



Preliminary Legal Classification of the Violations

The Mapping Report assessed groups of incidents documented in the report against legal standards, to provide a [preliminary](#) classification of the types of violations of law they could constitute. This classification is by definition preliminary, as definitive legal characterization of specific facts as criminal acts is a prerogative of the judicial process.

● Violations and abuses of international human rights law:

The Central African Republic (CAR) is a party to several core international human rights treaties which were applicable between 2003 and 2015. International human rights law was applicable throughout the period covered by the report, whether an armed conflict was in existence or not. When there is a finding that a human rights violation has been committed, the State is obliged to provide a remedy to victims of violations, by providing mechanisms to ensure victims can seek and receive effective redress.

● Human rights violations by State organs:

From 2003

From 2003, soldiers who took part in the rebellion that led to Bozizé taking over power, committed extrajudicial executions, torture, sexual and gender-based violence, and severely restricted the exercise of civil and political rights. Serious human rights violations were committed by the Presidential Guard and the Security Investigation Division (SERD, which later became SRI).

2007 - 2015

From 2007 to 2015 (with a sharp increase in 2015), elements of specialized anti-banditry force (OCRB) committed serious human rights violations amounting to an institutional policy of extrajudicial killings.

2006 - 2008

The Mapping report also shows that there were large-scale violations of economic and social rights, notably during the scorched earth campaign by the Presidential Guard and FACA from 2006 to 2008 in the North-west of the CAR, as well as during the period when the Séléka was in power (until 10 January 2014).

24 March 2013

After taking power on 24 March 2013, the Séléka committed serious violations of international human rights law.

2004 - 2008

The report also documents repeated acts of violence against the civilian population by organized criminal gangs in the West, Northwest and North-central part of the country from 2004 to 2008. This violence continued unabated and without significant State efforts to curb it, which engages the State's responsibility.

● Human rights abuses committed by armed groups:

Human rights are primarily State obligations. However, non-State actors that exercise effective control over a territory and government-like functions are also obliged to respect human rights norms. Some non-State actors fall into that category.

2005 - 2012

For instance, the [Armée Populaire pour la Restauration de la Démocratie](#) (APRD) armed group controlled a part of territory in the Northwest and North-centre of the country from 2005 to 2012 and established a parallel administration. The APRD committed serious abuses of human rights, such as attacks against individuals for not paying taxes and levies it requested, or executing several persons accused of committing crimes, after processes which did not meet any of the safeguards of a fair trial.

● War Crimes:

The Mapping Report lists the principal armed conflicts that took place during the period under consideration in the CAR:

- I the armed conflict between forces loyal to President Patassé and the rebels of General Bozizé (from 1 January to 15 March 2003);
- II the armed conflict between the APRD rebellion and the Government (from December 2005 to May 2012);
- III the armed conflict between the [Union des Forces Démocratiques pour le Rassemblement](#) (UFDR) rebellion and the Government of the CAR, and between UFDR and ethnic Runga and Kara armed groups (from October 2006 to April 2007, and April 2007 to December 2012);



- IV** the armed conflict between the CPJP rebellion and the Government of the CAR (from late 2008 to August 2012);
- V** the armed conflict between the Chadian FPR rebel group and the Governments of Chad and the CAR (from 2008 to September 2012);
- VI** the armed conflict between the Séléka and the Government of the CAR (from December 2012 to March 2013);
- VII** the armed conflict between the Séléka/ex-Séléka and anti-Balaka (from July 2013 to 2015); and
- VIII** the armed conflict between the Ugandan army (UPDF) and the African Union Regional Task Force, and the LRA on the CAR's territory (from September 2009 to 2015).

The Mapping report selects some illustrative examples of incidents committed during these armed conflicts which may point to the commission of war crimes, if proven by a court of law (eg. murder, rape, extrajudicial executions and torture, as well as conscripting or enlisting children under the age of fifteen years into armed groups).

The Mapping Project also considered the elements **of pillage** as a war crime, considering the extensive nature of these incidents, their significance in the narrative of the major armed conflicts in the Central African Republic (especially the rebellions that brought down the Patassé and Bozizé regimes in 2003 and 2013 respectively), and their specific repercussions on economic and social rights during and after conflict.

● Crimes against humanity:

Crimes against humanity entail the commission of certain prohibited acts as part of a **widespread or systematic** attack directed against a civilian population. Some incidents documented in the report could constitute crimes against humanity if proven in a court of law, notably:

- I** the campaign of killings and persecution against civilian communities in the Northwest and the North-centre of the country by Government armed forces in reprisal for the emergence of the APRD rebellion (2006-2009);
- II** the acts of violence by the Séléka during their descent on Bangui, while in power, and after being ousted, committed against civilians across the country, particular those of non-Muslim faiths and those opposed to the Séléka (2012-2015);
- III** the violence by the anti-Balaka targeting individuals of Muslim religion and Peulh ethnicity, which entailed, inter alia, acts of persecution and forcible population transfer (mid-2013-2015).

● Genocide:

The crime of genocide consists of any of the following acts committed with intent to destroy, in whole or in part, a **national, ethnical, racial or religious group**, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; and (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, (d) imposing measures intended to prevent births within the group, and (e) forcibly transferring children of the group to another group.

The most complex and demanding element that must be established for the crime of genocide is the specific, aggravated criminal intent, namely the intent to destroy, in whole or in part, the protected group, as such. Considering the caution required to infer the specific genocidal intent from surrounding facts and circumstances, the level of proof (**reasonable suspicion**) used by the Project, and the need for more detailed investigations on specific incidents, the report does not make a finding on whether specific incidents meet or do not meet the elements of the crime of genocide. Instead, it provides an overview and preliminary assessment of two specific episodes of violence documented, in light of the elements of the crime of genocide. These events are:

- I** the violence by the Séléka / ex-Séléka against Christians and animists (late 2012 to January 2014); and
- II** the violence by the anti-Balaka against Muslims and Peulhs (mid-2013 to end of 2015).

● Serious violations of international law by peacekeeping and foreign intervention forces under a Security Council mandate:

The report documents several violations of international law committed by some United Nations and non-United Nations forces, deployed under a mandate of the UN Security Council.