

UPHOLDING THE RESPONSIBILITY TO PROTECT IN THE CENTRAL AFRICAN REPUBLIC

INTRODUCTION

The Global Centre for the Responsibility to Protect conducted a research mission to the Central African Republic (CAR) with the Center for Civilians in Armed Conflict and the Stimson Center from 25 March to 2 April 2014. Our objective was to assess efforts to uphold the Responsibility to Protect (R2P), focusing specifically on the protection of civilians, accountability for grave human rights violations and reconciliation initiatives. This policy brief details findings from the mission and sets forth recommendations to halt atrocities and stabilize the situation in CAR.

Mass atrocity crimes have been perpetrated against civilians in CAR by anti-balaka militias, ex-Séléka rebels, other armed groups and mobs of civilians. The risk of further mass atrocities in CAR remains high, particularly for the remaining Muslim minority, which has been targeted in a campaign by predominantly Christian and animist anti-balaka militias to forcibly displace or kill them. A renewed conflict between anti-balaka militias and ex-Séléka elements is unfolding in the interior of the country, also increasing the risk of further mass atrocity crimes being perpetrated against civilian populations resident there.

The international response to the current crisis in CAR has intensified since the surge in violence during late 2013. This has included the UN Security Council (UNSC) authorizing the deployment of 1,600 French troops under the aegis of Operation Sangaris and the 5,000-strong *Mission internationale de soutien à la Centrafrique sous conduite africaine* (African-led International Support Mission in the Central African Republic, or MISCA) of the African Union (AU). The deployment of a European Union (EU) military operation (EUFOR-RCA) and the 10 April authorization of Resolution 2149 by the UNSC for the deployment of a UN peacekeeping operation, the Multidimensional

Integrated Stabilization Mission in the Central African Republic (MINUSCA), are much needed measures.

However, international efforts to assist CAR's interim government in upholding its responsibility to protect - and the broader objective of stabilizing the country - cannot be accomplished solely through the deployment of international troops. The strategy of engagement must be multi-faceted, employing a wide array of tools that reflect the complex and dynamic nature of the crisis. The international response in CAR must be carefully calibrated, taking into consideration constantly changing realities on the ground. Finally, international efforts must be concerted, with a sustained focus on long-term engagement with the authorities and people of CAR.

BRIEF BACKGROUND

Populations in CAR have suffered decades of recurring political instability and humanitarian crisis. Four of the country's five presidents since independence in 1960 have been removed from power by unconstitutional means and CAR has been the subject of repeated foreign interventions. France, the former colonial power, has launched seven separate military operations in CAR since 1960. MISCA, the current AU force, is the third multilateral African-led force to operate in CAR since 1998. When MINUSCA assumes authority from the AU on 15 September 2014, it will be the third UN mission deployed to CAR in less than two decades. The UN has also had a peacebuilding support presence in CAR since 2000, first through the UN Office in the Central African Republic from 2000 through 2010 and then the UN Integrated Peacebuilding Office in the Central African Republic from January 2010 until 10 April 2014.

The present crisis in CAR began in December 2012 with the launch of the Séléka rebellion against the government of President Francois Bozizé. Human rights

violations perpetrated by the predominantly Muslim Séléka rebel group, largely against the Christian majority of CAR, between December 2012 and March 2013 were grave and widespread.

The rebellion culminated in the overthrow of President Bozizé by Séléka forces on 24 March 2013. A sub-regional peacekeeping operation, MICOPAX, led by neighboring countries from the Economic Community of Central African States (ECCAS), 400 troops from South Africa and a contingent of French troops were in CAR at the time of Bozizé's overthrow. Michael Dlotodia, a Séléka leader, declared himself President of CAR on 28 March.

Séléka attacks against the civilian population continued after March 2013, leading to the emergence of predominantly Christian and animist local self-defense groups called "anti-balaka" (anti-machete) in towns and villages in the north and west of the country. Anti-balaka factions began launching attacks against ex-Séléka forces and targeting Muslim communities for violent reprisals in September 2013. This offensive culminated in a 5 to 6 December assault on Bangui and the partial capture of the town of Bossangoa by anti-balaka militias. Regional and international pressure as a result of the fighting led to Dlotodia's resignation and exile from CAR on 10 January 2014. A new interim government was formed and on 23 January Catherine Samba-Panza assumed office as interim President of CAR.

However, efforts to reconstitute the government, as well as the deployment of additional French and AU forces, has not prevented the situation from deteriorating further. The Muslim population of CAR continues to be deliberately and systematically targeted by anti-balaka militias and mobs of civilians. The UN High Commissioner for Refugees (UNHCR) stated that organized violence against the country's Muslim population constitutes "massive ethno-religious cleansing." Approximately 80 percent of the country's Muslim population has been forced to flee or has been killed and those that remain are at high risk of ongoing attacks.

The current crisis in CAR is unprecedented in its scope and impact upon the civilian population. At least 2,000 people, mainly civilians, have been killed in Bangui alone since December 2013.¹ At the time of publication

¹ This is a conservative estimate and there is no comprehensive toll for all of CAR.

over 350,000 civilians had sought refuge in neighboring countries and there are currently more than 567,600 internally displaced persons (IDPs), including at least 142,600 people spread across 41 sites in Bangui. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has ranked the situation at the highest level of humanitarian emergency. The approaching rainy season will only make the conditions for the displaced and vulnerable more difficult and will inhibit humanitarian assistance operations.

THE DYNAMIC OF VIOLENCE

The Global Centre for the Responsibility to Protect's research mission to CAR coincided with a surge in violence in Bangui and the interior. Following four days of intensified clashes between anti-balaka factions and MISCA peacekeepers, the AU labeled the anti-balaka "enemy combatants" on 25 March. Fighting erupted between these forces in the 3rd, 4th, 5th and 8th districts of Bangui on the same day. A number of other serious security incidents occurred during the assessment mission, including a 27 March grenade attack against a funeral procession in the 3rd district that killed 20 civilians. On 29 March Chadian elements of MISCA indiscriminately opened fire into the market area of the PK12 neighborhood north of Bangui, resulting in 30 civilian deaths and over 300 wounded.

The anti-balaka are currently the primary threat to civilians in CAR. These militias have focused their attacks against the remaining Muslim population in a sustained effort to force their displacement and to kill those who refuse to leave.

Overall, the size and strength of the various anti-balaka militias is difficult to estimate. There is no coordinated leadership structure that binds various groups operating in different regions of the country, nor is there an articulated political aim uniting the various factions. However, there appear to be four main types of anti-balaka groups currently operating in the country:

- Former and current soldiers of the *Forces armées centrafricaines* (FACA) and the national police forces, and those with close links to them;
- Loyalists of former President Bozizé, known as "bozizistes";
- Gangs of youths and criminals, often referred to as "faux anti-balaka";

- Individuals that continue to act as localized self-defense forces.

These categorizations are neither exclusive nor exhaustive. In many cases different elements operate alongside one another, as was evident in the 5 to 6 December attacks in Bangui and Bossangoa.

Numerous credible sources indicated to the Global Centre for the Responsibility to Protect that current and ex-FACA forces are actively collaborating in anti-balaka attacks in Bangui. Their operations are apparently becoming more sophisticated in terms of the weaponry utilized as well as planning and execution, particularly regarding attacks against MISCA peacekeepers. Confrontations between anti-balaka and MISCA peacekeepers are not limited to Bangui, but have also occurred in Boali, Berberati, Kaga-Bandoro and elsewhere.

The so-called faux anti-balaka are largely responsible for widespread criminality and targeted attacks against civilians in Bangui. Clashes have also taken place between these individuals and other anti-balaka militias.

It is also important to differentiate between anti-balaka fighters that have remained in their villages and those that have migrated to other areas of the country. The fighters that have not left their areas of origin are often less willing to engage in violence against their neighbors. Those that have migrated are more willing to engage ex-Séléka forces, attack Muslim populations and perpetrate opportunistic violence. This carries important implications for any disarmament, demobilization and reintegration strategy in CAR.

Tensions and confrontations between anti-balaka and ex-Séléka forces are also increasing in the interior of the country, particularly in central prefectures of Nana-Grebizi and Kémo. These two prefectures effectively split CAR between North and South and East and West, adding to fears of a veritable partition of the country. Clashes have also increased in Ouham to the northwest of Bangui and Ouaka to the northeast.

Despite significant gains made in the disarmament of the ex-Séléka by MISCA and Operation Sangaris, these forces continue to pose a threat to civilian populations. The retreat of ex-Séléka from Bangui to the north and east has been marked by violence and renewed violations of the human rights of civilians in those areas. There is a risk that initial gains made against the ex-

Séléka will be erased if they continue to regroup, rearm and reconnect with other armed groups operating in Chad and Sudan. Credible reports of ex-Séléka mobilization in the northeast and the 23 April attempt to retake Bouca, Ouham prefecture, highlight these risks.

New armed groups have also emerged in the security vacuum in the northwest of the country, including the *Groupe Révolution Justice* (RJ), led by Commandant Armel Sayo, a former Séléka leader. RJ and its armed branch, the *Forces Spéciales de Révolution Justice* (FS-RJ), operate primarily in Ouham-Pendé prefecture. The group has reportedly acted as an armed alternative to the ex-Séléka and anti-balaka in some towns and villages in the northwest, including Paoua. However, FS-RJ has also been implicated in attacks against civilians and MISCA peacekeepers.

There have also been reports that ex-fighters from the Chadian rebel group *Front Populaire pour le Redressement*, led by Abdel Kader Baba Laddé, are operating in the northwest. The Chadian National Army was also implicated in a number of alleged armed incursions into northwest CAR during late April.

APPLYING THE RESPONSIBILITY TO PROTECT

Religion has become the dominant lens through which policymakers view the crisis in CAR. Targeted violence, both on the basis of religion and ethnicity, is indeed a significant dynamic that characterizes the present situation. However, it must be emphasized that the conflict in CAR is predominantly a political conflict. Religion and ethnicity – and identity more broadly – have been manipulated by competing elites to further political goals, including using armed violence to attain, maintain or expand power. Opportunistic violence fueled by a desire for personal gain is also endemic throughout the country.

The Responsibility to Protect is concerned with the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity. Every state, including the interim government of CAR, has the Responsibility to Protect its populations from these crimes. The wider international community has the responsibility to encourage and assist individual States in meeting that responsibility. If a State is manifestly failing to protect its populations, then the international community must

be prepared to take appropriate collective action in a timely and decisive manner and in accordance with the UN Charter.

The appointment of Catherine Samba-Panza as interim President and head of the National Transitional Council brought hope to populations in CAR, and her appointment of a 20-member cabinet was seen as a positive step towards establishing responsible governance of the country. However, a lack of capacity has meant that the interim authorities have been fundamentally unable to uphold their protective responsibilities.

Senior government officials confirmed to the Global Centre for the Responsibility to Protect that they live in daily fear of attack and that government officials and infrastructure are inadequately protected, preventing them from conducting their work. Salaries of civil servants have not been paid in months, the national security forces are in a state of disarray and the economy has effectively collapsed.

Despite the challenges the interim government faces, it has a crucial role to play in resolving the current crisis. The government has a responsibility to attempt to restore a minimum-level of security and protection and: (1) ensure that government officials do not incite or facilitate the commission of crimes, (2) publicly condemn attacks and urge reconciliation amongst divided communities (3) attempt to arrest and prosecute perpetrators and (4) ensure that national security forces observe international human rights standards.

CAR authorities will require significant international assistance in support of these efforts. Such assistance could include the provision of funds and technical assistance through the Multi-Partner Trust Fund for CAR. A host of actors, including the UN, AU, ECCAS, International Contact Group on CAR (ICG-CAR), key donors and international and local civil society have a crucial role to play in assisting CAR's authorities uphold their responsibilities.

The international community has employed a number of measures to respond to the current crisis in CAR. These include, but are not limited to, diplomatic initiatives by regional and sub-regional actors and the ICG-CAR, the establishment of a Commission of Inquiry into the situation by the UN Human Rights Council and the opening of a new investigation by the International Criminal Court (ICC).

The deployment of French and EU forces, as well as AU peacekeepers, and the recent authorization by the UNSC of MINUSCA represent the willingness of the international community to uphold their responsibility to protect. In particular, French forces and AU peacekeepers have directly contributed to the physical protection of civilians and the prevention of even larger atrocities in CAR.

However, despite these efforts, approximately 80 percent of the Muslim population has been forcibly displaced or killed since December 2013. The protection and possible relocation of remaining vulnerable populations is an ongoing necessity. Overall, international efforts have been inadequate in the face of the gravity of the crisis, both in terms of urgency and scale. As atrocities continue and the risk of further crimes remains high, there is a desperate need to enhance national and international efforts in CAR. Three French troops and twenty-five AU peacekeepers have been killed while carrying out their mandate.

THE RISK OF FURTHER MASS ATROCITIES

The risk of further mass atrocities remains high in CAR. According to UNHCR there are currently 15,000 Muslim civilians spread across 11 communities that are at high-risk of attack, primarily by anti-balaka militias. This includes at least 10,000 Muslims currently besieged in Boda, Lobaye prefecture. Three of these communities are currently unprotected by international security forces. The fear of besieged communities being overrun, resulting in large-scale killings of the remaining Muslim population of CAR, is legitimate.

Convoys of people seeking to flee have also been attacked by anti-balaka and mobs of civilians. Evacuation operations conducted on 11 April from Bossangoa and 27 April from Bangui have been targeted, despite being escorted by MISCA. There is also a risk that those populations that wish to remain in besieged areas will be subject to continued attacks.

Disarmament efforts could also expose communities to the risk of reprisal violence by anti-balaka or ex-Séléka forces. The UN Office of the High Commissioner for Human Rights has raised concerns over initial disarmament efforts by Operation Sangaris and MISCA mainly targeting ex-Séléka forces, which left Muslim

populations vulnerable and resulted in targeted attacks against them by anti-balaka and mobs of civilians.

Increasing clashes between anti-balaka militias, ex-Séléka forces and other armed groups in the interior of the country have already claimed civilian lives. A wider conflict between these groups would be disastrous for civilians. Such a deterioration of the situation would also pose considerable challenges for international peacekeepers, particularly as the onset of the rainy season will make staging operations in the interior of the country more difficult.

The Lord's Resistance Army (LRA), which has perpetrated crimes against humanity across central Africa since 1987, also remains active in southeastern CAR. The group has exploited the security vacuum in the country, with an increase in LRA attacks and kidnappings in the Haut-Mbomou prefecture during 2014. The risk of further atrocities perpetrated by the LRA remains high.

Without a significant improvement in the security situation and meaningful gains in reconciliation efforts and political dialogue, the current electoral timeline of February 2015 could also result in further polarization between communities and the perpetration of mass atrocity crimes. High levels of civilian displacement also call into question the legitimacy and viability of elections.

Finally, there is a risk that the international community may contribute to a permanent change in the social fabric of CAR. Failing to ensure the safe, voluntary return of displaced populations when appropriate conditions are in place could amount to the de facto ethno-religious "cleansing" of CAR.

HOW TO PREVENT AND PROTECT

In keeping with the Responsibility to Protect the governments of CAR and France, as well as the UN, AU, EU, regional and sub-regional actors, ICG-CAR and key donor countries must intensify efforts to protect civilians and prevent further atrocities. This will require a multi-dimensional approach to address the immediate protection needs of populations and structural issues that have contributed to recurring crises in CAR.

The deployment of MINUSCA is an important step that will hopefully bring greater coherence to the

international community's response to the crisis. However, troops, police and logistical support will take months to deploy and MINUSCA will only officially assume authority from MISCA on 15 September. Once operational, MINUSCA troops must actively anticipate emerging risks and use force where necessary to protect civilians.

In the interim, Operation Sangaris, MISCA and EUFOR-RCA must robustly protect civilian populations. All efforts must be undertaken to support the UN Secretary-General's six-point plan, including the deployment of additional troops and police to bolster the efforts of the French, AU and EU. Logistical and financial support to MISCA should be urgently provided to improve its operational capacity. Finally, an urgent increase in funding for humanitarian aid is needed, as only 29 percent of OCHA's appeal has been met despite the impending humanitarian challenges posed by the rainy season.

Breaking the cycle of impunity will also be critical to upholding the Responsibility to Protect in CAR. National authorities are currently unable to hold perpetrators of mass atrocity crimes accountable because of a lack of capacity. Some authorities are also unwilling to pursue justice as a result of fear of reprisal or collusion with perpetrators. Financial and technical assistance is urgently required from international partners to ensure accountability for previous crimes. International actors should also work in conjunction with national security forces to provide protection to government officials and infrastructure, including key ministries, courts and prisons.

The international community must send a strong message to those profiting from the present crisis. Disrupting the networks of support of the various armed groups operating in CAR will be critical to halting attacks against civilians. Individuals providing material or financial support to the various groups of anti-balaka or ex-Séléka, as well as those individuals directly responsible for attacks against civilians, should be the target of sanctions and investigated by the ICC.

The interim government must undertake all reasonable efforts to engage in mediation between divided communities and foster reconciliation. International mediators should be dispatched to CAR to assist national authorities in these efforts.

NECESSARY ACTION

To the interim government of the Central African Republic

- Publicly condemn all violence against civilians, especially the Muslim minority, and call upon all armed groups to lay down their weapons and cease violence;
- Work with international partners to facilitate the evacuation and relocation of besieged populations as expeditiously as possible, while taking all necessary steps to ensure that these populations can voluntarily return when possible;
- Bring to justice all perpetrators of mass atrocity crimes, as well as those responsible for the assassination of government officials, judges, and lawyers, including through cooperation with the ICC;
- Prevent those with links to armed groups responsible for inciting, facilitating or perpetrating mass atrocity crimes from taking part in the transitional government;
- Actively promote peace messaging, including through cooperation with national telecommunications providers.

To the African Union and MISCA

- Convene an emergency force generation conference to fill the gap left by the departure of the Chadian contingent of MISCA on 14 April 2014;
- Ensure full compliance with international human rights standards;
- Thoroughly investigate all incidents involving AU troops that result in civilian casualties and relay the results to the population.

To the European Union and EUFOR-RCA

- Accelerate the timeline for EUFOR-RCA to reach full operational capacity;
- Ensure EUFOR-RCA robustly protects civilians sheltering at M'Poko International Airport and in the 3eme and 5eme arrondissements of Bangui.

To MISCA, Operation Sangaris and EUFOR-RCA

- Ensure that convoys of civilians being evacuated and/or relocated from threatened areas are adequately protected;
- Ensure more effective coordination in joint efforts to protect civilians;
- Work with national authorities to provide increased protection to government officials and

infrastructure, including key government ministries, courts and prisons;

- Engage in concerted public messaging explaining efforts being undertaken to protect civilians.

To the ICG-CAR and other key donors

- Fulfill the funding pledges for humanitarian assistance made on 20 January in Brussels, as well as the pledges made to provide support to MISCA on 1 February in Addis Ababa;
- Prioritize immediate impact projects, such as providing salaries and equipment to national security forces, re-building the penal chain, reinforcing mediation and public communication capacities of the government and increasing humanitarian assistance to displaced populations;
- Provide assistance to the interim government and the UN Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect to convene National Peace Forums to strengthen local-level mediation and prevent further mass atrocity crimes.

To the UN Security Council

- Ensure the list of people subject to targeted sanctions is as comprehensive as possible;
- Hold monthly briefings and consultations on the progress of implementing Resolution 2149.

To the UN Secretary-General

- Continue to speak publicly about the risk of mass atrocity crimes in CAR and warn that those who perpetrate atrocities will be held accountable;
- Convene senior UN officials to ensure that UN agencies actively prevent further atrocities, in keeping with the Rights Up Front Action Plan.

To MINUSCA and the UN Department of Peacekeeping Operations

- Quickly constitute the civilian component of MINUSCA, including the deployment of civil affairs officers, in the lead up to the deployment of troops and police and the transfer of authority from MISCA;
- Ensure MINUSCA has a strong public outreach component capable of disseminating information to local populations on the role and responsibilities of the mission;
- Ensure that contingents that will be re-hatted to participate in MINUSCA meet the standards of the UN Human Rights Due Diligence Policy and

that they, along with other troop contributing countries, have comprehensive training in the protection of civilians.

CONCLUSION

International responses to previous crises in CAR have been ad hoc and have failed to prevent recurring instability and humanitarian suffering. The intensification of the international community's response to the current crisis since December 2013 should be commended, but it has unfortunately not secured adequate protection for civilians threatened by ongoing mass atrocities.

The severity of the current crisis and the enduring threat of mass atrocities requires increased efforts to uphold the Responsibility to Protect. An enhanced international response must be carefully coordinated and sustained, employing a wide array of tools to ensure that immediate civilian protection efforts are closely linked to a longer-term strategy to bring lasting peace, security and development to CAR. These will be the benchmarks by which the international community will be judged for its response to the crisis in CAR and every effort should be undertaken to ensure they are met.