

## Central African Republic, Coup d'Etat

Case prepared by Ms. Anaïs Maroonian, Master student at the Faculty of Law of the University of Geneva, under the supervision of Professor Marco Sassòli and Ms. Gaetane Cornet, research assistant.

**N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents.** Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

### Central African Republic: Rampant Abuses After Coup

[Source: "Central African Republic: Rampant Abuses After Coup", in *Human Rights Watch*, 10 May 2013, available on <https://www.hrw.org/news/2013/05/10/central-african-republic-rampant-abuses-after-coup>]

#### New Government Should Rein in Ex-Rebel Forces

(Bangui) – Members of the Seleka rebel coalition, which ousted President François Bozizé of the Central African Republic on March 24, 2013, have committed grave violations against civilians, including pillage, summary executions, rape, and torture, Human Rights Watch said today.

When the Seleka took control of Bangui, the rebels went on a looting spree, killing civilians, raping women, and settling scores with members of the Central African Armed Forces (FACA), Human Rights Watch found. Many of these killings occurred in urban areas in broad daylight. [...]

Seleka means "alliance," in Sango, Central African Republic's principal language. It represents a coalition of several rebel forces that came together to address human rights abuses and poverty in the northeastern part of the country. Human Rights Watch previously reported that President Bozizé's armed forces in this region in 2007 engaged in summary executions, unlawful killings, beatings, house burnings, extortion and unlawful taxation, the recruitment and use of children as soldiers, and many other human rights violations.

Over a 10-day research investigation in Bangui in late April 2013, Human Rights Watch spoke with about 70 witnesses, victims, local human rights defenders, journalists, authorities from the previous and new governments, and other sources. Human Rights Watch uncovered scores of killings committed by Seleka forces in Bangui, the capital, after the March 24 coup and received credible information about further killings by Seleka troops throughout the country between December 2012 and April.

Authorities in the new government told Human Rights Watch that the abuses documented had been carried out by former members of the Bozizé government or by “fake Seleka.” Nouredine Adam, state minister of public security, said that the Seleka maintain control over their troops.

But Human Rights Watch interviewed multiple witnesses who provided compelling evidence, including eyewitness accounts, that Seleka forces were responsible for the majority of abuses against civilians both immediately before and after the coup. In addition, Seleka commanders appear not to maintain discipline within their ranks, as Human Rights Watch documented numerous cases in which Seleka rebels killed their own members.

Human Rights Watch believes that the statements from witnesses establish that the rebels were, on a local level, taking orders from their immediate commanders. As one witness to the killing of a fleeing unarmed civilian told Human Rights Watch, “The [local commander] gave the order and then she fired.”

“The government has an obligation to control the rebels who brought it to power, to prevent abuses, and punish those who commit them,” Bekele<sup>[1]</sup> said. “Without security, the government will not be able to govern effectively or protect civilians.” [...]

Finally, the prosecutor of the International Criminal Court (ICC), Fatou Bensouda, should continue to closely monitor developments in the Central African Republic. Her office in 2007 opened an investigation in the country, following a referral by the Central African Republic government, which is a state party to the ICC. On April 22, Bensouda said that she was closely scrutinizing “allegations of crimes under the Court’s jurisdiction, including attacks against civilians, murder and pillaging in the Central African Republic.” Pillage, rape, and murder, including by summary execution, all constitute war crimes under the statute of the ICC.

**For more background information, please see below.**

## **Background**

Roughly 5,000 Seleka fighters seized power from the Bozizé government in a coup on March 24 after a military offensive, in which they fought their way from northern Central African Republic to the capital, Bangui. The offensive followed the collapse of a power-sharing deal, the January 2013 Libreville Agreement, which created a unity government. Both the United Nations and African Union condemned the coup.

The Seleka coalition comprises at least four main armed rebel groups that have been operating in the northern part of the country since 2003: the Convention of Patriots for Justice and Peace, the Convention of Patriots of Salvation and Kodro, the Democratic Front of the Central African People, and the Union of Democratic Forces for Unity.

### **The Looting of Bangui**

On March 23, the Seleka won a fierce battle against soldiers of the South African Defence Force, who were in the country under an arrangement between former President François Bozizé and President Jacob Zuma of South Africa, and were able to enter Bangui unhindered. Seleka troops immediately looted and pillaged the capital. One of the first targets was the Bangui Cathedral, where Seleka rebels entered the church, fired in the air, and robbed the worshippers.

Seleka members used violence against civilians during the looting. A man who was shot in the throat and survived told Human Rights Watch: “A Seleka fighter said, ‘Come give us the money’... I said that I had no money...he aimed his [gun] at me and shot once. The bullet hit me right above my head on the right side. I thought to myself, ‘I am dead, this is it.’ He shot me again and the bullet hit me on my left shoulder and came out my throat.”

Human Rights Watch spoke with scores of people who reported the same outcome: everything was taken. As one witness told Human Rights Watch: “They took everything in the house, the bed, the mattresses, the clothes, everything with value. They only left my grandmother’s old bed. They even took the furniture in the living room.”

During the weekend of April 13 and 14, Seleka forces carried out an operation in the Boy-Rabe neighborhood, where some members of the former government's security forces live.

Multiple witnesses told Human Rights Watch that Seleka pickup trucks entered Boy-Rabe in the early hours of April 14, a Sunday. Seleka forces shot indiscriminately at civilians to make them flee before Seleka men looted their homes. One resident said: “I saw them shooting their guns at us, at the people. This is the technique of the Seleka, to come in and to pillage. If there are people there they will not hesitate to shoot to make people leave. Sometimes they kill people, sometimes not.”

Pillage and looting are strictly prohibited by international law and under the Statute of the International Criminal Court, “pillaging a town or place, even when taken by assault,” constitutes a war crime in non-international armed conflicts.

### **Summary Executions and Murder of Civilians by Seleka Members**

Seleka forces also engaged in more indiscriminate shooting of civilians in Bangui neighborhoods, including Boy-Rabe and Ouango. A number of witnesses told Human Rights Watch that on April 14 they saw Seleka members shooting at three young unarmed men trying to flee the rebels. When the young men crossed a main road, one of them was shot in the head. Human Rights Watch received credible reports of numerous other civilians shot by Seleka troops in Boy-Rabe while trying to flee the approaching rebels.

If civilians tried to prevent Seleka fighters from entering their homes or looting their property, the civilians were killed, witnesses said. On April 14, one resident of Boy-Rabe let other civilians who were fleeing armed Seleka members take shelter in his house. When the Seleka soldiers demanded to enter his house, the resident refused. He was shot twice in the chest and died a few minutes later.

The following day, Seleka men targeted the home of a man known to be a truck driver. Wanting his truck, Seleka fighters shot in the air and summoned him outside. He told Human Rights Watch: “[The Seleka] stopped shooting and my wife approached the door. But they kicked it down and shot her. [Our] baby was in her arms and she was hit in the head, my wife was then hit in the head and in the chest.” Both the man’s wife and infant daughter died immediately. The Seleka troops then forced him to walk three kilometers to his truck and threatened to kill him if he could not start it.

Two high-ranking Seleka commanders told Human Rights Watch that the units in Boy-Rabe on April 13 and 14 were performing disarmament operations. But residents of Boy-Rabe said that there were neither Central African Armed Forces (FACA) elements, nor armed groups beyond the rebels, in the neighborhood. The Seleka forces, witnesses said, were not looking for weapons or seeking to disarm anyone, but were pillaging the community.

After the looting in Boy-Rabe, Seleka forces summarily executed civilians around the Bangui area, particularly those assumed to be members of the army. In one incident on April 15, Seleka forces captured nine men from Boy-Rabe and Fohu neighborhoods who were walking together, then summarily executed five of them.

Human Rights Watch interviewed three of the survivors. They said the Seleka fighters stopped the men as they walked toward Boy-Rabe and told them, “You are the Gbaya [ethnic group of the ousted president] and you are FACA,” and then forced them onto a pickup truck. On the truck, the Seleka combatants stabbed the men with knives. “They had made us lie down on our stomachs and they did not know what they were stabbing,” a survivor said. “They were happy and were saying, ‘Ha! You are military and we have you!’ When we cried out they stabbed us more.”

The nine men were driven through Bangui and at one point overheard a conversation between the Seleka soldiers in the truck and an officer who appeared to be a commander on the road where the pick-up had stopped. The commander asked who the men were, and the Seleka fighters said that they were FACA. The

commander then said to take them away.

The men were driven to the Mpoko River, southwest of Bangui, near the Bimbo neighborhood. They were forced to leave the truck and were marched to the river's edge. After arranging the nine men in a line, the Seleka soldiers shot five of them. Their bodies fell into the water. "When they were being shot, I knew that it was over for me," one survivor said.

It is unclear why the other four were not shot. Some of those interviewed said that a Seleka member from the southern part of the country asked the commander to spare them. The four survivors were eventually released and are seeking medical attention for their stab wounds, which Human Rights Watch saw. The men said they were not from the FACA.

Seleka forces, witnesses said, also killed unarmed civilians on the Ngaragba Bridge in Bangui near the Ouango/Kassai neighborhoods. According to information gathered by Human Rights Watch, Seleka forces killed approximately 18 people at the Ngaragba Bridge and in the Ouango neighborhood on April 13.

On that day, Seleka elements drove recklessly in a vehicle onto the bridge and hit civilians walking with a coffin in a funeral procession toward the local cemetery. Enraged, civilians from the procession began to throw stones at the Seleka troops. Within minutes, additional Seleka forces arrived. They shot what witnesses said was a rocket-propelled grenade into the crowd and began shooting indiscriminately at civilians who were trying to flee the area and run to their homes toward Ouango. Human Rights Watch saw numerous Seleka vehicles loaded with rocket-propelled grenade launchers.

One witness told Human Rights Watch that he saw Seleka forces kill a priest who was appealing for calm: "[He] walked toward the Seleka elements on their pick-up raising a Bible in his hand and calling to stop shooting...[he] was shot dead by two Seleka fighters."

Another witness told Human Rights Watch that Seleka men shot at women and children: "After the Seleka convoy started shooting at the crowd, a woman with a baby on her back was walking down the street past the bridge, when she was shot by a Seleka fighter and left dead in the street with the baby crying on her back."

At about 4 p.m. on April 12, according to eyewitnesses, a rocket-like weapon landed in a field in the Walingba neighborhood in Bangui, where children were playing soccer. Twelve children, ages 9 to 12, were seriously injured by the explosion, including three who had limbs amputated as a result.

## **Rape**

Human Rights Watch was unable to estimate how many women and girls might have been raped by members of the Seleka, but researchers interviewed two rape survivors in Bangui, and the parents of a third.

One rape survivor said:

The day after they captured Bangui, I was in my house, where I live with my younger sister ... when many Seleka fighters entered the quarter. I am 33-years-old and my sister is 23. She was 8 months pregnant when they raped us on March 25. They were shooting in the air in front of our house. Two armed men entered the house, threatened us, and forced us to get undressed and lay down on the ground....They both raped us, one after the other. They were shouting bad words in Sango and in Arabic. One of them was shouting the Arabic word charmouta (prostitute in Arabic) while raping me. Then, they left the house. Our neighbor took us to the community hospital, where my sister lost her baby the day after.

Another survivor, a mother of three children, was assaulted by Seleka fighters in her house during the attack on Boy Rabe on April 14:

I was at home with my children when a large number of armed men arrived on pick-up vehicles in front of my house. Three of them came into my house, pointed their kalash [Kalashnikov rifle] at me, tied me up in front of my children, and raped me. After they had raped me, they looted my house and left. I'm now alone with my children. My husband abandoned me the day after the rape. I feel pains in my body. I'm scared and have nothing left.

The parents of one rape survivor told Human Rights Watch that their daughter, age 14, was raped by Seleka forces after they looted the family's home. While the Seleka held the parents at gunpoint, one of the Seleka members took the daughter outside on the veranda and raped her. The parents could hear her crying. When finished, the Seleka told the parents, "We have done what we came to do."

### **Targeting FACA members**

Following the success of the coup on March 24, many FACA members went into hiding in Bangui or abandoned their posts due to the prevailing insecurity and out of fear for their lives. Human Rights Watch documented several extrajudicial killings of FACA staff by Seleka members.

In one case, family members and witnesses said that the Seleka forced a man who had worked as a military chauffeur to drive vehicles to Chad. A few days after he had returned home, Seleka elements came to his home to kill him. They attacked his home, but initially the driver was able to flee through a window. The next day, however, Seleka forces captured him near the Kilo 5 neighborhood, approximately five kilometers northwest of Bangui. One witness told Human Rights Watch: "I saw him with my own eyes when he was sitting in the Seleka pickup. They had already started beating him... he did not want to show that he knew me. He was crying." His body was found later by the Red Cross. He had been shot repeatedly.

In another case, witnesses told Human Rights Watch of a summary execution on April 17 in Bangui of a man

who held the rank of sergeant in the FACA. The sergeant received a call from a man he knew to come to a meeting, but when the sergeant arrived, Seleka forces detained him.

Members of the man's family visited police stations in the capital to try to find him. After searching for hours, the family heard that witnesses had found corpses outside of Bangui at the Sceaux Bridge, in an area known as PK 15, and went there. They found the sergeant's body, which bore signs of torture as well as bullet and machete wounds. Witnesses who had been at the bridge told Human Rights Watch that the bodies of seven other FACA soldiers were found there.

## **Government Response**

Human Rights Watch interviewed government officials representing the Seleka, including President Michel Djotodia, Public Security Minister Nouredine Adam, Waters and Forests Minister Mohamed Moussa Dhaffane, and Justice Minister Arsène Sende.

All of these leaders admitted that abuses took place in Bangui after the coalition seized the capital, but all claimed that the former regime's military elements and pro-Bozizé militias carried out the looting and other human rights abuses. They said that approximately 100 "fake" Seleka fighters had been arrested and were being detained, awaiting charges.

A decree issued by Djotodia created a National Commission of Inquiry to investigate and report on crimes and human rights abuses committed in the entire country since 2002. Asked about this commission, the president and justice minister both said that the commission would be required to investigate abuses under the previous government as well as by Seleka troops since December 2012.

## **Discussion**

### **A. Classification of the situation**

1. a. How would you classify the violence between Central African Armed Forces and the Seleka rebels coalition before 24 March 2013? After 24 March 2013?
- b. Before 24 March 2013, could we consider the Seleka as an armed group in the sense of IHL?
2. Is the South African Defense Force a party to the conflict? Before 24 March 2013? After 24 March 2013? Did it internationalize the conflict?

### **B. Conduct of hostilities**

3. Which rules of IHL prohibit the different abuses reported? Are all of them war crimes? Are they grave breaches?

4. a. How could the respect of IHL be ensured in such a conflict? Who is responsible for ensuring respect? Who is in a position to ensure respect?

b. Is there an obligation under IHL to investigate potential war crimes? To investigate all violations of IHL? Is the National Commission of Inquiry to investigate and report on crimes and human rights abuses sufficient for the purposes of IHL? (GCI-IV, Arts 49/50/129/146; CIHL, Rule 158)