

**COMMUNICATION UNDER ARTICLE 15 OF THE STATUTE OF
THE INTERNATIONAL CRIMINAL COURT**

**CRIMES AGAINST HUMANITY AND WAR CRIMES COMMITTED
IN THE CENTRAL AFRICAN REPUBLIC SINCE 2018**

PUBLIC REDACTED VERSION

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I. INTRODUCTION

1. This Communication is filed under Article 15 of the Rome Statute of the International Criminal Court ('ICC Statute') in order to notify the Office of the Prosecutor of the International Criminal Court ('ICC') of the crimes against humanity and war crimes committed in the Central African Republic ('CAR') against the civilian population within the framework of a state policy put in place by the President of the Central African Republic, Faustin-Archange TOUADÉRA ('TOUADÉRA'), members of his Government, other senior Central African leaders and leaders of the Russian paramilitary group known as Wagner at the time of the events ('Wagner Group') (collectively 'the TOUADÉRA regime') since March 2018 with the aim of maintaining TOUADÉRA and his close collaborators in power and in return ensuring the Wagner Group's control over the exploitation of the CAR's mining sites.
2. Central African citizens operating within the association of the «12 Apôtres » ('Submitting Parties') have commissioned the law firm Larochelle Avocats, headed by international lawyer Philippe Larochelle, to prepare and file the Communication with the Office of the Prosecutor of the ICC. Members of Larochelle Avocats heard about thirty witnesses, including members of the Central African Armed Forces ('FACA'), the gendarmerie, former militiamen, senior Central African personalities as well as victims and relatives of victims, and examined the evidence gathered with the assistance of the Submitting Parties.¹ The incidents described by the witnesses were included in a table listing the respective crimes committed by the perpetrators of the incidents ('Crime Table').²
3. The Communication also draws on evidence of massive human rights violations in the CAR detailed in public sources, such as reports by the United Nations ('UN'), Non-Governmental Organisations ('NGOs') and press articles.

¹ Annex I.

² Annex II.

4. In addition, this Communication refers to data related to security incidents in CAR from the database of the Armed Conflict Location & Event Data Project ('ACLED'), a US-based non-profit organization that collects, analyzes and maps information on armed conflict.³ This data is collected by experienced researchers who draw on a wide range of local, regional and international information sources and organizations.⁴ ACLED approves and fully supports this Communication.

5. The evidence gathered by the Submitting Parties over a period of more than one year leads to the conclusion that there is a reasonable basis to believe that since 2018, the members of the TOUADÉRA regime mentioned in this Communication have committed serious abuses as part of a widespread and systematic attack against the civilian population in accordance with a State policy, namely, crimes against humanity under Article 7 of the ICC Statute. In the context of this attack, the TOUADÉRA regime is responsible for the crimes against humanity of:

- Murder – Art. 7(1)(a);
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law – Art. 7(1)(e);
- Torture – Art. 7(1)(f);
- Rape – Art. 7(1)(g);
- Persecution against any identifiable group or community on political or ethnic grounds – Art. 7(1)(h);
- Enforced disappearance of persons – Art. 7(1)(i).

6. The Submitting Parties also argue that since 2018, the members of the TOUADÉRA regime mentioned in this Communication have committed serious breaches of the Geneva Conventions of 12 August 1949 and targeting persons or objects protected by the

³ Armed Conflict Location & Event Data Project, [About ACLED](#).

⁴ Armed Conflict Location & Event Data Project, [Codebook](#), 7 October 2024, p. 39.

provisions of the Geneva Conventions as included in the ICC Statute, namely war crimes committed in the context of the non-international armed conflict taking place in the CAR. In this context, the TOUADÉRA regime has committed the following war crimes:

- Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture – Art. 8(2)(c)(i);
 - Committing outrages upon personal dignity, in particular humiliating and degrading treatment – Art. 8(2)(c)(ii);
 - Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities – Art. 8 (2)(e)(i));
 - Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives – Art. 8 (2)(e)(iv));
 - Pillaging a town or place, even when taken by assault – Art. 8 (2)(e)(v));
 - Rape – Art. 8 (2)(e)(vi)).
7. The ICC's investigations in the so-called ‘‘Central African Republic II’’ situation were closed in December 2022 by Prosecutor Karim Khan,⁵ citing the handover to national jurisdictions ‘‘ to hold the perpetrators of the crimes at stake accountable’’.⁶ Nevertheless, in accordance with the ICC Statute and as recalled in his Policy on Situation Completion,⁷ the Prosecutor may well decide to open an investigation as soon as new crimes come to his attention.⁸
8. In particular, it provides that: ‘‘Should allegations of new article 5 crimes arise after the Office has concluded its activities in a situation, the Prosecutor may consider them within

⁵ ICC, [Le Procureur de la Cour pénale internationale, Karim A.A. Khan KC, annonce la clôture de la phase d'enquête dans la situation en République centrafricaine](#), 16 December 2022.

⁶ *Ibid.*

⁷ ICC, Office of the Prosecutor, [Policy on Situation Completion](#), 15 June 2021.

⁸ *Ibid.*, pars. 83 et 101.

the framework of Article 15 of the Statute, or otherwise if the matter is referred to the Court by a State Party or the UN Security Council. In such circumstances, consistent with the Statute and the Policy Paper on Preliminary Examinations, allegations of new crimes could be considered in any new situation which meets the legal criteria for initiating an investigation”.⁹

9. In deciding whether or not to open an investigation, Article 53(1) requires the Prosecutor to consider three distinct factors: (i) whether there is a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed; (ii) whether the matter is or would be admissible; and (iii) whether, “taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice”.¹⁰ Each of these factors is assessed according to the required criteria in separate sections below.

II. CONTEXT

A. ARRIVAL OF THE WAGNER GROUP IN CAR

10. Following France's political and military disengagement from the CAR in 2016, the Wagner Group, then led by oligarch Yevgeny Prigozhin ('PRIGOZHIN') and Dmitry Valerievich UTKIN ('UTKIN'), the operational chief, was deployed to CAR.¹¹ In a

⁹ *Ibid.*, par. 101.

¹⁰ ICC, Office of the Prosecutor, [Policy Paper on Preliminary Examinations](#), November 2013, para. 34: "The required evidentiary standard of 'reasonable basis to believe' has been interpreted by the Chambers of the Court as requiring 'a sensible or reasonable justification for the belief that a crime within the jurisdiction of the Court 'has been or is being committed'." *Situation in the Republic of Kenya*, ICC-01/09-19-Corr-tENG, [Decision on the Request for Authorization to Initiate an Investigation in the Context of the Situation in the Republic of Kenya under Article 15 of the Rome Statute](#), 31 March 2010, para. 27 ("Article 15 Kenya Decision"): "With respect to the condition based on the 'reasonable basis to believe', set out in Rule 53-1-a, the Board considers that this is the lowest standard of proof provided for in the Statute. ». See also pars. 28-35. See also, ICC, Office of the Prosecutor, [Report on 2019 Preliminary Examination Activities](#), 5 December 2019, paras. 3, 11.

¹¹ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 20; N. Dukhan, The Sentry, [Predation State The Central African Republic Hostage of Proxies and War Profiteers](#), October 2020, p. 9; Kimberly Marten, [Russ-Africa? Russia, France, and the Central African Republic](#), *Ponars Eurasia*, Policy Memos, 21 August 2019;

context of politico-military crisis and armed conflicts, PRIGOZHIN, at the time a close ally of the President of the Russian Federation, Vladimir PUTIN, and UTKIN, visited CAR in 2017 to initiate negotiations with the Central African Presidency regarding the delivery of weapons and military equipment and the provision of personnel.¹²

11. The Central African National Assembly had not been informed of the negotiations that were taking place between the Presidency and the Wagner Group while TOUADÉRA and his then Chief of Staff, Firmin NGRÉBADA ('NGRÉBADA'), had travelled to Sochi, Russia, in October 2017 at the invitation of the Wagner Group in order to negotiate the delivery of arms by Russia, including with the Russian Minister of Foreign Affairs, Sergei LAVROV.¹³

12. The Wagner Group's involvement in the CAR has also materialized through the involvement of senior leaders of the Wagner Group at the level of the Central African Presidency. Since 2017, three key figures, Valery ZAKHAROV ('ZAKHAROV'), Dimitri SYTYI ('SYTYI') and Vitali PERFILEV ('PERFILEV') (collectively 'The Wagner Leaders') have maintained close relations with TOUADÉRA and his close collaborators.¹⁴

13. ZAKHAROV, a former Russian intelligence agent, was seconded to CAR as a chief instructor of the Wagner Group in the context of an official mission. Upon his arrival in CAR, ZAKHAROV held the position of special security advisor to TOUADÉRA and established the Wagner Group's stranglehold on Central African institutions, such as the

¹² T-26, paras. 21-22; T-023, para. 25; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 20; N. Dukhan, The Sentry, [État de prédation La République centrafricaine otage des proxys et des profiteurs de guerre](#), October 2020, p. 9.

¹³ T-026, para. 23; Kimberly Marten, [Russ-Afrique? Russia, France, and the Central African Republic](#), *Ponars Eurasia*, Policy Memos, 21 August 2019.

¹⁴ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 22.

National Assembly and the FACA General Staff until his departure from CAR in mid-2021.¹⁵

14. SYTYI arrived in CAR towards the end of September 2017.¹⁶ SYTYI initially served ZAKHAROV's assistant and translator, which allowed him to take part in all strategic meetings between the Wagner Group and the Central African Presidency.¹⁷ SYTYI has also accompanied TOUADÉRA during trips to Russia, including to the St. Petersburg International Economic Forum in May 2018.¹⁸ SYTYI has rapidly occupied a central role in the organization of the Wagner Group's operations and the group's strategic relations with the Central African government, making him the country's key figure, so much so that ‘‘SYTYI knows everyone and everyone knows SYTYI.’’¹⁹

15. PERFILEV was UTKIN's right-hand man in the CAR where he was in charge of all security and defence matters until his departure from the CAR in July 2023.²⁰ PERFILEV also strengthened the Wagner Group's foothold in CAR's security institutions and established a solid network within TOUADÉRA's entourage, including with the Minister of National Defense, Claude Rameaux BIREAU ('BIREAU'), the Head of Intelligence at the Presidency, Henri WANZET-LINGUISSARA, the Director-General of the

¹⁵ T-026, paras. 17-19, 33; N. Dukhan, The Sentry, [État de prédation La République centrafricaine otage des proxys et des profiteurs de guerre](#), October 2020, p. 9; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 20-21.

¹⁶ T-026, para. 34; All Eyes on Wagner, [Dimitri Sytyi, Wagner executive in the Central African Republic](#), 20 December 2022.

¹⁷ All Eyes on Wagner, [Dimitri Sytyi, Wagner executive in the Central African Republic](#), 20 December 2022.

¹⁸ All Eyes on Wagner, [Dimitri Sytyi, Wagner executive in the Central African Republic](#), 20 December 2022.

¹⁹ All Eyes on Wagner, [Wagner peau de chagrin](#), 23 August 2024.

²⁰ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 21; All Eyes on Wagner, [Denis Pavlov, the man from Bangui](#), 7 December 2023; Henriette Akimana, [Retour en Russie : 600 mercenaires de Wagner quitte la Centrafrique](#), 10 July 2023.

Presidential Guard, Igor SÉRÉGAZA (SÉRÉGAZA), and the Director General of the Police, Bienvenu ZOKOUÉ ('ZOKOUÉ').²¹

B. DELIVERY OF WEAPONS BY RUSSIA AND DEPLOYMENT OF MERCENARIES

16. As early as 2018, the first arms deliveries by Russia to the CAR were made as well as the sending of “Russian instructors”, a term used by the Russian and Central African authorities for years to talk about the presence of Wagner mercenaries in the CAR, “deliberately denying the existence of the paramilitary group despite the existence of increasingly obvious material evidence”.²² The first wave of Russian instructors consisted of approximately two hundred elements, all of whom were part of the Wagner Group personnel.²³ The Russian instructors operated inter alia through Sewa Security Services, a security company registered in the CAR since November 2017 and representing the legal channel through which Wagner mercenaries were sent to the CAR.²⁴

17. Between 2018 and 2020, waves of material and personnel arrived both in Bangui and in the provinces and were transported by Russian 'Antonov' type aircrafts.²⁵ The Russian instructors had established themselves, among others, in the Camp de Roux prison in

²¹ T-026, para. 34; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 21-22; All Eyes on Wagner, [Denis Pavlov, l'homme de Bangui](#), 7 December 2023.

²² The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 7.

²³ T-026, para. 28; Kimberly Marten, [Russ-Africa? Russia, France, and the Central African Republic](#), *Ponars Eurasia*, Policy Memos, 21 August, 2019. See also The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 7.

²⁴ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 7; Letter dated 23 July 2018 from the Panel of Experts on the Central African Republic addressed to the President of the Security Council by Security Council resolution 2399 (2018), 23 July 2018, [S/2018/729](#), para. 12.

²⁵ T-026, para. 30.

Bangui and in Berengo, about sixty kilometers from Bangui, where they provided military training .²⁶ The Wagner Group then set up other bases at strategic locations in CAR, such as near Bangui M'Poko airport, in Bossangoa²⁷ and in Bouar.²⁸

18. Members of the FACA and militiamen recruited from various armed groups active in the Central African Republic have since received military training by Russian instructors on the handling of firearms, hand-to-hand combat, advanced use of various modern means of electronic warfare, coordination of actions between ground and air operations, subversive guerrilla activities, military concealment techniques, sabotage, recruitment of foreign agents, espionage, interrogation and torture techniques.²⁹ There is a reasonable basis to believe that the training provided by the Russian instructors was ultimately aimed at training the FACA and militiamen to terrorize the civilian population in order to protect the TOUADÉRA regime.³⁰

19. Militiamen trained by Russian instructors have also been integrated into the Central African army and have become full-fledged Central African soldiers.³¹ Former militiamen who became loyal to TOUADÉRA and operated as auxiliaries of the Wagner mercenarie

²⁶ T-026, paras. 28-30 ; T-023, para. 24.

²⁷ T-005, para. 9; T-020, para. 9.

²⁸ T-023, para. 24; T-010, para. 25; T-009, para. 11 ; T-008, paras. 11-12.

²⁹ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 12; Letter dated 23 July 2018 from the Panel of Experts on the Central African Republic addressed to the President of the Security Council by Security Council resolution 2399 (2018), 23 July 2018, [S/2018/729](#), para. 12; Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Working Group on Enforced or Involuntary Disappearances; The Special Rapporteur on extrajudicial, summary or arbitrary executions ; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 21 March 2021, [AL RUS 5/2021](#), p. 2; Office of the United Nations High Commissioner for Human Rights, [Rapport d'enquête sur l'attaque de Boyo, Prefecture de la Ouaka - Du 6 au 13 décembre 2021](#), July 2022, para. 40.

³⁰ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 12, 16; T-010, paras. 8-10.

³¹ T-010, paras. 12-16; Office of the United Nations High Commissioner for Human Rights, [Rapport d'enquête sur l'attaque de Boyo, Prefecture de la Ouaka - Du 6 au 13 décembre 2021](#), July 2022, para. 39.

within the FACA or militias are commonly referred to as “Black Russians” or “Black Wagner”.³²

20. The first training session of FACA by Russian instructors was completed on March 31, 2018.³³ As early as 2018, TOUADÉRA, the Central African authorities and representatives of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) attended the promotion of FACA trained by Russian instructors, demonstrating the authorities' approval of the trainings provided by Russian instructors.³⁴

C. OCCUPATION OF MINING SITES BY THE WAGNER GROUP

21. At the same time, the Wagner Group occupied strategic mining sites to serve its own economic interests with the approval of TOUADÉRA and his close collaborators.³⁵ The control of mineral resources has also allowed the Wagner Group's commitment in the CAR to take a more public turn, with the conclusion of contracts granting control of gold and diamond mines to companies linked to the Wagner Group. The Wagner Group has acquired substantial control of the mining sites and is not subject to any taxes on the exploitation of the mining sites.³⁶

22. Mining companies affiliated with the Wagner Group, such as Lobaye Invest, Midas Resources and Diamville, have obtained export licenses and authorizations on mining

³² T-010, para. 8; T-022, para. 35; T-011, paras. 5-6; ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 28; Mondafrique, [L'incroyable constellation des groupes armés en Centrafrique](#), 1 July 2025.

³³ Letter dated 23 July 2018 from the Panel of Experts on the Central African Republic addressed to the President of the Security Council as renewed by Security Council resolution 2399 (2018), 23 July 2018, [S/2018/729](#), para. 12.

³⁴ T-026, para. 29.

³⁵ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 28.

³⁶ T-008, para. 26.

sites in CAR. These mining companies were linked to Russian legal entities, PRIGOZHIN or Russian nationals.³⁷ In particular, SYTYI has been involved in the economic structuring serving the Wagner Group in the CAR and has since managed the mining companies that belong to the Wagner Group, such as Lobaye Invest, in which it became a shareholder on August 10, 2018.³⁸

23. In 2018, the Wagner Leaders and TOUADÉRA also initiated a collaboration with the politico-military movement of the Union for Peace in the Central African Republic ('UPC'), led by Ali DARASSA ('DARASSA') and Hassan BOUBA ('BOUBA') (collectively 'The Leaders of the UPC'). This collaboration that resulted in the commission of abuses by the UPC under the command of the Wagner Leaders and TOUADÉRA.³⁹

24. The UPC received financial support from the Wagner Group, and regular meetings between UPC and the Wagner leaders were held in the UPC stronghold of Ghokolobo, in the Bambari region, to plan attacks on armed groups opposed to the government.⁴⁰ Elements of the UPC also benefited from training given by Russian instructors near the UPC stronghold.⁴¹ BOUBA, as special advisor to TOUADÉRA since 2017, acted as a proxy between the UPC high command, TOUADÉRA and the Wagner Leaders.⁴² In

³⁷ T-026, para. 37; ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 24 and 29; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 3; Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Working Group on Enforced or Involuntary Disappearances; The Special Rapporteur on extrajudicial, summary or arbitrary executions ; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 21 March 2021, [AL RUS 5/2021](#), p. 1.

³⁸ T-026, para. 34; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 20-21; All Eyes on Wagner, [Dimitri Sytyi, cadre de Wagner en Centrafrique](#).

³⁹ T-001, para. 6; T-002, paras. 5-6, 19-20; T-024, paras. 5, 15-18.

⁴⁰ T-024, paras. 10, 19-20; T-025, paras. 18-19.

⁴¹ T-002, paras. 15-16.

⁴² T-024, paras. 15-18; Justiceinfo.net, [Central African Republic: the Stations of the Cross of the Special Criminal Court](#), 18 April 2022.

addition, BOUBA was positioned as head of the Black Wagner in 2018 and operated under the instructions of the Wagner Group.⁴³

25. The collaboration between the UPC and the Wagner Group also materialized through in the sale of mining sites in the Bambari region to the Wagner Group. In particular, at the end of 2019, negotiations led to the sale by the UPC to the Wagner Group of the Ndassima ('Ndassima') mining site, the main mining site in CAR.⁴⁴ Since then, the Ndassima mining site has not been subject to any administrative supervision by the Central African authorities.⁴⁵

D. CREATION OF THE SHARK MILITIA

26. As early as 2019, TOUADÉRA and the current Minister of Sports, Héritier DONEING ('DONEING') also supported the creation of a militia composed of elements of the Presidential Guard and militiamen tasked with carrying out specific extrajudicial operations on the basis of orders given by TOUADÉRA and close collaborators. The mix of elements of the Presidential Guard and militiamen, who are sometimes dressed in Presidential Guard uniforms, is commonly referred to as "The Sharks".⁴⁶ The United Nations Group of Experts on the Central African Republic has noted that victims describing abuses committed by the "Presidential Guard" and/or "sharks" regularly use these two names interchangeably when reporting incidents. Victims also referred to individuals wearing Presidential Guard uniforms as "sharks".⁴⁷

⁴³ T-024, para. 7.

⁴⁴ T-024, paras. 23-27.

⁴⁵ T-024, para. 25; voy. également The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 29-30.

⁴⁶ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), paras. 103-105; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 25, 40; T-022, para. 36; T-003, para. 13.

⁴⁷ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), Annex 4.2, p. 126.

27. The Sharks carried out murders and rapes, removed people from the custody of the police or gendarmerie, confining them in penitentiary institutions and police units in Bangui, such as the Camp de Roux or the Central Office for the Repression of Banditry ('OCRB'), two institutions already known to the ICC Office of the Prosecutor because of the abuses perpetrated there in the previous period (CAR II Situation), and have organized enforced disappearances targeting political opponents of TOUADÉRA in particular, such as members of the Kwa na kwa ('KNK'), the political party of the former President of the Republic, François BOZIZÉ ('BOZIZÉ'), members of the same ethnic group as BOZIZÉ, the Gbaya ethnic group, or military officers recalcitrant to the government.⁴⁸
28. Following the re-election of TOUADÉRA as President of the Republic, six armed groups opposed to the government, namely the MPC, the 3R, the FPRC, the UPC and anti-balaka militias loyal to BOZIZÉ, merged to create the Coalition of Patriots for Change ('CPC').⁴⁹ The CPC carried out a coordinated direct action against government institutions and Central African security forces from the end of December 2020 with the objectives of taking control of Bangui and overthrowing TOUADÉRA.⁵⁰

E. CAMPAIGN OF TERROR AGAINST THE CIVILIAN POPULATION

29. Under the guise of a counter-offensive against the CPC, the Wagner mercenaries, the FACA, the Internal Security Forces ('ISF'), the Presidential Guard and the Sharks have carried out a vast campaign of terror and committed widespread and systematic abuses

⁴⁸ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), Annex 4.2, p. 126; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 25.

⁴⁹ Amnesty International, [One Step Forward, Two Steps Backward, Justice in the Central African Republic](#), December 2021, p. 3; RFI, [Central African Republic: What is the name of the coalition of armed groups?](#), 20 December, 2020.

⁵⁰ European External Action Service, [Political and Strategic Environment of CSDP Missions in the Central African Republic \(CAR\)](#), [EEAS\(2021\) 1213](#), 15 November 2021, para. 32.

against the civilian population throughout the Central African territory, such as summary executions, arbitrary arrests and detentions, torture, looting, and sexual violence.⁵¹

30. The counter-offensive strategy against the CPC was also supported by BOUBA.⁵² After joining the government as Minister of Livestock and Animal Health, BOUBA was expelled from the UPC in January 2021 – after the UPC joined the CPC.⁵³ Tensions had also emerged between the UPC and the Wagner Group in the context of the Wagner Group's offensives against the CPC.⁵⁴ BOUBA then facilitated the recruitment and deployment of ex-UPC combatants in military operations controlled by the Wagner Group, including to fight the branch of the UPC that had joined the CPC and was led by DARASSA.⁵⁵

31. In 2021, the Russian authorities increased the delivery of heavy military equipment and deployed 900 additional instructors.⁵⁶ After engaging in the CPC's counteroffensive, the Wagner Group has become one of the main agents of political violence in CAR, with troops estimated at 2600 fighters.⁵⁷

⁵¹ Amnesty International, [One Step Forward, Two Steps Backward, Justice in the Central African Republic](#), December 2021, p. 4; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 3, 4, 6, 16; Report of the Independent Expert on the situation of human rights in the Central African Republic, Yao Agbetse, 11 September 2023, [A/HRC/54/77](#), para. 39.

⁵² The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 22.

⁵³ Justiceinfo.net, [Hassan Bouba: un ministre rebelle devant la CPS](#), 23 November 2021; Radio Ndeke Luka, [Centrafrique : Hassan Bouba Ali, un parcours tortueux ?](#), 23 November, 2021.

⁵⁴ T-024, para. 22.

⁵⁵ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 44.

⁵⁶ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), paras. 67-68, 83-91; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 9 and 11.

⁵⁷ [ACLEED, Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 25; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 9; see also Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), paras. 67 et 68.

32. The statistics are glaring and show that the violence committed against the civilian population particularly intensified since December 2020, following the reprisals carried out by the TOUADÉRA regime against the rebellion led by the CPC.
33. In a report covering the period July 2020 to June 2021, MINUSCA's Human Rights Division and the Office of the United Nations High Commissioner for Human Rights ('OHCHR') documented 526 violations of human rights and international humanitarian law across CAR, resulting in at least 1221 victims, including 144 civilians. These violations included summary executions, arbitrary arrests and detentions, and conflict-related torture. According to the report, nearly 46 percent of these confirmed incidents were partly attributable to the FACA, ISF and Russian military instructors operating for the Wagner Group.⁵⁸
34. In the period between December 2020 and May 2023, the Wagner Group was involved in nearly 40% of political violence in most of CAR's prefectures.⁵⁹ In particular, between December 2020 and July 2022, elements of the Wagner Group targeted civilians during at least 180 events, corresponding to 52% of the total political violence that took place in CAR between December 2020 and July 2022.⁶⁰
35. Frequent use of explosive violence also coincided with the counteroffensive by Wagner mercenaries against the CPC and resulted in numerous civilian casualties. Since December 2020, the Wagner Group has used explosive violence more than any other actor in CAR, such as using helicopters to drop explosives against a wide range of targets,

⁵⁸ MINUSCA and OHCHR, [Rapport Public sur les Violations des Droits de l'homme et du Droit International Humanitaire en République Centrafricaine durant la Période Electorale, Juillet 2020 – Juin 2021](#), paras. 4-5.

⁵⁹ ACLED, [Wagner Group Operations in Africa - Civilian Targeting Trends in the Central African Republic and Mali](#), 30 August 2022; ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 25-26.

⁶⁰ ACLED, [Wagner Group Operations in Africa - Civilian Targeting Trends in the Central African Republic and Mali](#), 30 August 2022.

including CPC bases, mining sites, and civilian-occupied areas. In response to the CPC's offensive in late 2022 and early 2023, there has also been a substantial increase in remote violence and explosive attacks. The number violent incidents in 2023 surpassed that of 2022, with civilians frequently being victims of indiscriminate explosions.⁶¹

36. Statistics also demonstrate that Wagner mercenaries acted independently of state forces in at least 50% of incidents involving acts of political violence between June 2021 and July 2022, with the exception of October 2021, April 2022, and June 2022.⁶²

37. The Crime Table also demonstrates the extent of the abuses committed by Wagner's mercenaries. Of the 31 incidents recorded in the testimonies collected by the Submitting Parties, Wagner mercenaries were found to be solely responsible for 22 incidents committed between 2020 and 2025, i.e. 71% of the incidents listed in the testimonies collected by the Submitting Parties. The ability of Wagner mercenaries to operate independently of state forces demonstrates that the Wagner Group has adopted a specific role in strengthening the hold of the TOUADÉRA regime. As exemplified by the testimonies collected by the Submitting Parties, the Wagner Group has sought to exert a form of control over civilian populations in areas previously controlled by the rebels through operations targeting communities accused of supporting the rebel forces and opportunistic attacks dictated by the quest for personal gain.⁶³

38. The abuses committed by Wagner mercenaries on the mining sites are one of the most striking illustrations of the crimes committed against the civilian population for personal gain. Miners are frequently the target of violence during clashes between Wagner mercenaries and other groups disputing the control of the mining sites. Wagner

⁶¹ ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 28; Voy. en ce sens T-020, paras. 20-22.

⁶² ACLED, [Wagner Group Operations in Africa - Civilian Targeting Trends in the Central African Republic and Mali](#), 30 August 2022.

⁶³ ACLED, [Wagner Group Operations in Africa - Civilian Targeting Trends in the Central African Republic and Mali](#), 30 August 2022.

mercenaries also use terror to repress population living in mining areas and force them to leave.⁶⁴ As indicated by a witness, the mapping of the locations on the Central African territory where Wagner mercenaries are mainly present and have committed abuses can be determined on the basis of the location of the mining sites in the CAR.⁶⁵

39. In general, the areas where the Wagner Group has concentrated most military operations since December 2020 correspond to strategic mining sites it manages. Between December 2020 and August 2023, at least 17 battles for mine sites took place across the country, with Wagner involved in 70% of these incidents. Clashes over mining deposits also took place in the prefectures of Ouham, Ouaka, Haute-Kotto, Nana-Mambere, Lobaye, and Vakaga and led to numerous acts of violence targeting miners by Wagner mercenaries.⁶⁶

40. The abuses committed in the CAR have provoked the outrage of the international community. As early as 2021, the United Nations Working Group on the Use of Mercenaries ('Working Group on Mercenaries') had asked the Central African government to provide explanations about the systematic human rights violations perpetrated by Russian military and security personnel recruited by the Wagner Group, either with the FACA, with local police forces or independently and to indicate the measures taken by the government to prevent civilian casualties and allow effective access to justice in military operations involving Russian private military and security personnel.⁶⁷ The Working Group on Mercenaries had reported, among others, the

⁶⁴ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 27.

⁶⁵ T-026, para. 39.

⁶⁶ ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 30-32. See in particular the table on p. 31 showing the mining sites around which acts of violence were committed by Wagner's mercenaries.

⁶⁷ Working Group on Mercenaries, 26 March 2021, [AL CAF 1/2021](#), p. 6; Working Group on Mercenaries, 21 March 2021, [AL RUS 5/2021](#), pp. 5-6; Working Group on Mercenaries, [AL CAF 2/2021](#), 28 September 2021, pp. 4-6.

commission of murders, enforced disappearances, torture, rape and sexual violence by elements of the Wagner Group and the FACA.⁶⁸

41. The Working Group on Mercenaries had also requested from the Central African authorities the legal framework for the use of Russian private military and security personnel, in particular for the protection of TOUADÉRA, the training of the FACA and their participation in combat activities, as well as the applicable chains of command.⁶⁹ The Working Group on Mercenaries has also repeatedly expressed concern about the proximity and interoperability between Wagner mercenaries and MINUSCA elements.⁷⁰

42. In March 2022, the United Nations High Commissioner for Human Rights and the Independent Expert on the situation of human rights in the Central African Republic alerted the United Nations Human Rights Council about multiple corroborating testimonies related to abuses committed by government security forces and Russian bilateral forces. These violations included murders, documented cases of torture and cruel, inhuman, humiliating and degrading treatment, conflict-related sexual violence, intimidation, destruction of homes, threats, and extortion. These abuses targeted not only civilians, but also local representatives of the State, such as prefects or commissioners, in several localities in the hinterland, including Bambari, Bossangoa and Bria.⁷¹

43. TOUADÉRA and the Wagner Group have set up a killing and looting machine that serves the interests of TOUADÉRA in order to maintain power and those of the Wagner Group through the exploitation of the country's mineral wealth, said the NGO The Sentry.⁷²

⁶⁸ Working Group on Mercenaries, 21 March 2021, [AL RUS 5/2021](#), pp. 2-4.

⁶⁹ Working Group on Mercenaries, 26 March 2021, [AL CAF 1/2021](#), p. 6.

⁷⁰ Working Group on Mercenaries, 21 March 2021, [AL RUS 5/2021](#), pp. 3-4, 26 March 2021, [AL CAF 1/2021](#), p. 4-5; 28 September 2021, [AL CAF 2/2021](#), p. 2.

⁷¹ ONU Info, [RCA : l'ONU s'insurge des exactions commises par les rebelles et le groupe paramilitaire russe Wagner](#), 30 March 2022.

⁷² The Sentry, Press Release, [Russia-Linked Wagner Group Committing Mass Atrocities Against Civilians in Central Africa](#), 14 June 2021.

According to the NGO, civilians are hunted "like animals" in CAR and the pattern of looting put in place in CAR has brought death and devastation while undermining overall peace and security both in CAR and Central Africa as a whole.⁷³

44. In Resolution 2759 of 14 November 2024, the United Nations Security Council expressed deep concern about the humanitarian and security situation in CAR, calling for “an immediate end to all forms of violence against civilians”⁷⁴ and reaffirmed the importance of “urgently bringing to justice all those responsible for violations of international humanitarian law, and violations and abuses of human rights, regardless of their status or political”, bearing in mind that some of these acts may constitute the crimes listed in the ICC Statute.⁷⁵

III. JURISDICTION

45. Pursuant to Article 53(1)(a) of the Rome Statute, the Prosecutor must determine whether there is a reasonable basis to believe that a crime within the jurisdiction of the ICC has been or is being committed.⁷⁶ This requires that the Court have (i) material jurisdiction

⁷³ The Sentry, Press Release, [Russia-Linked Wagner Group Committing Mass Atrocities Against Civilians in Central Africa](#), 14 June 2021.

⁷⁴ Security Council, Resolution 2759 (2024), [S/RES/2759 \(2024\)](#), para. 3.

⁷⁵ Security Council, Resolution 2759 (2024), [S/RES/2759 \(2024\)](#), para. 22.

⁷⁶ ICC, *Situation in the People's Republic of Bangladesh / Republic of the Union of Myanmar*, ICC-01/19-27, [Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar](#), 14 November 2019, para. 40 ("Article 15 Myanmar Decision") (quoting [Article 15 Kenya Decision](#), by. 39 ; *Situation in the Republic of Burundi*, ICC-01/17-9-Red-tENG, [Public redacted version of the Decision on the request for authorization to open an investigation in the context of the situation in Burundi issued pursuant to Article 15 of the Rome Statute on 25 October 2017 \(ICC-01/17-X-9-US-Exp\)](#), 9 November 2017, para. 31); see also ICC, Office of the Prosecutor, [Report on 2019 Preliminary Examination Activities](#), 5 December 2019, para. 4; ICC, Office of the Prosecutor, [Policy Paper on Preliminary Examinations](#), November 2013, para. Art. 36.

(*ratione materiae*); (ii) temporal jurisdiction (*ratione temporis*); and (iii) either territorial jurisdiction or personal jurisdiction (*ratione loci* or *ratione personae*).⁷⁷

A. MATERIAL JURISDICTION

46. As mentioned above,⁷⁸ there are reasonable grounds to believe that within the meaning of Article 7 of the ICC Statute, the crimes against humanity of Murder; Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; Torture; Rape; Persecution against any identifiable group or community on political or ethnic grounds, Enforced disappearance of persons; have been committed on the territory of the CAR since 2018.

47. There are also reasonable grounds to believe that, within the meaning of Article 8 of the ICC Statute, the following war crimes have been committed in the context of the ongoing non-international armed conflict in CAR, namely: Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; Violations of personal dignity, including humiliating and degrading treatment; Committing outrages upon personal dignity, in particular humiliating and degrading treatment; Intentionally directing attacks against buildings dedicated to religion, education, art, science or

⁷⁷ Rome Statute, Article 5 : « The jurisdiction of the Court is limited to the most serious crimes that affect the international community as a whole. Under this Statute, the Court has jurisdiction over the following crimes: [...] (b) Crimes against humanity; (c) War crimes [...] » ; Article 11(1) and (2): 1. The Court shall have jurisdiction only in respect of crimes within its jurisdiction committed after the entry into force of this Statute. 2. If a State becomes a Party to this Statute after the entry into force of the present Statute, the Court may exercise jurisdiction only in respect of crimes committed after the entry into force of the Statute for that State, unless that State makes the declaration provided for in Article 12, paragraph 3; Article 12(2): 2. In the cases referred to in Article 13, paragraphs (a) or (c), the Court may exercise jurisdiction if one or both of the following States are Parties to this Statute or have accepted the jurisdiction of the Court in accordance with paragraph 3: (a) The State in whose territory the conduct in question took place [...]; (b) The State of which the person accused of the crime is a national. See also, e.g., Article 15 Kenya, para. 39: "Thus, the Chamber considers that in order for a crime to fall within the jurisdiction of the Court, the following conditions must be met: (i) the crime must fall within the category of crimes referred to in Article 5 and defined in Articles 6, 7 and 8 of the Statute (jurisdiction *ratione materiae*); (ii) it must meet the temporal criteria specified in Article 11 of the Statute (jurisdiction *ratione temporis*); and (iii) he must meet one of the two requirements set out in article 12 of the Statute (jurisdiction *ratione loci* or *ratione personae*). The latter shall entail as a condition that the crime must have taken place in the territory of a State party to the Statute or of a State which has deposited a declaration in accordance with article 12-3 of the Statute, or that it must have been committed by a national of one of those States. (footnotes omitted).

⁷⁸ *Supra*, paras. 5-6.

charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives; Pillaging a town or place, even when taken by assault; Rape.

B. TEMPORAL JURISDICTION

48. The CAR deposited its instrument of ratification on 3 October 2001 and the ICC can therefore exercise its jurisdiction over crimes referred to in the Rome Statute and committed on the territory of the CAR or by nationals of the CAR as of 1 July 2002.⁷⁹

49. As noted below, the crimes have been committed on the territory of the CAR since 2018. Therefore, assuming all other conditions are met, the ICC can exercise temporal jurisdiction over the crimes described in this Communication.

50. Given that the crimes described in this Communication have been committed since 2018 and are distinct from the crimes referred to under the 'Central African Republic II' Situation,⁸⁰ the reopening of the investigations by the Prosecutor would require the opening of a new 'Central African Republic III' Situation.

C. TEMPORAL AND PERSONAL JURISDICTION

51. At the ICC, “the preconditions for the exercise of the Court's [territorial] jurisdiction [...] are, as a minimum, fulfilled if at least one legal element of a crime within the jurisdiction of the Court or part of such a crime is committed on the territory of a State Party”.⁸¹ In

⁷⁹ ICC, [Situation in the Central African Republic](#), ICC-01/05.

⁸⁰ ICC, [Situation in the Central African Republic II](#), ICC-01/14.

⁸¹ CPI, *Request under Regulation 46(3) of the Regulations of the Court, ICC-RoC46(3)-01/18-37*, [Decision on the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19\(3\) of the Statute”](#), 6 September 2018, para. 64; [Décision Article 15 Myanmar](#), paras. 1, 43, 45 et suiv.

other words, the exercise of territorial jurisdiction requires that “at least some of the conduct (i.e., the actus reus of the crime) takes place in the territory of a State Party”.⁸²

52. As indicated below, all the crimes referred to in this Communication took place on the territory of the CAR. Therefore, assuming that all other elements are satisfied, the Court can assert its territorial jurisdiction over these crimes. The ICC therefore also has jurisdiction over crimes committed by alleged perpetrators on the territory of the CAR, regardless of their nationality, including if they are nationals of States not Parties to the ICC Statute, such as the Wagner Leaders listed in this Communication, all of whom are nationals of the Russian Federation.

IV. DESCRIPTION OF CRIMES

A. MURDER

a. Murders committed in 2018 by elements of the UPC operating as Black Wagner

53. As early as 2018, the collaboration between TOUADÉRA, the Wagner Leaders and the UPC Leaders led to suffering of the civilian population, with massacres perpetrated by UPC elements who operated under the command of BOUBA, as Black Wagner, in particular in the village of Seko, in the Ouaka prefecture, and the displaced persons camp in Alindao in Haute-Kotto prefecture in March and November 2018 respectively.⁸³

54. On March 21, 2018, UPC elements executed 17 civilians, including women and children, and burned many homes in the village of Seko. UPC elements had been ordered to kill all

⁸² [Décision Article 15 Myanmar](#), para. 61.

⁸³ T-024, paras. 7-10.

the Christians present in the village of Seko, including within the church of the village.⁸⁴ Several other civilians were injured, seven of whom later succumbed to their wounds.⁸⁵ Serious human rights violations and abuses were also perpetrated by UPC elements in an attack carried out on 15 November 2018 in the town of Alindao. The aim was to destroy a camp housing thousands of displaced people that the UPC considered a sanctuary for the Anti-Balaka enemy Christian militia.⁸⁶ The attack killed at least 112 people, including 19 children, 44 women and 49 men, most of whom were civilians, and 27 wounded persons.⁸⁷ Clergy members were also among the victims.⁸⁸

55. Only Christians were present in the Alindao area, and UPC elements had been ordered to kill all Christians at the internally displaced persons site.⁸⁹ The Anti-Balaka lived mixed with the population of the site and many residents also fled into the bush due to the scale of the attack.⁹⁰

⁸⁴ Letter dated 23 July 2018 from the Panel of Experts on the Central African Republic addressed to the President of the Security Council by Security Council resolution 2399 (2018), 23 July 2018, [S/2018/729](#), para. 88; T-001, para. 9; T-002, para. 10; T-024, para. 6; MINUSCA, Human Rights Division, [Monthly Report - March 2018](#), para. 5; The Sentry, [Culture de la Violence: Le Groupe Castel, géant français du sucre et des boissons, lié au financement de milices armées en République centrafricaine](#), August 2021, pp. 9 and 24.

⁸⁵ MINUSCA, Human Rights Division, [Monthly Report - March 2018](#), para. 5.

⁸⁶ T-001, para. 11; T-002, para. 13; See also T-025, para. 7; MINUSCA, [Attack on the camp for internally displaced persons in Alindao, Basse-Kotto Prefecture, on 15 November 2018: Violations of international humanitarian law and atrocious crimes committed by the UPC and militias associated with the anti-Balaka](#), p. 2; The Sentry, [Culture de la Violence: Le Groupe Castel, géant français du sucre et des boissons, lié au financement de milices armées en République centrafricaine](#), August 2021, p. 24.

⁸⁷ MINUSCA, [Attaque contre le camp de personnes déplacées à Alindao, Préfecture de la Basse-Kotto, le 15 novembre 2018 : Violations du droit international humanitaire et crimes atroces commis par l'UPC et les milices associées aux anti-Balaka](#), p. 1-2 ; T-001, para. 11; T-025, para. 8.

⁸⁸ T-025, paras. 8 et 10 ; MINUSCA, [Attaque contre le camp de personnes déplacées à Alindao, Préfecture de la Basse-Kotto, le 15 novembre 2018 : Violations du droit international humanitaire et crimes atroces commis par l'UPC et les milices associées aux anti-Balaka](#), p. 7.

⁸⁹ T-001, para. 11; T-002, para. 13; T-025, para. 7; MINUSCA, [Attaque contre le camp de personnes déplacées à Alindao, Préfecture de la Basse-Kotto, le 15 novembre 2018 : Violations du droit international humanitaire et crimes atroces commis par l'UPC et les milices associées aux anti-Balaka](#), p. 2; The Sentry, [Culture de la Violence: Le Groupe Castel, géant français du sucre et des boissons, lié au financement de milices armées en République centrafricaine](#), August 2021, p. 25.

⁹⁰ T-025, paras. 7-9.

56. Other attacks were carried out by UPC elements against the civilian population, including in the Ouaka prefecture, on the Bambari-Ippy axis, in Kembé and Pavika, in Haute-Kotto, in the Bria region, and in Mbomou.⁹¹ The orders given to the troops were to target Christian populations associated with the Anti-Balaka or to massacre populations indiscriminately. UPC elements could also be ordered to burn all the infrastructure of a city or village after they had passed.⁹² [REDACTED] the orders were always given by BOUBA, after he had received his own orders.⁹³

57. [REDACTED] the UPC had benefited from MINUSCA's logistical support for operations including the commission of attacks against the civilian population, which could be considered complicity: weapons, magazines, uniforms or helmets were sold to the UPC by Burundian, Congolese, Mauritanian or Gabonese elements of MINUSCA stationed in the Ouaka prefecture. Notably, meetings were held at night between MINUSCA commanders and elements of the UPC for this purpose. Arms transactions between the UPC and MINUSCA were not official.⁹⁴

58. The killings committed in 2018 only constituted the starting point for the abuses perpetuated on the territory of the CAR after the arrival of the Wagner Group. Following the CPC rebellion in December 2020,⁹⁵ a new cycle of violence emerged and the Wagner Group's direct engagement in the armed conflict intensified, under the guise of military support to the Central African government. Wagner mercenaries, FACA, ISF, the

⁹¹ T-001, para. 5; T-002, para. 3.

⁹² T-001, para. 7; T-002, para. 8; The Sentry, [Culture de la Violence: Le Groupe Castel, géant français du sucre et des boissons, lié au financement de milices armées en République centrafricaine](#), August 2021, pp 9 and 24; Letter dated 23 July 2018 from the Panel of Experts on the Central African Republic addressed to the President of the Security Council by Security Council resolution 2399 (2018), 23 July 2018, [S/2018/729](#), paras. 88-91.

⁹³ T-001, para. 6.

⁹⁴ T-001, para. 17; T-024, para. 32; T-025, para. 15.

⁹⁵ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), paras. 34, 91 and p. 113.

Presidential Guard and the Sharks have been responsible for numerous killings and other human rights violations against the civilian population.⁹⁶

b. Indiscriminate attacks on the civilian population following the CPC rebellion

59. As early as June 2021, the United Nations Panel of Experts on the Central African Republic reported that it had collected numerous testimonies that Russian instructors had indiscriminately killed unarmed civilians in many localities. The Panel added that local populations had expressed concern about the generalizations made by Russian instructors during their operations to associate an entire population with a specific armed group.⁹⁷ Several UN experts and working groups on the issue of mercenaries had also jointly reported on 26 March 2021 that Russian mercenaries had carried out indiscriminate attacks on the civilian population as early as 28 December 2020.⁹⁸

60. Wagner mercenaries justify the massacres of civilians, including women and children, by the need to terrorize the rebel groups and dissuade them from settling in the localities in which massacres are alleged to have been perpetrated.⁹⁹ During field operations, Wagner mercenaries give orders to ‘clean’ or ‘comb’ villages, rural areas and mining sites.¹⁰⁰

61. During these ‘clean-up operations’, Wagner mercenaries may be accompanied by FACA or elements of the Presidential Guard and target in particular the Gbaya, Peuhl and Muslim communities who are perceived to be affiliated with the most important armed

⁹⁶ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 3; ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023, p. 25.

⁹⁷ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), paras 89-90.

⁹⁸ Working Group on Mercenaries, 26 March 2021, [AL CAF 1/2021](#), p. 2.

⁹⁹ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 14.

¹⁰⁰ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 14-17; T-024, paras. 10.

groups of the CPC, namely the 3R group, the UPC, and the anti-Balaka militias loyal to BOZIZÉ respectively.¹⁰¹ The orders are to “kill everyone”, as confirmed by a militiaman belonging to the Black Wagner.¹⁰²

62. Members of the Gbaya ethnic group are particularly targeted in Bossangoa, the city where BOZIZÉ is from. A victim from Bossangoa confirms that the mission implemented by TOUADÉRA and the Wagner Group in Bossangoa is to murder the Gbayas as much as possible because they are from BOZIZÉ’s ethnic group.¹⁰³ Since their arrival in Bossangoa in 2021, Wagner mercenaries have targeted the Sembe and Boro neighbourhoods and regularly opened fire indiscriminately on residents of both neighbourhoods. The Wagner associate the residents of these neighbourhoods with members of the CPC, as the Gbayas, originally from Bossangoa, primarily reside there. Wagner mercenaries continue to carry out regular patrols in these two neighbourhoods.¹⁰⁴

63. Civilians working on mining sites and the civilian population living nearby are also subject to numerous indiscriminate attacks. Since mid-2021, Wagner mercenaries, FACA and Black Wagner have committed numerous killings against rebels and the local population in order to drive them out of the area of the Ndassima mining site, occupied by the Wagner Group.¹⁰⁵ The Black Wagner also murdered many Peuhl working on the gold and diamond mining sites in order to plunder their crops.¹⁰⁶ In 2023, several Chinese

¹⁰¹ ACLED, [Wagner Group Operations in Africa - Civilian Targeting Trends in the Central African Republic and Mali](#), 30 August 2022.

¹⁰² The Sentry, [Comment le Groupe Wagner renforce son emprise sur l’État en République centrafricaine](#), June 2023, pp. 14, 17; International Crisis Group, [Russia’s Influence in the Central African Republic](#), 3 December 2021.

¹⁰³ T-005, para. 15.

¹⁰⁴ T-005, paras. 4-6; T-020, paras. 9-10.

¹⁰⁵ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l’État en République centrafricaine](#), June 2023, p. 32-33; Erin Banco, [U.S. cable: Russian paramilitary group set to get cash infusion from expanded African mine](#), Politico, 19 January 2023; CNN, Sebastian Shukla and Clarissa Ward, [It was our children they killed](#), 15 June 2021.

¹⁰⁶ T-022, para. 35 ; Erin Banco, [U.S. cable: Russian paramilitary group set to get cash infusion from expanded African mine](#), Politico, 19 January 2023; CNN, Sebastian Shukla and Clarissa Ward, [It was our children they killed](#), 15 June 2021.

operators of the Chimbolo mining site in the Bambari region, lost their lives during an attack by Wagner mercenaries.¹⁰⁷

c. Murders reported by witnesses met by the Submitting Parties

64. Many of the witnesses interviewed by the Submitting Parties are among the relatives of victims of murders. Witnesses recounted murders of civilians committed by Wagner mercenaries, such as the killing of a civilian on his way to a mining site in Nana-Bakassa, in the Ouham in March 2020,¹⁰⁸ the killing of three CPC members who were acting in self-defense in Ouham in December 2020,¹⁰⁹ the killing of villagers in Pombaïndi and Kaïta, in Ouham-Pendé prefecture in April 2022,¹¹⁰ the murder of a civilian in the village of Woulou, in Haute-Kotto prefecture in 2022,¹¹¹ the murder of a Central African customs officer in Lim-Pendé prefecture, in February 2023,¹¹² the murder of a civilian in Zenzir, in Vakaga prefecture in 2022;¹¹³ the murders of Generals Zakaria DAMANE and Baba AMIN in February and March 2022 respectively in Ouadda, Haute-Kotto and Gordile, in the Vakaga, following their placement by the TOUADÉRA regime on a list of 23 former Seleka leaders to be assassinated by Wagner mercenaries;¹¹⁴ the killing of 23 civilians in Gordile on March 13, 2022,¹¹⁵ the killing of three merchants near the Kouki mining site, in the Ouham prefecture in February 2024.¹¹⁶

¹⁰⁷ T-026, para. 39 ; Jeune Afrique, [En Centrafrique, neuf Chinois tués dans une attaque contre un site minier](#), 20 March 2023.

¹⁰⁸ T-013, paras. 2-6.

¹⁰⁹ T-011, paras. 9-11.

¹¹⁰ T-014, paras. 8-10.

¹¹¹ T-012, para. 15.

¹¹² T-014, paras. 25-28.

¹¹³ T-012, para. 15 .

¹¹⁴ T-006, paras. 13-25; T-012, paras. 4-14.

¹¹⁵ T-006, paras. 23-24; T-012, para.14.

¹¹⁶ T-014, paras. 21-23.

65. Numerous witnesses from Bossangoa also recounted the massacre that took place in the village of Bongboto, near Bossangoa, on July 21, 2021, in which at least 14 merchants were ambushed by Wagner mercenaries and summarily executed at the entrance to Bongboto.¹¹⁷ Witnesses said that following the massacre, the Central African government tried to clear the Wagner Group and blame the CPC for the massacre.¹¹⁸ [REDACTED].¹¹⁹ [REDACTED].¹²⁰

66. [REDACTED] many FACA operating in conjunction with Wagner mercenaries were killed by the latter when they chose to withdraw, with Wagner mercenaries viewing any FACA withdrawal as an attempt to flee or complicity with the rebels.¹²¹

67. A witness also reported the killing of his brother, [REDACTED], and another civilian by FACA elements [REDACTED].¹²² The Central African authorities did not provide any compensation to the witness's family even though the perpetrator of the murder had been identified.¹²³

B. ENFORCES DISAPPEARANCES, ARBITRARY DETENTIONS AND TORTURE

a. UN and NGOs Reports

¹¹⁷ T-004, paras. 2-7; T-005, para. 25; T-020, paras. 3-7; See also Working Group on Mercenaries, [AL CAF 2/2021](#), 28 September 2021, p. 2; Human Rights Watch, [Central African Republic: Abuses by Russian-Linked Forces](#), 3 May 2022.

¹¹⁸ T-005, para. 26; T-020, para. 8.

¹¹⁹ T-004, para. 10.

¹²⁰ T-005, para. 28.

¹²¹ T-023, para. 21.

¹²² T-019, paras. 4-7.

¹²³ T-019, paras. 7, 9.

68. Human Rights Watch documented that, as early as January 2019, elements of the Wagner Group arbitrarily detained and tortured a group of 14 men in Bambari for their alleged membership to a rebel group. Two of the victims testified that they were tortured by Russian-speaking soldiers who beat them with iron bars. Wagner mercenaries also severed the finger of one of the victims and strangled him with a chain.¹²⁴ After the beginning of the conflict against the CPC, Wagner mercenaries, FACA, ISF and Sharks were responsible for numerous arbitrary arrests and detentions as well as acts of torture on the civilian population.

69. These abuses mainly targeted civilians wrongly accused of collusion with the CPC, alleged opponents of the TOUADÉRA regime, and members of the Gbaya, Peuhl and Muslim communities. Torture has been reported in prisons, police and gendarmerie units, and Wagner Group bases where people are being illegally detained. In addition, Central African prisons and other police and gendarmerie units have been complicit in these illegal practices by hosting and detaining arbitrarily arrested persons, often without legal basis or due process, while tolerating the acts of torture perpetrated there.

70. Reports by the United Nations and the NGO Human Rights Watch have described these abuses. The United Nations Panel of Experts on the Central African Republic reports that as early as 2020 “people had disappeared without a trace after being detained by members of the national security forces and Russian instructors”.¹²⁵ The Office of the United Nations High Commissioner for Human Rights also reported the cases of 35 victims of arbitrary arrests and detentions committed by FACA, ISF, the presidential guard and Russian instructors operating in the CAR as early as December 2020, notably

¹²⁴ Human Rights Watch, [Central African Republic: Abuses by Russian-Linked Forces](#), 3 May 2022; France 24, [UN asks C.Africa to take action over Russian torture case](#), 13 February 2019.

¹²⁵ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), para. 95.

in the Ombella M'Poko prefecture.¹²⁶ Several of these victims were arrested without any reason, subjected to physical violence and detained at a Wagner Group base.¹²⁷

71. Human Rights Watch also reported that between June and August 2021, the FACA arrested and detained at least 21 men in an open pit at a military base in Alindao, for a period ranging from 4 days to a month. Wagner and FACA mercenaries beat them to force them to falsely confess that they were members of a rebel group belonging to the CPC. Some of the men were later shot dead.¹²⁸

72. In March 2022, the UN High Commissioner for Human Rights denounced the government's response to armed groups through the increasing number of arbitrary arrests of members of already vulnerable communities, such as Muslims and Peuhl, whom the government associates with armed groups.¹²⁹

73. In September 2023, the United Nations Independent Expert on the situation of human rights in the Central African Republic reported a similar finding, namely that the FACA and the ISF have been responsible for numerous arbitrary arrests and detentions mainly targeting Muslim Fulani communities considered complicit with armed groups, as well as acts of torture mainly committed during operations carried out in villages as well as at checkpoints and surveillance posts.¹³⁰

¹²⁶ MINUSCA and OHCHR, [Public Report on Violations of Human Rights and International Humanitarian Law in the Central African Republic during the Electoral Period, July 2020 – June 2021](#), para. 92; Working Group on Mercenaries, 26 March 2021, [AL CAF 1/2021](#), p. 2-3.

¹²⁷ MINUSCA et OHCHR, [Rapport Public sur les Violations des Droits de l'homme et du Droit International Humanitaire en Republique Centrafricaine durant la Periode Electorale, Juillet 2020 – Juin 2021](#), paras. 94-96.

¹²⁸ Human Rights Watch, [République centrafricaine : Abus commis par des forces liées à la Russie](#), 3 May 2022.

¹²⁹ UN Info, [RCA : l'ONU s'insurge des exactions commises par les rebelles et le groupe paramilitaire russe Wagner](#), 30 March 2022.

¹³⁰ Report of the Independent Expert on the situation of human rights in the Central African Republic, Yao Agbetse, 11 September 2023, [A/HRC/54/77](#), paras. 36-37.

74. The Office of the United Nations High Commissioner for Human Rights concluded that there was a “persistent and worrying situation” of illegal arrests and detentions committed by the FACA, the ISF and the various specialized brigades of the OCRB and the Research and Investigations Section ('SRI') for the whole of 2023, with statistics showing that 431 arbitrary arrests and detentions were solely attributable to them, affecting a total of at least 1521 victims.¹³¹

75. In addition, many civilians, in particular opponents of the TOUADÉRA regime, were tortured in detention by Wagner mercenaries, at the OCRB, at Camp de Roux, in Berengo and in Damara, in the residential locality of the President of the Republic.¹³² For example, 125 cases of torture or cruel, inhuman or degrading treatment were recorded in detention in 2023, some of which resulted in deaths.¹³³

b. Cases of enforced disappearances, arbitrary detentions and torture reported by witnesses

i. Arbitrary arrests and detentions

76. Many witnesses met by the Submitting Parties were victims or recounted the cases of victims of arbitrary arrests and detentions committed by Wagner mercenaries, FACA, ISF, Sharks, members of the Presidential Guard, with the complicity of penitentiary institutions, such as Camp de Roux¹³⁴ and the Ngaragba Central Prison ('Ngaragba'),¹³⁵ and police and gendarmerie units, such as those stationed at the OCRB,¹³⁶ and the SRI.¹³⁷

¹³¹ MINUSCA and OHCHR, [Analyse de la Privation de Liberté en République Centrafricaine : État Des Lieux, Défis et Réponses](#), July 2024, paras. 17-18.

¹³² T-021, para. 20.

¹³³ MINUSCA and OHCHR, [Analyse de la Privation de Liberté en République Centrafricaine : État Des Lieux, Défis et Réponses](#), July 2024, para. 50.

¹³⁴ T-015, paras. 14-20; T-022, paras. 28-34.

¹³⁵ T-015, paras 32-43.

¹³⁶ T-015, paras. 21-31; T-009, paras. 21-31; T-008, paras. 13-22.

¹³⁷ T-022, paras. 19-27.

Once transferred to prisons or police or gendarmerie units, individuals are incarcerated without due process of law and held in detention for long periods.

77. Witnesses who were detained at Wagner Group bases were then detained in police or gendarmerie stations or transferred to penitentiary facilities, such as Camp de Roux, or Ngaragba.¹³⁸ Civilians arbitrarily detained at Wagner Group bases were also forced to pay money to mercenaries in order to be released.¹³⁹

78. Witnesses described arbitrary arrests and detentions carried out on the basis of [REDACTED],¹⁴⁰ allegations of contacts with BOZIZÉ¹⁴¹ or the CPC,¹⁴² links with a political opponent of the TOUADÉRA regime,¹⁴³ or positions contrary to the TOUADÉRA regime.¹⁴⁴

79. Elements of the FACA have also been subjected to abductions and arbitrary detentions. The former Chief of Staff of the FACA, General Ludovic NGAÏFE ('NGAÏFE') was the victim of an arbitrary arrest at his home by elements of the Wagner, the gendarmerie, the police, the FACA and the Sharks militia.¹⁴⁵ His arrest was linked to his positions considered in opposition to the TOUADÉRA regime.¹⁴⁶ After his abduction, NGAÏFE was arbitrarily detained at SRI and Camp de Roux.¹⁴⁷

¹³⁸ T-009, paras. 21-31; T-010, paras. 30-32; T-015, paras. 14-43.

¹³⁹ Working Group on Mercenaries, [AL CAF 2/2021](#), 28 September 2021, p. 3; T-020, paras. 26-27.

¹⁴⁰ T-015, paras. 5-10 ;

¹⁴¹ T-009, paras. 13-16.

¹⁴² T-023, para. 28.

¹⁴³ T-008, para. 25.

¹⁴⁴ T-026, paras. 5-7.

¹⁴⁵ T-023, para. 26; T-021, para. 26.

¹⁴⁶ T-026, para. 41.

¹⁴⁷ T-023, para. 31; Centrafica, [Le Général Ngaifeï est derrière les barreaux](#), 31 January 2021.

80. Witnesses confirmed that Wagner mercenaries were also able to visit gendarmerie stations or SRI and requisition gendarmes to carry out abuses, such as arbitrary arrests.¹⁴⁸ Many witnesses were arrested by Wagner mercenaries accompanied by gendarmes¹⁴⁹ or by gendarmes alone, before being handed over to Wagner mercenaries and being detained in their bases.¹⁵⁰ As early as September 2021, the Working Group on Mercenaries already reported that people detained in police or gendarmerie stations were handed over to Wagner mercenaries to be transferred to their bases, without any guarantee of a fair trial.¹⁵¹ The FACA also assisted Wagner mercenaries in arbitrary arrests of civilians or military personnel and did not oppose them when they carried out torture.¹⁵²

ii. Appalling conditions of detention and lack of legal assistance

81. None of the witnesses met by the Submitting Parties were arrested on the basis of an arrest warrant officially issued by a Central African magistrate. Many witnesses and persons co-detained with witnesses remained in detention for months or years without any trial date being set for them or any judicial developments in their case.¹⁵³ In other words, individuals remained detained without knowing if and when their detention would end. For the year 2023, the United Nations have documented that at Camp de Roux, 20 people had been detained for several years without ever having met a single magistrate.¹⁵⁴

¹⁴⁸ T-026, para. 42; T-022, para. 35.

¹⁴⁹ T-009, paras. 5-7, 11; T-008, paras. 6-12; See also T-017, paras. 13-15.

¹⁵⁰ T-015, paras. 9-12.

¹⁵¹ Working Group on Mercenaries, [AL CAF 2/2021](#), 28 September 2021, p. 3.

¹⁵² T-23, para. 23.

¹⁵³ T-015, paras. 42-43; T-017, para. 29 ; T-007, para. 7.

¹⁵⁴ MINUSCA and OHCHR, [Analyse de la Privation de Liberté en République Centrafricaine : État Des Lieux, Défis et Réponses](#), July 2024, para. 25.

82. Witnesses only received legal counsel because they had the financial means to obtain one on their own.¹⁵⁵ The police units and penitentiary institutions involved, such as the OCRB and the managers of the Camp de Roux, prevented those arrested for political reasons from receiving visits, including visits from lawyers.¹⁵⁶

83. The conditions of detention to which witnesses were subjected in Central African prisons were described as appalling and included, inter alia, deplorable hygienic conditions,¹⁵⁷ insufficient and spoiled food,¹⁵⁸ prison overcrowding¹⁵⁹ and lack of medical assistance.¹⁶⁰ One witness also described being arbitrarily placed in isolation for months [REDACTED] without access to visits or medical assistance. [REDACTED].¹⁶¹

iii. Cases of Torture

84. The witnesses who were detained at the Wagner Group bases were all subjected to torture. They have related, for example, [REDACTED],¹⁶² [REDACTED].¹⁶³ Cases of amputations and waterboarding simulations perpetrated by Wagner mercenaries have also been reported by the Working Group on Mercenaries as early as March 2021.¹⁶⁴

85. Witnesses were also abducted by elements of the FACA, the Presidential Guard and the Sharks, without the assistance of Wagner mercenaries, and some of them were also

¹⁵⁵ T-010, para. 19 ; T-009, para. 23; T-007, para. 6.

¹⁵⁶ T-015, para. 27 et 32. ; T-017, para. 26 ; T-020, paras. 8-9.

¹⁵⁷ T-015, paras 17, 22, 32-36.

¹⁵⁸ T-015, para. 32.

¹⁵⁹ T-015, para. 22.

¹⁶⁰ T-015, para. 32; T-022, para. 29.

¹⁶¹ T-015, paras. 32-35.

¹⁶² T-015, paras. 11-13 ; T-010, paras 27-29.

¹⁶³ T-009, paras.15-17.

¹⁶⁴ Working Group on Mercenaries, 21 March 2021, [AL RUS 5/2021](#), p. 2.

tortured. A witness was arbitrarily arrested by the Sharks who then tortured him in [REDACTED] before detaining him for months in [REDACTED].¹⁶⁵ The Sharks [EXPURGED]. Since the torture, the witness has suffered from various pathologies [REDACTED].¹⁶⁶

86. Another witness was arbitrarily arrested by the Presidential Guard and tortured [REDACTED].¹⁶⁷ The witness came close to death because of the torture he suffered and continues to suffer from the aftermaths to this day.¹⁶⁸ The Witness was then detained [REDACTED] on false accusations [REDACTED].¹⁶⁹

87. Another witness was arbitrarily arrested by elements of the FACA and the Presidential Guard on the basis of false allegations [REDACTED].¹⁷⁰ The Witness was also tortured and tied up [REDACTED] by FACA [REDACTED].¹⁷¹ Another witness, [REDACTED], was arrested [REDACTED] by presidential guards, accompanied by police and gendarmes, before being arbitrarily detained at SRI and Camp de Roux.¹⁷²

C. PILLAGING

a. Pillaging committed since 2018 by UPC elements operating as Black Wagner

¹⁶⁵ T-007, paras. 3-8.

¹⁶⁶ T-007, paras. 4, 8-9.

¹⁶⁷ T-016, para. 5.

¹⁶⁸ T-016, paras. 12-13, 21.

¹⁶⁹ T-016, paras. 6-10.

¹⁷⁰ T-022, paras. 6-18.

¹⁷¹ T-022, paras. 14-18, 29.

¹⁷² T-026, paras. 5-10.

88. [REDACTED] UPC elements looted everything they could when they carried out attacks. Since UPC elements did not receive salaries, it was understood that the practice of pillaging would serve as their remuneration.¹⁷³

89. During the Alindao massacre, elements of the UPC carried out systematic pillaging of the goods of displaced persons, as well as of the church in Alindao.¹⁷⁴ Many buildings were also destroyed, including the church and part of the Alindao Cathedral.¹⁷⁵

b. Pillaging of the civilian population following the beginning of the conflict with the CPC

90. In the early stages of the conflict against the CPC, the Working Group on Mercenaries reported as early as March 2021 acts of looting of private and public property committed by Wagner mercenaries in towns and villages recaptured from the CPC, including in the prefectures of Lobaye, Ombella-M'Poko, Nana-Mambéré and Ouham.¹⁷⁶

91. The United Nations Panel of Experts and the Office of the High Commissioner for Human Rights have also collected numerous testimonies of systematic looting of the property of civilians or humanitarian NGOs committed since 2021 by FACA and Russian instructors in several localities where they had been deployed or had transited, including in Bambari, Bouar, Berberati, Boyo and Bossangoa. The pillaging of various goods, such

¹⁷³ T-001, para. 8.

¹⁷⁴ T-025, para. 8; MINUSCA, [Attaque contre le camp de personnes déplacées à Alindao, Préfecture de la Basse-Kotto, le 15 novembre 2018 : Violations du droit international humanitaire et crimes atroces commis par l'UPC et les milices associées aux anti-Balaka](#), pp. 1, 6.

¹⁷⁵ T-025, para. 8; MINUSCA, [Attaque contre le camp de personnes déplacées à Alindao, Préfecture de la Basse-Kotto, le 15 novembre 2018 : Violations du droit international humanitaire et crimes atroces commis par l'UPC et les milices associées aux anti-Balaka](#), pp. 1 et 8..

¹⁷⁶ Working Group on Mercenaries, 26 March 2021, [AL CAF 1/2021](#), p. 3.

as money, telephones, motorcycles, food stocks or livestock, took place during searches of homes, at checkpoints, or after the killing of civilians.¹⁷⁷

92. In a report relating to attacks by the FACA in December 2021 in Boyo ('Boyo attack') and other villages near Bambari, the Office of the United Nations High Commissioner for Human Rights reported that FACA and Wagner mercenaries had recruited several dozen fighters belonging to militias, such as Anti-Balaka and elements of the UPC, as well as civilians, by offering them the opportunity to join the FACA and keep property looted during the attacks.¹⁷⁸ During the Boyo attack, the attackers also burned 547 homes, specifically targeting homes belonging to Muslims.¹⁷⁹

93. Many witnesses have reported similar acts of looting by Wagner mercenaries on the civilian population since 2021, including widespread pillaging of homes and public buildings in the prefectures of Haute-Kotto, Nana-Mambéré, Ouham and Vakaga, respectively in Bria, Baboua, Bongboto, Batangafo and Gordile,¹⁸⁰ as well as pillaging of livestock and agricultural fields in Ouham prefecture, Bossangoa and Bongboto.¹⁸¹

94. During joint missions carried out by Wagner mercenaries and elements of the OCRB for the purpose of carrying out arbitrary arrests in Bangui, a witness [REDACTED] also confirmed that Wagner mercenaries carried out systematic pillaging of the people who

¹⁷⁷ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), paras. 92-93; Office of the United Nations High Commissioner for Human Rights, [Rapport d'enquête sur l'attaque de Boyo, préfecture de la Ouaka – Du 6 au 13 décembre 2021](#), July 2022, paras. 24, 31, 35; Working Group on Mercenaries, 26 March 2021, [AL CAF 1/2021](#), p. 3 ; see also T-005, para. 19.

¹⁷⁸ Office of the United Nations High Commissioner for Human Rights, [Rapport d'enquête sur l'attaque de Boyo, Prefecture de la Ouaka - Du 6 au 13 décembre 2021](#), July 2022, para. 39.

¹⁷⁹ Office of the United Nations High Commissioner for Human Rights, [Rapport d'enquête sur l'attaque de Boyo, préfecture de la Ouaka – Du 6 au 13 décembre 2021](#), July 2022, paras. 19, 35.

¹⁸⁰ T-017, paras. 11-12; T-004, paras. 11-12; T-009, paras. 7-10; T-011, paras. 14-15; T-016, para. 14.

¹⁸¹ T-004, para. 11; T-005, paras. 6, 17 ; T-020, para. 16.

were the subject of the missions.¹⁸² As reported by witnesses, the FACA also does not oppose Wagner mercenaries when they pillage the goods of the population in homes, markets or shops.¹⁸³

95. When the FACA and the ISF operate with Wagner mercenaries, they are ordered by them to loot property, such as gold, motorcycles, livestock, household items, and household appliances.¹⁸⁴ Witnesses also reported that Wagner mercenaries and FACA carry out joint operations to pillage miners' gold or their money on gold mining sites, such as Kouki in the Bossangoa region.¹⁸⁵ A joint investigation by The Sentry and CNN in 2021 already revealed that Wagner mercenaries were responsible for systematic pillaging, particularly in areas rich in mineral resources, such as gold and diamond mines.¹⁸⁶

96. Witnesses also confirmed that Wagner mercenaries use drones to scout areas to be pillaged, such as mining sites and agricultural fields. Wagner mercenaries then send mercenaries on motorcycles and helicopters to pillage the spotted locations, including gold and diamonds harvested by miners from mining sites.¹⁸⁷ Witnesses confirmed that the goods pillaged by Wagner mercenaries from the Kouki and Ndassima mining sites are then sold in Bossangoa and Bangui respectively.¹⁸⁸

D. SEXUAL VIOLENCE

¹⁸² T-010, paras. 17-18.

¹⁸³ T-023, para. 23; T-017, paras. 10-11.

¹⁸⁴ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 19.

¹⁸⁵ T-020, para. 13; T-014, para.24.

¹⁸⁶ CNN World, [It was our children they killed](#), 15 June 2021. Voy. également The Sentry, [Investigative Report by CNN with The Sentry: Wagner Group Atrocities](#).

¹⁸⁷ T-020, paras. 16-17; T-022, para. 35; T-012, para. 16; T-005, para. 23 ; T-011, para. 15.

¹⁸⁸ T-005, paras. 19, 23-24 ; T-011, para. 15; see also The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 19.

97. Wagner mercenaries, FACA and gendarmes have also perpetrated sexual violence and rape against women, children and men, notably in the context of military operations. According to the NGO The Sentry, “the large-scale and systematic manner of these abuses suggests that sexual violence is potentially used as a form of psychological warfare to terrify and subdue entire communities”.¹⁸⁹ Sexual violence is particularly encouraged by Wagner mercenaries and is committed against women, children and men alike.¹⁹⁰

98. In CAR's western provinces, such as Bouar, women and girls reported being attacked in fields, raped on roads, or forced to have sex at gunpoint, often by men who spoke Russian or spoke in Sango but in an off-the-shelf uniform, matching the descriptions of Wagner mercenaries.¹⁹¹

99. A witness also reported the rape [REDACTED] by Wagner mercenaries during a military operation [REDACTED], as well as the rape of civilians during attacks on the Kouki mining site in Ouham.¹⁹²

100. The UN Independent Expert on the situation of human rights in CAR reported in 2023 that FACA and gendarmes were implicated in rape cases. The Expert reported the rapes committed in December 2022 by a FACA against a drugged and battered person and by a gendarme in Ippy, respectively. Between November 2022 and January 2023, a 17-year-old girl was kidnapped, detained, and used as a sex slave by a member of the FACA in

¹⁸⁹ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 18.

¹⁹⁰ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 18; Working Group on Mercenaries, [AL CAF 2/2021](#), 28 September 2021, p. 2.

¹⁹¹ The Guardian, [They turn our farms into rape centres': Russian mercenaries accused of abuse in Central African Republic](#), 23 July 2024.

¹⁹² T-014, paras. 8-9, 24.

Batangafa, Ouham prefecture.¹⁹³ According to the United Nations, incidents of sexual violence in CAR increased from about 9200 reported cases to 25,500 between 2020 and 2024.¹⁹⁴

E. CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY AND WAR CRIMES

101. The acts perpetrated by Wagner mercenaries, the FACA, the ISF and the Sharks constitute both crimes against humanity and war crimes within the jurisdiction of the ICC. As developed above, the documentation collected by the Submitting Parties refers to numerous abuses committed in an organized manner and a series of acts as part of a widespread and systematic attack directed against the civilian population, with the knowledge and consent of the instigators.¹⁹⁵ As early as 2018, massacres and looting were committed by the Black Wagner in the villages of Seko and Alindao, respectively located in the prefectures of Ouaka and Haute-Kotto. Following the rebellion carried out by the CPC in 2021, killings, arbitrary arrests and detentions, looting, and sexual violence have multiplied throughout the country, both in the capital and in the provinces, in particular in Bossangoa, Bongboto, Kouki, Bouca, Nana-Bakassa, Batangafa in the Ouham prefecture; in Bossembélé in the prefecture of Ombella-Mpoko; in Baboua and Bouar, in the prefecture of Nana-Mambéré; in Ippy, Ndassima and Boyo in the Ouaka prefecture; Bang, Lim-Pendé Prefecture; in Pombaïndi and Kaïta, in the prefecture of Ouham-Pendé; in Bria and Ouadda, in the prefecture of Haute-Kotto in Gordile, in the prefecture of Vakaga. In this sense, the Table of Crimes lists the abuses reported by witnesses since 2018 by localities. Moreover, the widespread and systematic attacks mainly target civilians perceived to be hostile to the TOUDÉRA regime or whose presence or activities are contrary to the interests of the Wagner Group, which corresponds to the elements of crimes against humanity, as defined in Article 7 of the Rome Statute.

¹⁹³ Report of the Independent Expert on the situation of human rights in the Central African Republic, Yao Agbetse, 11 September 2023, [A/HRC/54/77](#), para. 38.

¹⁹⁴ AP News, [Sexual assaults rise in Central African Republic. Wagner, bandits and even peacekeepers are blamed](#), 12 April 2024.

¹⁹⁵ See also Section V. related to the Mode of Liability.

102. Moreover, these acts were committed in the context of a non-international armed conflict between Wagner mercenaries, the FACA, the ISF and the Sharks and various non-state armed groups active on the Central African territory since at least 2018. The existence of an armed conflict is established in the light of the criteria of intensity and organization defined by the case law.¹⁹⁶ In terms of intensity, hostilities have been marked by protracted clashes, sustained attacks, chronic instability in several parts of the country and the forced displacement of more than 400,000 civilians.¹⁹⁷ At the organizational level, the Wagner mercenaries, the FACA, the ISF and the Sharks have an identifiable hierarchical structure, an autonomous operational capability, significant logistical means, and functional coordination allowing them to carry out complex operations in the field. The Wagner Group, although a non-state actor, acts as a structured military entity, capable of exercising effective control over its mercenaries as well as the FACA, ISF and Sharks, and participating as a party to the armed conflict.

103. The crimes committed in this context constitute breaches of Article 3 common to the four Geneva Conventions and other serious violations of the laws and customs applicable to armed conflicts that are not of an international character and fall within the scope of Article 8 of the Rome Statute. Moreover, they are neither sporadic nor isolated, but are part of a deliberate plan or policy, or at least a series of similar crimes committed on a large scale, giving them a level of gravity sufficient to meet the requirements of the ICC Statute.

¹⁹⁶ ICTY, *Prosecutor v. Ramush Haradinaj et al.*, [Judgment](#), 3 April 2008, paras 49 et seq; *Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision Pursuant to Article 61\(7\)\(a\) and \(b\) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo](#), 15 June 2009, paras. 232-233.

¹⁹⁷ United Nations Secretary-General, "Central African Republic - Report of the Secretary-General," 14 February 2025, [S/2025/97](#), paras. 27, 56; United Nations Secretary-General, "Central African Republic - Report of the Secretary-General," 16 February 2023, [S/2023/108](#), para. 31; Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), para. 36; Geneva Academy, *Rule of Law in Armed Conflicts*, [Non-international armed conflicts in the Central African Republic](#).

V. MODE OF LIABILITY

104. Throughout the previous sections, this Communication has established that there is a reasonable basis to believe that serious crimes within the jurisdiction of the ICC have been committed against the civilian population in CAR. This section analyzes the individual criminal responsibilities as superiors of TOUADÉRA, the Wagner Leaders and other senior officials of the Central African authorities under Article 28 of the ICC Statute. Despite the multiplicity of actors involved at different levels of government, this Communication focuses on the ‘most senior officials’ and analyses their responsibilities on the basis of the testimonies collected for the purposes of this Communication and the available public sources.

105. In order to conclude that a superior is criminally responsible on the basis of the mode of responsibility provided for in Article 28 of the ICC Statute, the following objective and subjective elements must be met: the military commander, the superior or the person actually acting as a superior must exercise effective command and control resulting from *de jure* or *de facto* power subordinates who have committed one or more of the crimes listed in articles 6 to 8 of the Statute; the crimes committed by subordinates must result from the suspect's failure to exercise proper control over them; the suspect knew or, by reason of the circumstances, either ought to have known that the subordinates were committing or were about to commit one or more of the crimes listed in articles 6 to 8 of the Statute in the case of military personnel, or deliberately neglected to take into account information that clearly indicated this, in the case of civilian superiors; and the suspect has failed to take the necessary and reasonable steps within his or her power to prevent or suppress the commission of these crimes or to refer them to the appropriate authorities for investigation and prosecution.¹⁹⁸

¹⁹⁸ See *Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision Pursuant to Article 61\(7\)\(a\) and \(b\) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo](#), 15 June 2009, para. 407 ; *The Prosecutor v. Bosco Ntaganda*, « [Decision Pursuant to Article 61\(7\)\(a\) and \(b\) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda](#) », 9 June 2014, para. 164.

A. CENTRALIZATION OF THE CHAIN OF COMMAND

106. The abuses committed in the CAR are the result of a chain of command established and directed from the Presidency of the Republic. TOUADÉRA, as head of state and supreme commander of the armed forces, holds effective power over the entire military and security chain of command. Because of his functions, TOUADÉRA exercises *de jure* power over the FACA, the national police and gendarmerie and the Presidential Guard. TOUADÉRA also has *de facto* power over the Wagner mercenaries, the Sharks and the militiamen supporting his regime.¹⁹⁹ In his capacity as a hierarchical superior, TOUADÉRA cannot ignore the massive, systematic and repeated abuses committed by his subordinates, including murders, torture, enforced disappearances, arbitrary detentions and sexual violence, documented in Bangui and in the provinces.

107. TOUADÉRA knowingly used a pyramid scheme in which orders are transmitted by close collaborators who are part of a small circle ('the inner circle') and the Wagner Leaders. The latter maintain close relations with TOUADÉRA and his inner circle.²⁰⁰ The military and security authority is centralized around TOUADÉRA, his inner circle and the Wagner leaders through the exercise of a structured and controlled chain of command from the top of the state whose common plan is to preserve the TOUADÉRA regime.²⁰¹ Each order is assigned to the Presidency and no order given by the TOUADÉRA's inner circle or a Wagner leader can be challenged by the subordinates.²⁰²

108. TOUADÉRA, his inner circle and the Wagner leaders have not taken any punitive or preventive action against the abuses committed by their subordinates in CAR. A political

¹⁹⁹ T-023, paras. 9, 13-14; T-021, paras. 13-15, 17; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 24.

²⁰⁰ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 22.

²⁰¹ The Submitting Parties provided an organizational chart of the chain of command exercised by Touadéra, members of his inner circle and the Leaders of the Wagner Federation in Annex III.

²⁰² T-023, para. 20; T-026, paras. 31, 36; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 24.

authority close to TOUADÉRA confirmed that the abuses are committed to protect the power of TOUADÉRA and that anyone willing to denounce the abuses is ordered to remain silent by the Presidency.²⁰³

B. TOUADÉRA AND HIS INNER CIRCLE

109. TOUADÉRA's inner circle is composed of relatives and parents of his Ngbakamandja ethnic group whom TOUADÉRA has placed in key positions, such as Sani YALO ('YALO'), financier and special advisor to TOUADÉRA, BIREAU, and Arthur Bertrand PIRI ('PIRI'), nephews of TOUADÉRA and Ministers of his government.²⁰⁴ BOUBA, as Minister and privileged intermediary between TOUADÉRA and the Wagner Leaders, occupies a particularly important role within his inner circle.²⁰⁵

a. BOUBA

110. As early as 2018, BOUBA transmitted the orders received by TOUADÉRA and the Wagner Leaders through the UPC chain of command. BOUBA had a stranglehold on the military officers of the UPC and all operational orders went through him.²⁰⁶

111. [REDACTED] the massacres of Seko and Alindao were ordered by BOUBA.²⁰⁷ The attack on Seko was led by Colonel KIRI ('KIRI') following the orders given by BOUBA. KIRI is close to BOUBA and is the leader of the Black Wagner under BOUBA.²⁰⁸ The Alindao massacre was also carried out under the direct impetus of BOUBA. On November 14, 2018, the day before the attack, a strategic meeting of more than fifteen

²⁰³ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 24.

²⁰⁴ T-026, para. 36; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 24; Jeune Afrique, [Central African Republic: Rameaux-Claude Bireau, a nephew of Touadéra at La Défense](#), 19 August 2021.

²⁰⁵ *Supra*, paras. 24 et 30.

²⁰⁶ T-001, para. 6; T-002, paras. 5-6 T-024, paras. 5, 15-18.

²⁰⁷ T-001, paras. 9-12; T-002, paras. 9-13 ; T-024, paras. 7-11; The Sentry, [Culture de la Violence: Le Groupe Castel, géant français du sucre et des boissons, lié au financement de milices armées en République centrafricaine](#), August 2021, p. 25.

²⁰⁸ T-001, para. 9; T-002, para. 9 ; T-024, para. 7.

UPC members was held in Ghokologbo between DARASSA, BOUBA and UPC colonels, including KIRI. Before the meeting, BOUBA had imposed on DARASSA the names of the commanders and the troops that were to be sent to carry out the attack.²⁰⁹

112.[REDACTED].²¹⁰

113.The circumstances of the Alindao massacre are also a glaring example of the lack of preventive measures from TOUADÉRA with regard to the abuses committed in the CAR. [REDACTED].²¹¹ [REDACTED].²¹² The handing over of money to TOUADÉRA also demonstrates his involvement in the command of the Alindao massacre.

114.BOUBA has also been involved in the command of abuses since he became Minister, particularly the massacre of 9 Chinese miners at the Chimbolo mining site on March 19, 2023, which was perpetrated by the Black Wagner under the leadership of KIRI and planned with the support of BOUBA.²¹³

115.In addition, BOUBA's involvement in the recruitment of ex-UPC combatants taking part in military operations under the command of the Wagner Group demonstrates BOUBA's knowledge of the abuses committed under the Wagner Group's orders.²¹⁴ In this sense, a territorial infantry battalion, composed of former UPC militiamen recruited by BOUBA, operates within the FACA and acts on behalf of the Presidency and the Wagner Group. These former UPC militiamen were deployed during military operations under the

²⁰⁹ T-024, paras. 8-9.

²¹⁰ T-024, paras. 9-10.

²¹¹ T-025, paras. 13-14.

²¹² T-025, paras. 16-17.

²¹³ T-026, para. 39; Alain Nzilo, [Massacre de Chimbolo, le ministre de la justice se plaint de la pression des russes](#), Corbeaunews, 25 April 2023; Africa Press, [La CPC dément l'implication de ses éléments armés dans l'attaque du site minier de Chimbolo et accuse les mercenaires de Wagner](#), 20 March 2023.

²¹⁴ *Supra*, para. 24.

command of Wagner mercenaries, particularly in the Ouaka prefecture, and received military training provided by the Wagner in Berengo.²¹⁵

116. BOUBA is currently the subject of an arrest warrant issued by the Special Criminal Court ('SCC') for war crimes and crimes against humanity. After being arrested by the SCC on November 19, 2021 and detained at the Camp de Roux, BOUBA was exfiltrated by Wagner mercenaries, elements of the Presidential Guard and Central African gendarmes on November 26, 2021 before being brought back to his home. BOUBA was then awarded the Order of Merit by TOUADÉRA and took over the head of his Ministry, while the BOUBA case alone had registered 261 complaints from victims to the SCC.²¹⁶ The fact that BOUBA was released and then decorated by TOUADÉRA after his arrest and release is an additional element demonstrating the active support and a clear desire of TOUADÉRA and the Wagner leaders to protect their accomplices and to condone the abuses committed in the CAR.

b. WANANGA

117. Jules WANANGA ('WANANGA') and Gervais Simplicie YARKOKPA ('YARKOKPA'), TOUADÉRA's parents and members of the Presidential Guard, also occupy a substantial position within TOUADÉRA's inner circle.²¹⁷ Given their proximity, TOUADÉRA, WANANGA and YARKOKPA exchange information and collaborate for the purpose of committing abuses through the elements assigned to the Presidential Guard.²¹⁸ In general, the Presidential Guard recruits residents of the family neighbourhood of TOUADÉRA in Boy Rabe, in the fourth district of Bangui, as well as members of the church and the Ngbakamandja ethnic group of TOUADÉRA. Anti-Balaka militiamen have also been

²¹⁵ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 44.

²¹⁶ T-017, para. 38; Justiceinfo.net, [Hassan Bouba: a rebel minister before the SCC](#), 23 November 2021; Justiceinfo.net, [Central African Republic: the Special Criminal Court's Way of the Cross](#), 18 April 2022; RFI, [CAR: the Special Criminal Court formalizes the arrest of the Minister of Livestock Hassan Bouba](#)", [Radio France Internationale](#), 23 November 2021.

²¹⁷ T-023, para. 33; T-022, para. 5; T-021, paras. 21-22.

²¹⁸ T-023, para. 34.

recruited. The recruitment of the Presidential Guard is a non-open procedure that is not defined in the national defense plan and whose management is not operated by the FACA.²¹⁹

118. WANANGA oversees the Presidential Guard even if he is not the Director General ('DG') and only receives orders from TOUADÉRA or the Wagner Leaders.²²⁰ The current DG of the Presidential Guard is General Igor SÉRÉGAZA ('SÉRÉGAZA') and his predecessor was General Alfred SERVICE ('SERVICE'). WANANGA holds the position of aide-de-camp to the DG of the Presidential Guard.²²¹

119. TOUADÉRA transmits most of his instructions to WANANGA.²²² WANANGA was already assisting TOUADERA when he was Prime Minister. WANANGA executes every task that TOUADÉRA asks him to perform, including when he is instructed to foment kidnappings or assassinations.²²³ WANANGA also wields substantial influence over the Presidential Guard unit led by YARKOKPA and has distributed weapons to local militias in Bangui who have subsequently been seen acting alongside Presidential Guard units, such as YARKOKPA's. WANANGA also plays a crucial role in the cleaning missions to eliminate members of the Gbaya ethnic group in Bangui as part of the counteroffensive against the CPC. WANANGA also ensures the recruitment of members of the Ngbakamandja ethnic group within the army "in order to create a private force faithful" to TOUADÉRA.²²⁴

²¹⁹ Security Council, Letter dated 25 June 2021 from the Panel of Experts on the Central African Republic extended pursuant to resolution 2536 (2020) addressed to the President of the Security Council, [S/2021/569](#), para 100.

²²⁰ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 40; T-021, para. 22.

²²¹ T-023, paras. 14, 20.

²²² T-023, para. 20.

²²³ T-021, para. 22; T-026, para. 35.

²²⁴ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 40-41.

120. TOUADÉRA has also used the Sharks, to which WANANGA belongs as a member of the Presidential Guard, to commit numerous abuses. In particular, TOUADÉRA had the former Chief of Staff of the FACA, NGAÏFE, kidnapped from his home, with the assistance of elements of the Wagner, the gendarmerie, the police, the FACA, the Presidential Guard and the Sharks before placing him in arbitrary detention at the SRI and the Camp de Roux.²²⁵ The kidnapping and detention of NGAÏFE was also part of the witch hunt carried out by the TOUADÉRA regime against the Gbayas.²²⁶

121. [REDACTED], the ease with which the elements of the Sharks commit abuses in Bangui shows that the Sharks must benefit from a cover that can only come from the President of the Republic.²²⁷

C. TOUADÉRA AND THE WAGNER LEADERS

122. Although the Wagner Group is not officially part of any chain of command in CAR,²²⁸ the Wagner Leaders have been given the authority by TOUADÉRA to give instructions to Central African Ministers and senior leaders, such as BIREAU, the Chief of Staff of the FACA, Zéphirin MAMADOU ('MAMADOU') and the Directors General of the Police and Gendarmerie, respectively ZOKOUÉ and Landry Ulrich DÉPÔT ('DÉPÔT').²²⁹

123. The Wagner leaders have also been authorized by TOUADÉRA to transmit operations orders to elements belonging to the FACA, the ISF and the Presidential Guard. Wagner mercenaries can then select elements of the FACA, the Presidential Guard, the police or

²²⁵ *Supra*, para. 79.

²²⁶ T-023, para. 31.

²²⁷ T-023, para. 35; T-005, para. 35.

²²⁸ T023, paras. 20-21.

²²⁹ T-026, para. 31-32; T-021, paras. 13-15; T-023, para. 21; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 13.

the gendarmerie to accompany them in their operations.²³⁰ The Wagner leaders were then empowered *de facto* to exercise effective control over all the Central African authorities subordinate to the Presidency, as part of a strategy of consolidating TOUDÉRA's power at all costs.

124. The Wagner also benefited from the passivity of BIREAU, DÉPÔT and MAMADOU. BIREAU allows the Wagner to operate as free electrons in the chain of command in order to preserve his position and his power and thus fails in his obligation to take measures to prevent or punish the abuses committed by the Wagner.²³¹ DÉPÔT did not oppose any of the instructions he received from TOUADÉRA and collaborated with Wagner mercenaries in the context of joint operations bringing together elements of the Wagner and the gendarmerie.²³²

125. In relation to the Central African army, Wagner's mercenaries are in control of the FACA's operations on the ground, with the complicity of MAMADOU who lets the Wagner operate as they please and does not oppose the abuses they commit on the ground.²³³ The Wagner leadership also exploited the weakness of the necessary command and control relationships between the deployed FACA units and the FACA General Staff in order to use the FACA units for their own purposes, without any control by the FACA chain of command.²³⁴

²³⁰ T023, paras. 20-21.

²³¹ T-021, para. 14.

²³² T-021, para. 13.

²³³ T-017, para. 34; T-021, para. 17.

²³⁴ European External Action Service, [Political and Strategic Environment of CSDP Missions in the Central African Republic \(CAR\)](#), EEAS(2021) 1213, 15 November 2021, para. 42.

126. Military sources confirmed that TOUADÉRA is in control of all military orders and directives that concern operations in Bangui, while Wagner leaders control the Central African military units with which operations are conducted outside Bangui.²³⁵

127. As early as January 2021, ZAKHAROV and SYTYI participated in meetings related to the planning of military operations that also included the Central African Prime Minister NGRÉBADA, the Russian Ambassador to the CAR and even representatives of the MINUSCA.²³⁶ ZAKHAROV and SYTYI were also regularly seen with Central African leaders and senior officers, as well as reviewing FACA troops.²³⁷ The presence of Wagner leaders in military strategy meetings demonstrates their involvement in the coordination of military operations carried out jointly between their mercenaries, the FACA and MINUSCA elements, as well as their knowledge of these operations and the abuses committed by their subordinates. A former senior member of the United Hearts Movement ('MCU'), Touadéra's political party, said that ZAKHAROV and PERFILEV had “the full green light on the army” and did not have to seek Touadéra's approval, especially in terms of the military strategy to be adopted.²³⁸

128. Senior FACA officers, such as Colonel Godfroy OMOKOZOYEN ('OMOKOZOYEN'), head of the operational intelligence cell within the FACA General Staff, and Lieutenant Colonel Gabriel PATASSÉ ('PATASSÉ'), collaborated in abuses carried out jointly by FACA units under their command and Wagner mercenaries.²³⁹

²³⁵ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 13.

²³⁶ T-027, para. 4.

²³⁷ T-027, para. 10; T-021, para. 8; All Eyes on Wagner, [Denis Pavlov, the man from Bangui](#), 7 December 2023.

²³⁸ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 22.

²³⁹ T-023, paras. 20, 22; T-017, para. 4 ; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 42, referring to interviews conducted by The Sentry in 2022 with a former member of the MCU and two sources with first-hand information on the military apparatus.

129.[REDACTED] OMOKOZOYEN collaborated with Wagner mercenaries and could give instructions received from TOUADÉRA and Wagner Leaders to FACA detachments present on the ground, [REDACTED], for the purpose of committing abuses.²⁴⁰ [REDACTED].²⁴¹

130.In addition, as part of the counter-offensive against the CPC mentioned above, new FACA units were created and trained by the Wagner Group. These units act under the operational control of Wagner mercenaries, although they are supposed to report directly to the FACA General Staff.²⁴² PATASSÉ heads a FACA support unit that oversees military intelligence and collects information on people considered loyal to the CPC or perceived as “enemies of Russia” and TOUADÉRA.²⁴³ [REDACTED] the PATASSÉ unit has committed numerous abuses such as theft, looting and violence against the population.²⁴⁴ [REDACTED].²⁴⁵ [REDACTED].²⁴⁶

131.[REDACTED], senior officers, such as OMOKOZOYEN and PATASSÉ, do not always report to the FACA General Staff on the missions carried out with Wagner mercenaries and take their mission reports directly to the DG of the Presidential Guard, in WANANGA or TOUADÉRA who receives them privately.²⁴⁷

²⁴⁰ T-017, paras. 4, 11, 18, 33; See also T-023, para. 22.

²⁴¹ T-017, paras 5-8.

²⁴² The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 43; European External Action Service, [Political and Strategic Environment of CSDP Missions in the Central African Republic \(CAR\), EEAS\(2021\) 1213](#), 15 November 2021, paras. 5-6.

²⁴³ The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 42.

²⁴⁴ T-010, para. 13.

²⁴⁵ T-007, paras. 2-4.

²⁴⁶ T-022, paras. 6-19.

²⁴⁷ T-023, para. 20.

132. In addition, many witnesses also highlighted the passivity of the MINUSCA in the face of the abuses committed by Wagner mercenaries.²⁴⁸ Elements of the MINUSCA and the Wagner Group have gone so far as to collaborate in military operations during which the MINUSCA has provided medical assistance to Wagner mercenaries as well as logistical assistance by hosting Wagner mercenaries in MINUSCA bases.²⁴⁹ [REDACTED] described collusion between the MINUSCA, Wagner Leaders, and Central African authorities to proceed [REDACTED]. While [REDACTED], MINUSCA [REDACTED].²⁵⁰ The collusion between the FACA, the Wagner mercenaries and the MINUSCA elements is an additional element demonstrating the degree of knowledge of TOUADÉRA, the Wagner Leaders and MAMADOU about the abuses committed jointly by their subordinates on the ground.

133. TOUADÉRA and the Wagner Leaders also control all penitentiary institutions as well as police and gendarmerie units, such as Camp de Roux, the OCRB, Ngaragba or the SRI, and have not taken any reasonable measures to prevent or punish the arbitrary detentions and torture that take place there.

134. Notably, TOUADÉRA and the Wagner leaders collaborate with Armel PARABA ('PARABA'), the director of the OCRB and his direct superior ZOKOUÉ.²⁵¹ In particular, since at least 2021, Wagner and PARABA mercenaries have been collaborating on arbitrary arrest missions. [REDACTED], meetings were taking place at the OCRB with PARABA and Wagner mercenaries.²⁵² Several missions carried out jointly by Wagner and OCRB mercenaries to conduct arbitrary arrests were also carried out at the request of

²⁴⁸ T-008, paras 31-32; T-016, para. 24; T-017, para. 40; T-020, para. 25; T-022, para. 37; T-026, para. 43.

²⁴⁹ T-027, paras. 4-8.

²⁵⁰ T-017, paras. 20-31.

²⁵¹ T-010, para. 22; T-021, para. 19; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 22.

²⁵² T-010, paras. 17-18; T-026, para. 42.

ZOKOUÉ.²⁵³ Those arrested are then transferred to the OCRB.²⁵⁴ PARABA and ZOKOUÉ do not deny anything to Wagner's mercenaries.²⁵⁵ In particular, PARABA claimed that Wagner mercenaries could decide to kill anyone on the ground if they believe they are guilty of something.²⁵⁶ ZOKOUÉ also facilitated the implementation of torture by the Wagner at the OCRB.²⁵⁷ ZOKOUÉ and PERFILEV also met on many occasions at the Camp de Roux or at the police headquarters.²⁵⁸

135.[REDACTED]. [REDACTED].²⁵⁹ [REDACTED].²⁶⁰ Another witness [REDACTED] saw [REDACTED] SYTYI going to the SRI with Wagner mercenaries in order to requisition gendarmes from the National Gendarmerie Intervention Group (GIGN) so that they could go on operations alongside Wagner mercenaries.²⁶¹

D. CONCLUSION ON THE CRIMINAL LIABILITY OF COMMANDERS AND OTHER SUPERIORS

136.The crimes described in this Communication are well documented. TOUADÉRA as a hierarchical superior was aware or should have known of the crimes committed by his subordinates, at least knowingly neglected information concerning the commission of crimes, and took no measures to prevent them or punish the perpetrators. TOUADÉRA's persistence in tolerating or encouraging the presence of parallel structures of violence,

²⁵³ T-026, para. 42; T-021, paras. 19-20; T-017, para. 37; Africa Press, [A wave of arbitrary arrests sows concern in Bangui](#), February 6, 2025.

²⁵⁴ T-010, para. 19.

²⁵⁵ T-021, para. 19.

²⁵⁶ T-015, para. 26.

²⁵⁷ T-023, para. 32.

²⁵⁸ All Eyes on Wagner, [Denis Pavlov, l'homme de Bangui](#), 7 December 2023.

²⁵⁹ T-015, paras. 18-19.

²⁶⁰ T-015, paras. 5-17.

²⁶¹ T-022, para. 22.

such as the Wagner mercenaries and the Sharks, constitutes a further serious breach of the obligation to prevent and punish, which is sufficient to engage his responsibility as a superior within the meaning of Article 28 (a) and (b) of the ICC Statute.

137. TOUADÉRA's criminal responsibility is made all the more obvious by the fact that he used the structures of the State to serve his personal interests, with the active or passive complicity of close collaborators and senior Central African leaders, in particular BOUBA, WANANGA, BIREAU, MAMADOU, ZOKOUÉ and the Wagner leaders ZAKHAROV, SYTYI, PERFILEV. All are individually responsible, within the meaning of Article 28 of the Rome Statute, for crimes against humanity and war crimes committed under their authority.

138. BOUBA, a former rebel leader turned minister, is at the head of an integrated command network between the UPC, the Central African authorities and the Wagner Group. BOUBA orchestrated the massacres of Seko and Alindao with direct financial support from the leaders of the Wagner Group, while benefiting from the protection of TOUADÉRA. His direct links with the Wagner leadership and his decisive role in the implementation of organized violence in the CAR demonstrate effective control over subordinates and active knowledge of the crimes. BOUBA's liability is engaged on the basis of Article 28 (a) and (b) of the Statute.

139. The Presidential Guard, *de facto* commanded by WANANGA and comprising members selected on ethnic or regime loyalty criteria, has been involved in numerous extrajudicial operations and collaborates closely with Wagner mercenaries. In addition, the ‘Sharks’ militia carried out targeted killings and kidnappings in Bangui with impunity. The level of organization and the direct proximity between TOUADÉRA, WANANGA and the Sharks demonstrate a structured chain of command, in which WANANGA coordinated the commission of abuses with TOUADÉRA. WANANGA's knowledge of the crimes and his capacity to act demonstrate that he is a superior within the meaning of Article 28(b).

140. BIREAU, as Minister of Justice and MAMADOU, as Chief of Staff of the FACA, allowed the Wagner leaders to exercise operational control over the military units, *de facto* condoning their actions and those of FACA officers actively collaborating with the Wagner, such as OMOKOZOYEN and PATASSÉ. The total absence of preventive measures and sanctions on the part of BIREAU and MAMADOU demonstrates explicit approval or at least deliberate negligence which engages their responsibilities as hierarchical superiors within the meaning of Article 28(a) and (b).

141. ZOKOUÉ exercised effective control over the police forces that committed arbitrary arrests and detentions in collaboration with Wagner mercenaries. ZOKOUÉ also facilitated the organization of torture committed by Wagner mercenaries within the OCRB. Through this direct collaboration, ZOKOUÉ had direct knowledge of the abuses that were being committed and did not take any corrective action regarding his subordinates. ZOKOUÉ is therefore liable as a hierarchical superior within the meaning of Article 28(b).

142. The collaboration between the Wagner Leaders and TOUADÉRA was part of a strategy to consolidate TOUADÉRA's power at all costs, including, if necessary, in violation of the Rome Statute and, more broadly, of international human rights law and international humanitarian law. ZAKHAROV, SYTYI, and PERFILEV have all been empowered to exercise effective control over all the FACA, the ISF, and the militiamen who support the TOUADÉRA regime.

143. ZAKHAROV exercised effective control and operated as a *de facto hierarchical* superior. His knowledge of and participation in the preparation of abuses, such as the Alindao massacre, is documented. He had at his disposal the logistical, communication and sanction means to alter or stop the commission of crimes. His inaction also constitutes a breach of his obligations of prevention and punishment as a superior within the meaning of Article 28(a) and (b) of the ICC Statute.

144. In addition, as early as 13 December 2021, the Council of the European Union ('EU') stated that it remained deeply concerned about serious violations and abuses in the field of human rights, such as torture and other cruel, inhuman or degrading treatment or punishment, as well as extrajudicial, summary or arbitrary executions and killings, of which the Wagner group has been guilty in various countries, particularly in the CAR. The EU had placed the Wagner Group and ZAKHAROV under sanctions, describing the latter "as a key figure in the Wagner Group's command structure" and stating that "given his influential position in the CAR and his leading role within the Wagner Group, he is responsible for serious human rights abuses committed by the Wagner Group in CAR, including extrajudicial, summary or arbitrary executions and killings".²⁶² On January 26, 2023, ZAKHAROV was also placed under sanction by the U.S. Treasury Department on the basis of his influence on the strategic direction of the Wagner Group in the CAR and his role as national security advisor to TOUADÉRA on security issues.²⁶³

145. SYTYI and PERFILEV jointly manage the activities of the Wagner Group in the CAR, in particular at the security level,²⁶⁴ and have considerable operational power over the FACA, ISF and militias that operate for the interests of the Presidency, lending them *de facto authority* over them, thus engaging their responsibilities within the meaning of Article 28(a) and (b) of the Statute.

146. SYTYI has become the leader of the Wagner consortium in the CAR and manages both the military level and the financial interests of the Wagner in the country.²⁶⁵ As the main leader of the Wagner in CAR, SYTYI has effective knowledge of the abuses that have been committed since the arrival of the Wagner Group in CAR. SYTYI has not put in place any measures to prevent or punish abuses committed by its subordinates. In

²⁶² Official Journal of the European Union, [Council Decision \(CFSP\) 2021/2197 of 13 December 2021 amending Decision \(CFSP\) 2020/1999 concerning restrictive measures in response to serious human rights violations and abuses](#), 13 December 2021, LI445/17.

²⁶³ United States Department of Treasury, [Treasury Sanctions Russian Proxy Wagner Group as a Transnational Criminal Organization](#), 23 September 2020.

²⁶⁴ T-026, para. 34; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, pp. 21-22.

²⁶⁵ T-026, para. 34.

addition, following the death of PRIGOZHINE in August 2023, TOUADÉRA had asked Russia to be able to continue working with known representatives of the Central African authorities and had specifically demanded assurances that SYTYI would remain its partner in CAR,²⁶⁶ which demonstrates the degree of collaboration between SYTYI and TOUADÉRA. At present, SYTYI is not only considered the new unofficial boss of the Wagner Group in CAR, but also in Africa as a whole, where the Wagner Group's strategy is similar to that exercised in CAR, namely to seize control of the extraction of natural resources in exchange for the provision of military and private security assistance by the Wagner Group's mercenaries.²⁶⁷

147. As the head of the Wagner Group's military operations in CAR, PERFILEV had direct control over the planning and execution of operations. By his position, PERFILEV could only have been aware of the abuses perpetrated by his subordinates and his deliberate inaction manifests the existence of a breach of the obligation to prevent or punish, engaging his criminal liability under Article 28.²⁶⁸

148. In 2023, the European Union imposed sanctions on other natural and legal persons associated with the Wagner Group, including SYTYI, PERFILEV, Lobaye Invest, Diamville, and Sewa Security Service, due to the grave human rights violations and abuses committed by the Wagner Group in various countries, including the CAR.[1] SYTYI had already been subject to sanctions issued by the US Department of the Treasury since September 2020 based on his links with PRIGOZHIN in connection with the Wagner Group's activities in the CAR, including within Lobaye Invest²⁶⁹.

²⁶⁶ The Polish Institute of International Affairs, [Africa Corps - a New Iteration of Russia's Old Military Presence in Africa](#), 23 May 2024, p. 20.

²⁶⁷ Franceinfo, [Le nouveau patron de Wagner en Afrique s'affaire pour assurer les intérêts de la Russie](#), 2 October 2023.

²⁶⁸ United States Department of Treasury, [Treasury Increases Pressure on Russian Financier](#), 23 September 2020.

²⁶⁹ United States Department of Treasury, [Treasury Increases Pressure on Russian Financier](#), 23 septembre 2020.

VI. ADMISSIBILITY AND INTEREST OF JUSTICE

149. The assessment of the admissibility of a situation and the cases that could arise from it at the ICC includes three elements: complementarity, gravity, and the interests of justice.²⁷⁰ At the preliminary examination stage, the Prosecutor must demonstrate to the required standard that any potential future cases arising from a requested investigation would meet these three criteria. The assessment of the three admissibility criteria is therefore limited to a basic overview at this stage.

A. COMPLEMENTARITY

150. According to the principle of complementarity, a case is not admissible before the ICC if it is or has been the subject of genuine proceedings by other competent authorities.²⁷¹ The key question is whether there are relevant and genuine domestic investigations or prosecutions in relation to the criminal conduct in question.²⁷² The assessment should be case-specific, i.e. whether existing national proceedings concern the same persons, for the same behaviour, as those who are or could be investigated and prosecuted by the ICC. The ICC Appeals Chamber confirmed that this assessment cannot be undertaken on the basis of hypothetical national proceedings that may or may not take place in the future: it must be based on the concrete facts as they exist at the time. The absence of any national procedure is sufficient to render a case admissible.²⁷³ Only if there are relevant national

²⁷⁰ Rome Statute, Article 17(1): 1. Having regard to the tenth preambular paragraph and Article 1, a case shall be deemed inadmissible by the Court when: (a) The case is investigated or prosecuted by a State having jurisdiction over the case, unless that State is unwilling or unable to carry out the investigation or prosecution effectively; (b) The case has been investigated by a State having jurisdiction over the case and that State has decided not to prosecute the person concerned, unless that decision is the result of the State's unwillingness or inability to effectively prosecute; (c) The person concerned has already been tried for the conduct complained of, and that he or she cannot be tried by the Court under Article 20, paragraph 3; (d) The case is not serious enough for the Court to take action. ICC, Office of the Prosecutor, [Policy Paper on Preliminary Examinations](#), November 2013, paras. 42 *et seq.*; ICC, Office of the Prosecutor, [Report on 2019 Preliminary Examination Activities](#), 5 December 2019, para. Article 5.

²⁷¹ Rome Statute, Article 17(1)(a)-(c)).

²⁷² *The Prosecutor v. Katanga & Ngudjolo*, ICC-01/04-01/07-1497-tFRA, [Judgment on the Appeal by Germain Katanga from the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case](#), 25 September 2009, para. Article 78.

²⁷³ *Ibid.*

procedures should the Prosecutor then assess “whether those national procedures are tainted by a lack of will or an inability to carry them out”.²⁷⁴

151. Based on the information available at the time of filing this Communication, there are no completed, ongoing or planned domestic investigations or prosecutions by a competent authority in relation to the specific allegations contained in this Communication. Therefore, the issue of complementarity does not currently present any obstacle to the Prosecutor conducting the investigations proposed in this Communication.

152. The Submitting Parties also state that the Central African judiciary, including the SCC, is not independent and is subject to significant influence from TOUADÉRA and its political allies.

153. Under the Central African Constitution, TOUADÉRA exercises *de jure* control over the judiciary as President of the Superior Council of the Judiciary.²⁷⁵ As explained by an expert, “the fact that the President of the Republic still presides over the Superior Council of the Judiciary is a monumental error. This constitutional provision allows for constant interference by the President of the Republic through the Ministry of Justice in judicial affairs, including regarding magistrates. As long as this provision has not been discarded, it allows the executive to interfere in the judiciary. This interference can be applied at the level of the SCC and the national judges who sit on it. It is certain that President Touadéra has a stranglehold on the magistrates who sit at the level of the SCC, if only through the management of their careers.”²⁷⁶

²⁷⁴ *The Prosecutor v. Gaddafi*, ICC-01/11-01/11-466-Red, [Decision on the admissibility of the case against Abdullah Al-Senussi](#), 11 October 2013, para. 49.

²⁷⁵ T-003, paras. 33-36.

²⁷⁶ T-003, para. 37.

154. In 2020, the United Nations Human Rights Committee recommended reforming the Supreme Council of the Judiciary to make it independent of the Executive Branch and implementing ‘‘procedures to protect judges and prosecutors from all forms of interference and corruption.’’²⁷⁷ No action has been taken since then by the Central African authorities.

155. TOUADÉRA has already used its direct control over the judiciary to undermine its independence for political purposes. In May 2022, TOUADÉRA proposed a number of major amendments to the Central African Constitution, including the abolition of presidential term limits.²⁷⁸ To this end, TOUADÉRA has set up a committee by presidential decree in charge of drafting these amendments.²⁷⁹ However, in September 2022, the CAR Constitutional Court, [REDACTED], unanimously declared the committee unconstitutional.²⁸⁰

156. [REDACTED].²⁸¹ The constitutional amendments defended by TOUADÉRA and his allies were approved by referendum in August 2023, thus allowing TOUADÉRA to remain President of the CAR without term limits (‘constitutional reform of 2023’).²⁸²

157. [REDACTED].²⁸³ [REDACTED].²⁸⁴ [REDACTED].²⁸⁵

²⁷⁷ Human Rights Committee, Concluding observations on the third periodic report of the Central African Republic, 30 April 2020, [CCPR/C/CAF/CO/3](#), para. 28.

²⁷⁸ Reuters, [Allies of Central African Republic president propose removing term limits](#), 27 May 2022.

²⁷⁹ [REDACTED].

²⁸⁰ [REDACTED].

²⁸¹ [REDACTED].

²⁸² [REDACTED].

²⁸³ [REDACTED].

²⁸⁴ [REDACTED].

²⁸⁵ [REDACTED].

158. The lack of independence and impartiality of the judiciary in the CAR is also evident in the obvious influence of the Central African Executive in the BOUBA case before the SCC. Experts said that BOUBA's release undermined the legitimacy of the SCC and exposed the instrumentalization of the SCC by the Central African government. One expert even says he lacks awareness of “such type of interference with justice in other contexts”.²⁸⁶ In August 2024, the UN Independent Expert on the situation of human rights in CAR criticized the Central African authorities' interruption of the SCC's proceedings against BOUBA. The Expert described the intervention of the Central African authorities as a serious obstruction of justice and called on the Central African authorities to comply with their solemn commitment to fight impunity by handing over BOUBA to the SCC.²⁸⁷ However, BOUBA has not been arrested since and has only progressed in his duties. He is still a Minister and is free of movement.²⁸⁸ Many witnesses met by the Submitting Parties also highlighted the lack of independence of the SCC vis-à-vis the TOUADÉRA regime, which is materialized by its inability to try the most senior perpetrators of serious crimes in CAR, as shown by the fiasco of the arrest and release of BOUBA by the Central African authorities.²⁸⁹

159. The presence of the SCC in the CAR does not change the problems of independence and impartiality faced by the Central African justice system. The fiasco of the BOUBA case also demonstrates that, like other Central African courts, the SCC does not have the capacity to prosecute TOUADÉRA as well as those responsible for serious abuses among TOUADÉRA's inner circle and the leaders of the Wagner.

²⁸⁶ [EXPURGÉ]; Justiceinfo.net, [Centrafrique : le chemin de croix de la Cour pénale spéciale](#), 18 April 2022.

²⁸⁷ Report of the Independent Expert on the situation of human rights in the Central African Republic, Yao Agbetse, 26 August 2024, [A/HRC/57/79](#), para. 28.

²⁸⁸ [REDACTED].

²⁸⁹ T-017, paras 38-39; T-008, para. 33; T-016, para. 23; T-020, para. 28; T-026, para. 47 ; T-005, para. 31.

160. Witnesses also highlighted the instrumentalization of justice by ABAZEN.²⁹⁰ [REDACTED].²⁹¹ According to several witnesses, Central African magistrates are subservient to the government, are afraid to investigate cases and some judges have openly admitted to relatives of detainees that political cases related to BOZIZÉ should not be dealt with quickly.²⁹²

161. Witnesses arbitrarily arrested for political reasons have been brought before the dean of judges, Mathieu NANA BIBI ('NANA BIBI'),²⁹³ an MCU activist placed in his position as dean of judges to deal with all cases of political detainees.²⁹⁴ NANA BIBI explicitly confirmed [REDACTED].²⁹⁵

162. In the same vein, ABAZEN also indicated that a person arrested for political reasons can remain detained for months on the basis of the refusal of Wagner mercenaries to approve a prior release of the person.²⁹⁶ A witness [REDACTED] also confirmed that YARKOKPA, PATASSÉ and SRI are collaborating with a Public Prosecutor, Benoit Narcisse FOUKPIO, in order to arbitrarily arrest civilians considered to be opponents of the TOUADÉRA regime.²⁹⁷

163. As early as September 2021, the Working Group on Mercenaries also reported that cooperation between local police authorities with the Russian mercenaries of the Wagner Group constituted a major obstacle to victims' access to justice as victims are deterred

²⁹⁰ T-017, para. 36; T-022, para. 41 ; T-005, para. 34.

²⁹¹ T-022, para. 39.

²⁹² T-008, para. 28; T-009, para. 35; T-015, para. 41; T-026, para. 47.

²⁹³ T-015, paras. 28-29 ; T-016, paras. 10, 15.

²⁹⁴ T-015, para. 40.

²⁹⁵ T-015, paras. 28-29 ; T-016, para. 10.

²⁹⁶ T-009, para. 26.

²⁹⁷ T-022, para. 43.

from filing a complaint or seeking reparations for abuses committed against them by the Russian mercenaries of the Wagner Group and the FACA.²⁹⁸ The conclusions of the Working Group on Mercenaries are still valid to this day.

B. GRAVITY

164. A case may be deemed inadmissible by the ICC when it “is not serious enough to warrant further action by the Court”.²⁹⁹ The assessment of gravity is based, in accordance with the consistent practice of the Office of the Prosecutor as validated by the Chambers, on the basis of criteria relating to the scale, nature and manner of the commission of the crimes, as well as their impact.³⁰⁰

165. The scale refers to the number of direct and indirect victims, the extent of the damage caused by the crimes, in particular the physical or psychological harm caused to the victims and their families, or their geographical or temporal distribution. The nature of the crimes refers to the types of crimes committed and the specific elements of each offense. The manner in which the crime was committed requires an examination of the means by which the crime was carried out, the degree of participation and intent of the perpetrator, the extent to which the crimes were systematic or the result of an organized plan or policy or were otherwise the result of an abuse of power or official capacity, and elements of particular cruelty, including the vulnerability of victims and any discriminatory motives. The impact of crimes refers to the suffering endured by the victims, their increased vulnerability, the terror instilled afterwards, or the social, economic and environmental damage inflicted on affected communities.³⁰¹

²⁹⁸ Working Group on Mercenaries, [AL CAF 2/2021](#), 28 September 2021, p. 4.

²⁹⁹ Rome Statute, Article 17(1)d).

³⁰⁰ ICC, Office of the Prosecutor, [Policy Paper on Preliminary Examinations](#), November 2013, par. 61 ; *The Prosecutor v. Abu Garda*, ICC-02/05-02/09-243-Red-tFRA, [Décision relative à la confirmation des charges](#), 8 February 2010, par. 31.

³⁰¹ ICC, Office of the Prosecutor, [Policy Paper on Preliminary Examinations](#), November 2013.

166. The crimes and violations of the Rome Statute alleged in the present communication are serious. Their scale, nature, modalities and impact are considerable. The alleged crimes were committed with obvious brutality, through oppressive means and evident cruelty, and as part of a systemic program implemented by government authorities against their civilian population, all on discriminatory grounds. According to the victims themselves, the impact of these crimes has been enormous: the terror of violence and confinement marked by physical and psychological suffering, persistent harassment, intimidation and the denial of fundamental rights beyond the criminal justice system.

167. As early as 2018, following the massacres in Seko³⁰² and Alindao³⁰³ committed by UPC elements operating as Black Wagner, MINUSCA reported the commission of “serious violations of international humanitarian law” and was already urging the ICC to intensify its efforts to bring the perpetrators of the abuses to justice.³⁰⁴ MINUSCA also reported that “the perpetrators of serious violations of human rights and international humanitarian law [...] continue to benefit from widespread impunity”, particularly following the absence of state authority in areas subject to abuses.³⁰⁵

168. No prosecution was carried out after these massacres and the security situation only worsened after the rebellion carried out by the CPC. Multiple abuses and “clean-up operations” causing dozens or hundreds of victims have been documented throughout the Central African Republic since 2021,³⁰⁶ affecting both urban areas, such as Bangui³⁰⁷ and

³⁰² *Supra.*, para. 54.

³⁰³ *Supra.*, para. 55.

³⁰⁴ MINUSCA, [Attaque contre le camp de personnes déplacées à Alindao, Préfecture de la Basse-Kotto, le 15 novembre 2018 : Violations du droit international humanitaire et crimes atroces commis par l'UPC et les milices associées aux anti-Balaka](#), p. 12.

³⁰⁵ MINUSCA, Human Rights Division, [Rapport Mensuel - Mars 2018](#), para. 25.

³⁰⁶ *Supra.*, paras. 60-61.

³⁰⁷ *Supra.*, 26-27, 79, 86.

Bossangoa,³⁰⁸ and rural areas such as Bongboto,³⁰⁹ Gordile³¹⁰ or Boyo.³¹¹ The crimes in question — murder of civilians, torture, indiscriminate attacks against non-combatants, enforced disappearances, arbitrary detentions, looting, sexual violence — were also committed as part of a deliberate policy by the Wagner Group to control strategic mining areas, such as Ndassima³¹² or Kouki.³¹³

169. The reports of the United Nations and NGOs have highlighted the persistence of large-scale abuses committed on the territory of the Central African Republic by the mercenaries of the Wagner Group, the Central African State forces and militiamen affiliated with the TOUADÉRA regime with the aim of terrorizing the civilian population.³¹⁴ In addition, the statistical data put forward by the Submitting Parties provides a factual basis for assessing the scale, frequency and systematic nature of the abuses perpetrated on the Central African territory since at least the beginning of the conflict against the CPC.³¹⁵ These statistics demonstrate a sustained increase in abuses committed against civilians by the Wagner Group, the FACA and the ISF and reveal a recurring pattern of targeted violence against non-combatant populations. The geographical distribution of incidents, coupled with their repetition over time, demonstrates the implementation of a coordinated policy aimed at the commission of abuses rather than isolated acts.

³⁰⁸ *Supra.*, para. 62.

³⁰⁹ *Supra.*, para. 65.

³¹⁰ *Supra.*, para. 64.

³¹¹ *Supra.* para. 92.

³¹² *Supra.*, paras. 63, 96.

³¹³ *Supra.*, paras. 64, 95-96, 99.

³¹⁴ *Supra.*, paras. 40-44, 59, 68, 70-74, 91-93, 97, 100.

³¹⁵ *Supra.*, paras. 33-39.

170. Accordingly, the gravity of the criminal acts presented in this Communication meets the requirements of Article 17(1)(d) of the ICC Statute for the purposes of the present proceedings.

C. INTEREST OF JUSTICE

171. Article 53(1)(c) of the ICC Statute provides that the Prosecutor shall consider whether, “in regard of all the circumstances, including the gravity of the crime, the interests of the victims, the age or disability of the alleged perpetrator and his or her role in the alleged crime”, there are nevertheless serious reasons to believe that an investigation would not be in the interests of justice. Unlike jurisdiction and admissibility, which require an affirmative finding, the “interests of justice” are a balancing factor: the Prosecutor must assess whether there are serious reasons to believe that an investigation would not be in the interests of justice, a concept not defined as such in the Statute but the interpretation of which is the subject of established practice.³¹⁶ In accordance with the Prosecutor’s stated practice,” taking into account the mandate of the Office and the object and objectives of the Statute, the basic presumption is that investigations and prosecutions will be in the interests of justice, and that a decision not to proceed with a case in the light of those interests would be highly exceptional”.³¹⁷ In making a decision, the Prosecutor “considers, in particular, the interests of victims, including the views expressed by victims themselves as well as by trusted representatives and other relevant actors, such as community, religious, political or tribal leaders, States and intergovernmental and non-governmental organizations”.³¹⁸

³¹⁶ ICC, Office of the Prosecutor, [Rapport sur les activités menées en 2019 en matière d’examen préliminaire](#), 5 December 2019, para. 8 ; *Situation in the Republic of Kenya*, ICC-01/09-3, [Request for autorisation of an investigation pursuant to Article 15](#), 26 November 2009, para. 63.

³¹⁷ ICC, Office of the Prosecutor, [Document de politique générale relatif aux examens préliminaires](#), November 2013, para. 71.

³¹⁸ ICC, Office of the Prosecutor, [Document de politique générale relatif aux examens préliminaires](#), November 2013, para. 68.

172. The ICC Appeals Chamber considers that, when proceeding on its own initiative under Article 15, the Office of the Prosecutor has a strong discretionary power.³¹⁹ His determinations regarding the interests of justice should not be subject to review by the Pre-Trial Chamber.³²⁰ In addition, the Appeals Chamber highlighted a number of important points in this regard, including: (i) the fact that Article 53(1) is worded in the negative, so the Prosecutor "does not need to affirmatively determine that an investigation would be in the interests of justice; and (ii) that a key aspect of the assessment is ‘the seriousness of the crimes and the interests of the victims as expressed by the victims themselves’”.³²¹

173. To the best of the Submitting Parties' knowledge, there is no reason to believe that an investigation into the abuses described in this Communication would not be in the interests of justice. On the contrary, there is every reason to believe that the impact of the TOUDERA regime's conduct has serious and lasting ramifications on the lives of individual victims as well as on the groups and communities residing in CAR. The Submitting Parties maintain that a full investigation into the responsibilities of the crimes against humanity and war crimes described in this Communication, with the aim of bringing the perpetrators to justice before the ICC, the only competent court capable of dealing with these crimes today, is essential and would serve the interests of justice.

VII. CONCLUSION

174. This Communication has demonstrated that there are reasonable grounds to believe that crimes against humanity and war crimes have been committed in the CAR since 2018,

³¹⁹ *Situation in the Islamic Republic of Afghanistan*, ICC-02/17-138, [Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan](#), 5 march 2020, paras. 30-31 (« Appeal Decision Afghanistan »).

³²⁰ [Appeal Decision Afghanistan](#), paras. 34-46.

³²¹ [Appeal Decision Afghanistan](#), para. 49.

that TOUADÉRA, his inner circle and Wagner leaders must be held accountable, and that the ICC has jurisdiction over these crimes.

175. This communication also provided an analysis of the mode of responsibility incurred by the perpetrators of the crimes. Despite the different degrees of hierarchies of the perpetrators, all are part of the chain of command of the crimes and exercised control over the commission of the crimes. TOUADÉRA, his inner circle and the Wagner leaders have subjugated the Central African population with terror in order to allow TOUADÉRA to stay in power and the Wagner Group to seize control of the mineral deposits in the CAR.

176. Crimes, committed with impunity, show a blatant disregard for human life and international conventions. “All that matters to TOUADÉRA is his presidential chair and the rest is not his problem, including the abuses committed against the population by the Wagners and the Central African authorities,” said one victim.³²² For its part, the Wagner Group eliminates any civilians considered hostile to Russian interests in areas rich in natural resources.³²³

177. The systematic and brutal nature of this violence underscores not only its gravity, but also the urgency of a firm international response to these atrocities. In addition, the constitutional reform of July 2023 and the Wagner Group's constant desire to keep TOUADÉRA in power pave the way for a lifetime presidency of TOUADÉRA and the commission of abuses for an unlimited period of time.

178. To date, no serious attempt has been made to hold TOUADÉRA, his inner circle, and the Wagner leaders accountable for serious crimes committed in the CAR, and the lack of de

³²² T-008, para. 27.

³²³ The Sentry, Press Release, [Russia-Linked Wagner Group Committing Mass Atrocities Against Civilians in Central Africa](#), 14 June 2021.

facto independence and impartiality of the Central African judicial system makes any prospect of domestic prosecution non-existent.

179. In the absence of any possibility of national proceedings that can bring justice to the victims, the ICC is the only possible way to break the cycle of impunity and determine the individual criminal responsibility of TOUADÉRA, his inner circle, the Wagner Leaders and any other hierarchical superior responsible for the crimes ordered in CAR since 2018.

180. The relevance of reopening the Prosecutor's investigations is also in line with the Office's ongoing investigations into the armed conflict in Ukraine. It is now established that the Wagner Group acted in this context as an extension of the strategic interests of the Russian Federation, benefiting from logistical, operational and financial support from the Russian state. Notably, the Wagner Group was placed under sanctions in 2023 by the US Treasury Department for the transcontinental threat it poses through its support for Russia in the context of the conflict in Ukraine and the serious human rights violations committed in CAR and Mali.³²⁴ Numerous expert reports and press articles have reported that the persistent and growing presence of the Wagner Group between 2018 and 2024 in several Central and West African countries, including Mali, Burkina Faso and Darfur, constitutes a major risk of repetition of crimes similar to those committed in CAR.³²⁵ In this sense, an Article 15 Communication was recently submitted to the Office of the Prosecutor of the ICC in relation to crimes committed by the Wagner Group in West Africa.³²⁶

³²⁴ United States Department of Treasury, [Treasury Sanctions Russian Proxy Wagner Group as a Transnational Criminal Organization](#), 23 September 2020.

³²⁵ ACLED, [Wagner Group Operations in Africa - Civilian Targeting Trends in the Central African Republic and Mali](#), 30 August 2022; ACLED, [Moving out of the Shadows: Shifts in Wagner Group Operations Around the World](#), 2 August 2023; The Sentry, [Comment le Groupe Wagner renforce son emprise sur l'État en République centrafricaine](#), June 2023, p. 4; Carnegie Endowment for International Peace, [Russia's Growing Footprint in Africa's Sahel Region](#), 28 February 2023; ADF, [Wagner Support for RSF Leads to Carnage in Darfur](#), 5 July 2023; CNN, [Kill, terrorize, expel: Testimonies detail atrocities by Wagner-backed militia in Sudan](#), 17 June 2023.

³²⁶ AP, [A confidential brief urges the ICC to investigate Wagner's promotion of atrocities in West Africa](#), 22 June 2025.

181. Examining the crimes committed in the CAR would help to better establish the structural links between the crimes committed by the Wagner Group in Africa and those committed in Ukraine that have already been reported,³²⁷ and thus contribute to the demonstration of a pattern of coordinated transnational crime. In this context, the reopening of an investigation in a new Central African situation to prosecute the perpetrators of the crimes described in this Communication is of crucial importance, both to bring justice to victims in the CAR and to strengthen the coherence of the ICC's actions in the face of dynamics of violence that know no borders. Such an ICC investigation would send a strong message of prevention and fight against impunity in a region increasingly marked by the interference of private armed actors acting outside any legal framework.

182. In light of the information gathered and presented in this communication, the Submitting Parties respectfully request the Office of the Prosecutor of the ICC to urgently investigate and prosecute those responsible for serious crimes within the ICC's jurisdiction committed in CAR since 2018.

³²⁷ Open Justice Initiative, [Accountability for Crimes of Personnel of the Wagner Group in Ukraine](#), November 2023; France 24, [Ukraine's prosecutor: 'We've collected evidence that Wagner has committed war crimes](#), 23 February 2023.