–Mbrès road in 2015, including on the village of Kako.

The war crimes by various parties documented in this report fall under the jurisdiction of the International Criminal Court. The Central African government first referred the situation of grave crimes to the court in 2004 after violence flared in 2002 and 2003. In May 2014, the then-interim president referred the situation since 2012 to the ICC; investigations are ongoing.

At the same time, the ICC only has capacity to target those most responsible for serious crimes. Scores of other commanders who bear criminal responsibility for atrocities they have committed or ordered, some of them named in this report, may never be held to account. To close this gap, in June 2015 the government established the Special Criminal Court with national and international staff. If properly resourced and supported, the court could help serve justice in the Central African Republic and set a precedent for other countries.

President Touadéra and his government have praised and backed the court, including the appointment of a chief prosecutor in February 2017. But the government has repeatedly lagged in steps to operationalize the court. One helpful step would be to designate a point person within the president’s cabinet to coordinate work on the Special Criminal Court. Parliament should also agree to lift the immunity of any members who are credibly implicated in committing abuse.

To date, partner governments have pledged only USD \$5.2 million of a needed \$7 million for the first 14 months of the



MINUSCA peacekeepers on patrol between Batangafo and Bouca in Ouham province, July 2015.



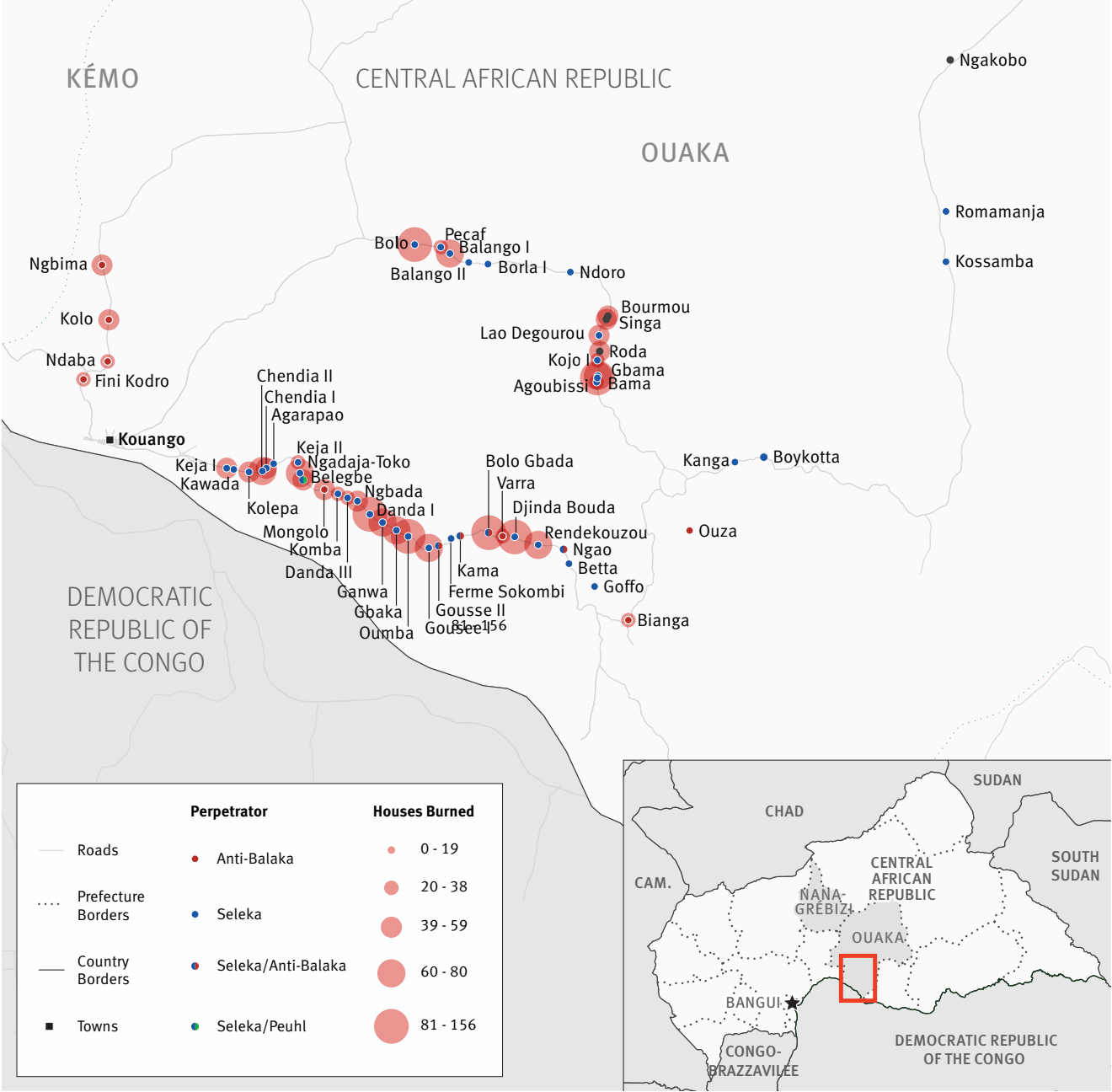
court. Donors and the UN should commit to backing the court over the long term, including technical and logistical support. They should also ensure that amnesties for grave crimes are not part of any peace deals negotiated by the UN or others. The deal signed by the government and armed groups on June 19, 2017 rightly acknowledges SCC and ICC efforts at criminal investigations and prosecutions of grave crimes.

The UN peacekeeping force—the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)—can do more to protect civilians under threat by all abusive forces, both in Haute Kotto, Nana-Grébizi, Ouaka and Ouham provinces and other parts of the country. In towns such as Bambari and Bria, Seleka fighters openly circulate with weapons. Conflict between Seleka factions also continued into 2017, such as in Bria, resulting in civilian deaths.

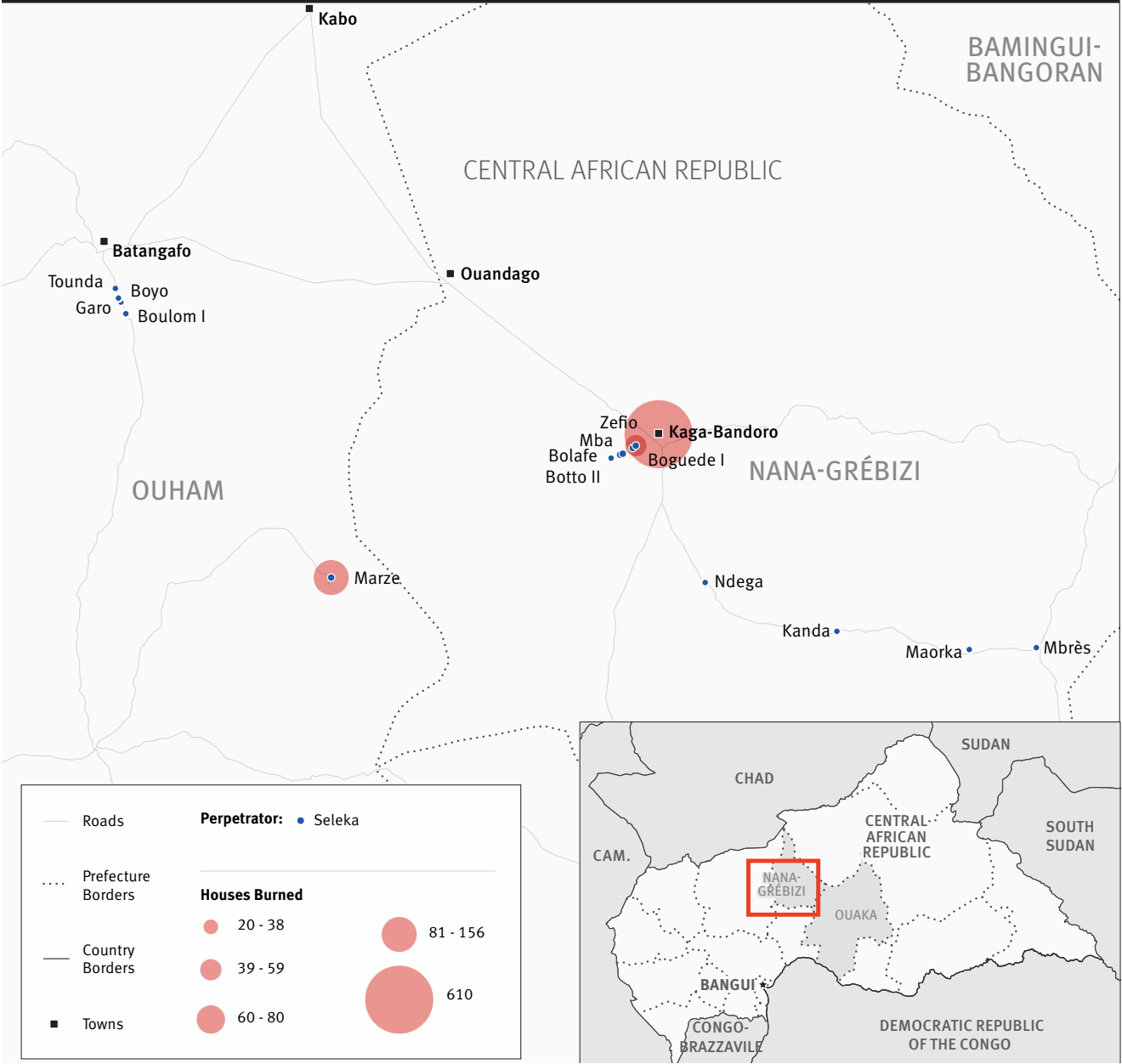
In the end, this report’s recommendations will not bring immediate stability or rule of law to a poor and divided country wracked by severe violence. But they will help to protect civilians and promote accountability where killing without consequence has been the norm.



Attacks in Ouaka province, November 2014–December 2015 (See Annex I and Annex III)



Attacks in Nana-Grébizi province by Seleka FPRC, December 2014–October 2016 (See Annex II)





# KEY RECOMMENDATIONS

## TO THE GOVERNMENT

- Respect the independence of the special prosecutor of the Special Criminal Court, other magistrates and court staff, while providing support for their work.
- Designate a point person in the president’s cabinet to handle matters related to the Special Criminal Court.
- Establish and task a new body to oversee the prompt operationalization of the Special Criminal Court, that will work in conjunction with committees that are established for specific purposes, such as recruitments.

## TO THE UN MISSION (MINUSCA)

- Increase technical and logistical support to the Special Criminal Court to ensure its prompt operationalization and effective investigations and prosecutions.
- Ensure no future peace agreement(s) includes amnesty for alleged perpetrators of serious crimes, but supports fair, credible trials of these crimes in accordance with international standards.
- Ensure that human rights officers investigate all credible allegations of abuse and assist victims to lodge complaints with relevant officials. Provide timely, public reporting on human rights abuses across the country.
- Ensure that troops are appropriately equipped and supported and, consistent with their mandate, use force when needed to protect civilians under imminent threat by Seleka or anti-balaka fighters.

## TO THE SELEKA AND ANTI-BALAKA LEADERSHIP

- Immediately cease all attacks on civilians and take necessary measures to ensure that Seleka and anti-balaka forces do not commit further human rights abuses and violations of the laws of war.

## EUROPEAN UNION, FRANCE, UNITED STATES, AND OTHER INTERNATIONAL DONORS

- Provide adequate political and financial support for the Special Criminal Court to fulfill its mandate and other efforts to re-establish the national judicial system.





# KILLING WITHOUT CONSEQUENCE

War Crimes, Crimes Against Humanity and the Special Criminal Court in the Central African Republic

This report documents extensive war crimes committed by Seleka and anti-balaka forces in the central regions of the Central African Republic. Based on hundreds of interviews with victims and witnesses, it presents a litany of grave crimes against civilians for which no fighters or commanders have been held to account.

To confront these and other abuses, the report argues for the prompt operationalization of the new Special Criminal Court, a hybrid body with national and international prosecutors and judges to prosecute grave violations since 2003. Together with the International Criminal Court, which has jurisdiction and ongoing investigations in the country, the court offers a unique opportunity to break the country's legacy of impunity. Its success, however, depends on sustained financial, political, and logistical support from the government and its international partners.

*(above) The Ndassima gold mine in 2015, where competing Seleka factions began fighting in early 2017.*

*(front cover) Residents of Marzé outside their burned home. Seleka and Peuhl fighters attacked the town in the Ouham province in July 2015.*

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