



**MONUSCO**

The United Nations Organization Stabilization  
Mission in the Democratic Republic of the Congo



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

**REPORT OF THE UNITED NATIONS JOINT HUMAN RIGHTS OFFICE ON  
HUMAN RIGHTS VIOLATIONS PERPETRATED BY ARMED GROUPS DURING  
ATTACKS ON VILLAGES IN UFAMANDU I AND II, NYAMABOKO I AND II AND  
KIBABI *GROUPEMENTS*, MASISI TERRITORY, NORTH KIVU PROVINCE,  
BETWEEN APRIL AND SEPTEMBER 2012**

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## LIST OF ACRONYMS

DRC	Democratic Republic of the Congo
FARDC	<i>Forces armées de la République démocratique du Congo</i>
FDLR	Democratic Forces for the Liberation of Rwanda
ICC	International Criminal Court
JPT	Joint Protection Team
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
OHCHR	Office of the United Nations High Commissioner for Human Rights
PARECO	<i>Mai Mai Patriotes résistants congolais</i>
PNC	Congolese National Police
UNJHRO	United Nations Joint Human Rights Office

## Summary

The present report by the United Nations Joint Human Rights Office (UNJHRO) deals with serious human rights violations, including arbitrary executions and large scale forced displacement, perpetrated against civilians in Masisi territory, North Kivu province, between April and September 2012.

Following six investigation missions, the UNJHRO confirms the arbitrary executions of at least 264 people, of whom 246 were killed by combatants from Raïa Mutomboki and Mayi Mayi Kifuafua et 18 were killed by combatants of the Democratic Forces for the Liberation of Rwanda (FDLR) et Nyatura, between April and September 2012 in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements*, in Masisi territory, North Kivu province. Other serious human rights violations, including violations of the right to physical integrity including rape, the destruction and looting of private property and the forced displacement of civilians, perpetrated by the same armed groups and in the same *groupements*, were also documented by the UNJHRO. The UNJHRO believes that the total number of victims may be significantly higher than that cited above, given that it has not been possible to verify many allegations of human rights violations that were received, in large part due to security concerns. Therefore, the figures noted in this report reflect cases documented in only some parts of Masisi over a relatively limited period of time and are thus far from presenting a comprehensive overview of the human rights situation throughout Eastern DRC.

The human rights violations committed by the armed groups outlined in this report were perpetrated with extreme violence. Groups of up to 250 armed individuals attacked villages, often early in the morning: many civilians were killed as they attempted to flee their villages. Many victims were hacked to death with machetes often hit on the back, the neck or the head. Other civilians were burnt alive in their homes. The victims are, for the most part, children, women and the elderly, who were not able to flee from the assailants. The UNJHRO received several allegations of sexual violence perpetrated by the armed groups, but was only able to confirm four cases; including the case of nine women raped by Raïa Mutomboki combatants in a house in a village near Katoyi. Other cases of sexual mutilation were documented by the UNJRHO.

Throughout the period of the attacks, entire villages were burnt and destroyed by both Nyatura in coalition with the FDLR and by Raïa Mutomboki. Tens of thousands of people have been displaced as a result of the violence. The forced displacement of civilians seems to have been one of the objectives of the armed groups. On several occasions, witnesses described how Raïa Mutomboki elements arrived in villages proclaiming that all Hutus should leave the village and not return.

The ethnic dimension of the attacks is of particular concern in a region which, for more than 15 years, has experienced cycles of violence often of an ethnic character, even if the underlying objectives relate to control of land and natural resources, particularly abundant in this region of the DRC. The civilians killed by Raïa Mutomboki were in large majority Hutu, while those

killed by the Nyatura were largely Tembo. Each armed group attempted to clear of the presence of the opposing ethnic group for supposed political and economic gain from certain areas. The risk of intensification of ethnic violence gives rise to serious concerns for the peace and security of civilians in the region, all the more so given that the UNJHRO has received serious allegations of similar violence in other parts of North Kivu as well as in South Kivu.

This report makes recommendations aimed at bringing an end to these human rights violations, at reinforcing the protection of civilians in the region and at bringing to trial those responsible for these acts.

## **I. Introduction**

1. The United Nations Joint Human Rights Office (UNJHRO)<sup>1</sup> participated in six missions to investigate human rights violations perpetrated in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements*, in Masisi territory, North Kivu province, since April 2012.
2. Since the beginning of 2012, the UNJHRO has received a substantial number of allegations of human rights violations committed by many armed groups in North Kivu and South Kivu provinces. These armed groups have perpetrated in violence of an ethnic character, in certain cases with underlying political or economic motivations, specifically targeting civilians. These attacks grew in intensity in the period from April 2012 in southern Masisi territory, where the UNJHRO documented more than 75 attacks on different villages.
3. This report details human rights violations committed by armed groups between April and September 2012 which have been documented by the UNJHRO during different investigation missions. This report also makes recommendations aimed at bringing an end to these human rights violations, at reinforcing the protection of civilians in the region and at bringing to trial the alleged perpetrators of these acts.

## **II. Methodology**

4. The UNJHRO participated in six investigation missions into allegations of human rights abuses which took place since April 2012 in southern Masisi territory, North Kivu province. From 2 June till 5 June 2012, the UNJHRO deployed two missions to Remeka and Katoyi in Ufamandu I and II *groupements*. From 4 July until 8 July 2012 the UNJHRO led a complementary investigation mission to Remeka. Finally, from 12 September until 1 October 2012, the UNJHRO conducted three missions in Ufamandu I and II, Nyamaboko I and II *groupements*, particularly in the villages of Masisi, Lushebere, Rubaya, Kibabi, Minova and Bweremana.
5. UNJHRO teams conducted interviews with more than 160 victims and direct and indirect witnesses to the human rights violations described in this report. The teams also met with representatives of local authorities and civil society, members of the Congolese National Police (PNC) and employees of local health centres, in order to gather as many testimonies as possible concerning the allegations of human rights violations of which they had been informed.
6. However, the security situation in the region did not allow UNJHRO teams to travel outside the villages visited in order to reach most of the localities which had been attacked. For this reason, the teams have not been able to confirm allegations received of the presence of corpses and mass graves in some of these localities. Travel which had been planned as part of a mission had also been cancelled due to security concerns. For example, on 2 June 2012,

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<sup>1</sup> On 1 February 2008, the Division of Human Rights (DHR) of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Democratic Republic of the Congo (DRC) were merged creating the United Nations Joint Human Rights Office in the DRC (UNJHRO) which functions according to their respective mandates. This report is published in accordance with Security Resolution 2053 (2012).

Raïa Mutomboki attacked the village of Kahunde (approximately 7 km south of Katoyi), preventing investigators from leaving Katoyi in order to reach Bitoyi and Nyangisoyi villages.

7. Having conducted missions essentially in areas of displacement where the victims of violence have sought refuge, the UNJHRO cross-checked many testimonies, notably from victims and direct and indirect witnesses of the human rights violations presented in this report. Only cases confirmed and corroborated by the investigators – where the victim and the group responsible were identified exactly by several eye witnesses of the crime – are used to base conclusions hereafter. However, according to some testimonies received, the number of victims could be significantly higher.

### III. Context of the attacks and of actors present in the area

8. Eastern provinces of the DRC have experienced cycles of violence for over 15 years. Attempts to restore security have failed for several reasons. More specifically, the general weakness of state institutions, the lack of capacity of the FARDC, the persistence of impunity, the lack of progress in resolving long-term conflicts - particularly concerning natural resources management – are among the main factors behind this failure.
9. In North Kivu and South Kivu provinces, armed groups are often created around ethnic identities, including the Democratic Forces for the Liberation of Rwanda (FDLR)<sup>2</sup> and Nyatura<sup>3</sup>, predominantly Hutu. Other groups claim themselves to be self defence groups, such as Raïa Mutomboki<sup>4</sup> and Mayi Mayi Kifuafua<sup>5</sup>, which were, at the time of their creation, organised to defend civilians against the FDLR and to affirm their sense of belonging to an ethnic group claimed as being indigenous, often in order to defend politico-economic interests.
10. At the end of 2011, some FDLR elements from Shabunda territory, South Kivu province, reportedly regrouped in Walikale and Masisi territories in North Kivu where they would have established an alliance with the Nyatura, a Hutu militia. The Raïa Mutomboki, also recently arrived from the Shabunda territory, often acting together with the Mayi Mayi Kifuafua and the FDLR-Nyatura coalition reportedly launched waves of attacks against

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<sup>2</sup> The presence of the FDLR, principally of Rwandan origin and ethnically Hutu dates back to the genocide and war which took place in Rwanda in 1994. FDLR combatants are largely located in North Kivu and South Kivu provinces.

<sup>3</sup> The Nyatura are an armed group composed largely of Congolese Hutu and are present in Masisi territory. Many were originally part of the Mayi Mayi *Patriotes résistants congolais* (PARECO), which integrated into the FARDC following the 23 March agreements of 2009. The Nyatura are a residual branch of these FARDC deserters or people who have not wanted to integrate into the national army.

<sup>4</sup> The Raïa Mutomboki armed group – “angry people” in Swahili – is a self-defence group principally composed of Tembos which occupies a part of Shabunda, Masisi and Walikale territories. This group is sometimes referred to by civilians as a “Mayi Mayi” group. Raïa Mutomboki elements from the Tembo and Hunde ethnic groups come largely from Kalehe (South Kivu) and Masisi and Walikale (North Kivu), and those from Shabunda (South Kivu) are largely from the Rega ethnic group.

<sup>5</sup> The Mayi Mayi Kifuafua armed group – “proud person who beats his chest” in Swahili – are a self defence group principally from the Rega ethnic group and come from Shabunda territory.

civilians in order to seize control of certain localities.<sup>6</sup> The two sides began to target people identified as belonging to the same ethnic group as the opposing armed group.

11. In April 2012, in Masisi territory as in the neighbouring territory of Rutshuru, North Kivu province, FARDC elements defected from the national army to start a new rebellion, the “*Mouvement du 23 mars*” (M23). M23 elements were pushed back by FARDC soldiers towards Rutshuru territory where they regrouped. On 22 April 2012, the Government took the decision to redeploy a large number of loyalist troops from Masisi territory towards Rutshuru territory in order to contain the advancement of the M23 rebellion. A security vacuum was created in certain areas. Raïa Mutomboki and Mayi Mayi Kifuafua combatants took advantage of this situation to intensify their attacks in Masisi territory, particularly in Katoyi *secteur*, in Ufamandu II *groupement*<sup>7</sup>, with a majority Hutu population, in order to occupy positions abandoned by FARDC soldiers. In Bahunde *secteur*, in Ufamandu I *groupement*<sup>8</sup>, FDLR combatants, in coalition with Nyatura, attacked the civilian population, largely Tembo.
12. From April until the end of September 2012, the UNJHRO documented more than 75 attacks on over 70 villages in the *groupements* of Ufamandu I and II, Nyamaboko I and II and Kibabi. On 5 May 2012, several localities in Ufamandu I *groupement* were attacked by FDLR and Nyatura combatants. The same day, the villages of Kiterema, Mitindi, Kirambo, Mangere and Mbeshe Mbeshe in Ufamandu II *groupement* were attacked by a coalition of Raïa Mutomboki and Mayi Mayi Kifuafua combatants. These attacks were particularly violent and were carried out with the objective of forcing civilians to flee. Civilians were deliberately attacked and killed by combatants of the armed groups, and houses were systematically burnt. UNJHRO teams documented a particularly high number of attacks during the months of August and September 2012: at least 47 villages were attacked by Raïa Mutomboki, more than 200 people were killed and hundreds of houses were destroyed. Some villages, such as Kazinga (Nyamaboko I *groupement*) were attacked several times. In general, targeted villages were those where civilian populations were of Hutu origin. In some villages inhabited by several ethnic groups, it seems that in certain cases, people belonging to ethnic groups other than Hutu were forewarned of the attacks.<sup>9</sup>
13. During the same period, between June and September 2012, in the same *groupements* the UNJHRO documented attacks on 16 villages by Nyatura elements, conducted in a less systematic manner than those carried out by Raïa Mutomboki, and often targeting villages and civilians of Tembo ethnicity.

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<sup>6</sup> These armed groups also benefited from the temporary departure from the area of soldiers due to the reconfiguration of the national army of the DRC and the redeployment of soldiers to secure the electoral process.

<sup>7</sup> Towards the end of April, just days after the departure of Armed Forces of the Democratic Republic of the Congo (FARDC) troops from the area, these groups occupied three of five *localités* in Ufamandu II *groupement*, namely Mitindi (including the villages of Katoboro, Kibati, Gingo and Bitoyi), Kiterema (villages of Gando, Nyangisozi, Kinjanja and Kinduru) and Mbeshe Mbeshe (villages of Bushishi, Kibua and Muyange).

<sup>8</sup> FDLR and Nyatura occupied almost all of the villages in Ufamandu I *groupement*.

<sup>9</sup> Several hours before the attack on the village of Mulema, in Ufamandu I *groupement*, residents of Tembo ethnic origin left the village in large numbers.

#### IV. Legal framework

14. The human rights mentioned in this report are protected by several international instruments ratified by the Democratic Republic of the Congo, such as the International Covenant on Civil and Political Rights<sup>10</sup> and the African Charter on Human and Peoples' Rights<sup>11</sup>. As a signatory of these conventions, the Congolese state is bound to respect the human rights guaranteed in the texts and to take necessary measures to sanction and prevent violations of these rights whether committed by its own State security forces or by other non-State actors.
15. Non-State actors involved in a non-international armed conflict, such as the FDLR, Nyatura, Raïa Mutomboki and Mayi Mayi Kifuafua are obliged to respect international humanitarian law, in particular that enshrined in Article 3 common to the four Geneva Conventions of 12 August 1949 and the Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977, as well as by customary international law, which prohibit violence to the life and well-being of persons and provide for belligerents to spare civilians during attacks.
16. The forced displacement of populations is prohibited by international law and can be considered as a crime against humanity<sup>12</sup>. Equally, Article 7 of the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa, which was signed by the DRC in 2010, affirms that it is not permissible for members of armed groups to provoke arbitrary internal displacement. According to the United Nations Guiding Principles on Internal Displacement, every human being has the right to be protected from arbitrary displacement from his or her home or place of habitual residence.<sup>13</sup>
17. As the attacks described in this report were carried out in a widespread, systematic and targeted manner, the subsequent human rights violations, if established before a competent court of law, could constitute crimes against humanity and war crimes as defined by Articles 7 and 8 of the Rome Statute of the International Criminal Court (ICC), directly applicable in Congolese law<sup>14</sup>. In addition, the human rights violations perpetrated during the attacks in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements* could constitute offences under Congolese criminal law, such as murder, deliberate physical assault, rape, looting and destruction of property which are subject to prison sentences. The perpetrators of these human rights violations, as well as those complicit in and those who have provided support to the violations, ought to be prosecuted and held responsible for their acts in accordance with international and Congolese law.

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<sup>10</sup> The International Covenant on Civil and Political Rights which came into force on 23 March 1976 guarantees the right to life (Article 6) and the right to physical integrity and prohibits the use of torture and cruel, inhuman or degrading treatment or punishment (Article 7).

<sup>11</sup> The African Charter on Human and Peoples' Rights was adopted on 27 June 1981 in Nairobi and recognises the respect for life and integrity of the person (Articles 4 and 5), as well as the right to property (Article 14).

<sup>12</sup> See Article 17 of Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts of 8 June 1977 and Article 7.1.d of the Rome Statute of the ICC.

<sup>13</sup> According to principle 6 of the United Nations Guiding Principles on Internal Displacement of 1998, the prohibition of arbitrary displacement includes displacement when it is based on policies of "*ethnic cleansing*", or similar practices aimed at / or resulting in altering the ethnic, religious or racial composition of the affected population.

<sup>14</sup> In the terms of Article 215 of the constitution of the DRC of 2006, the Rome Statute constitutes an integral part of Congolese law.

## V. Human rights violations

18. The inter-ethnic violence documented by the UNJHRO is widespread and the number of victims of human rights violations is particularly high, particularly concerning violations of the right to life. Most of the persons interviewed by the UNJHRO were able to identify, in a consistent manner, the armed groups reported to be responsible for human rights violations against civilians, in particular by their *modus operandi*, their language and their dress. However, witnesses were not, in general, able to provide the exact identities of those responsible for these human rights violations, or of the commanders of the armed groups.
19. Investigations undertaken by the UNJHRO enabled to distinguish a difference between the *modus operandi* and the nature of human rights violations of the FDLR-Nyatura coalition and that of Raïa Mutomboki and Mayi Mayi Kifuafua. According to testimonies received by the UNJHRO the former coalition systematically burnt houses in villages that were attacked, but did not kill civilians on a large scale. On the other hand, Raïa Mutomboki and Mayi Mayi Kifuafua combatants attacked civilians with the intention of killing them, which explains the much higher numbers of victims as a result of their attacks. On both sides, the desired outcome of the attacks seems to have been the same: attacking civilians on the basis of their ethnicity to force them to flee their villages.

### 5.1. Right to life

20. During its various missions, the UNJHRO documented the arbitrary executions of at least 264 people, of whom 246 were killed by combatants from Raïa Mutomboki and Mayi Mayi Kifuafua et 18 were killed by combatants of the FDLR et Nyatura, between April and September 2012. The UNJHRO also documented 13 cases of attempted arbitrary execution by Raïa Mutomboki. The UNJHRO was also able to confirm that at least 20 people were killed during armed attacks on their villages without having been specifically targeted by combatants. The UNJHRO believes that the total number of victims may be far higher than the number confirmed in the present report, due in particular to difficulties in accessing certain areas and prevalent insecurity, which limited the investigations carried out by the UNJHRO.<sup>15</sup>
21. During attacks on villages, Raïa Mutomboki fighters deliberately targeted civilians in order to kill them. Groups of combatants, typically between 50 and 250, often dressed in grass skirts and carrying firearms, spears and machetes, surrounded villages in the early morning. People were arbitrarily executed, often in a particularly cruel and violent manner. One victim described to investigators the attack on her village during the second half of August 2012 by Raïa Mutomboki: “*We were in the church at a prayer service. Somebody in the church said that the Raïa Mutomboki had arrived. People started to flee through different exits. I was hit with a machete on my back immediately as I left the church. I fell to the ground and I thought I was going to die. My husband and my children were killed by the Raïa Mutomboki.*” Many witnesses confirmed having seen combatants target sensitive parts of the body, such as the neck or the head, often with machetes, in order to kill them instantly. Some victims were burnt alive in their homes. The UNJHRO also documented

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<sup>15</sup> For example, during a mission to Ngungu between 1 and 9 August 2012, the UNJHRO received allegations that several dozen people were executed during attacks by Raïa Mutomboki in Ufamandu *I groupement*.

four cases where combatants cut the foetus out of a pregnant woman. Victims of arbitrary executions perpetrated by Raïa Mutomboki were in large majority Hutu. It is important to note that most victims were women, children and the elderly, as they are more often in the village and are least able to flee. The UNJHRO thus confirmed the arbitrary execution of 83 children by Raïa Mutomboki and 3 by Nyatura during the period covered by this report. One in three victims of arbitrary executions documented in this report is a minor.

22. The number of people killed in attacks varies between a few people and several dozen civilians. One witness spoke of the attack on the village of Kindura, in Kiterema *localité*, Ufamandu II *groupement*, by Raïa Mutomboki and Mayi Mayi Kifuafua combatants: “*It was 17 May, and while I was working in the field I heard from people who were fleeing that the village was being attacked by Mayi Mayi. I left the field and returned straight away to the village and I saw that the village had been surrounded by the attackers and people were crying for help as the Mayi Mayi were attacking people with machetes. I was scared, so I returned to the forest where I came across four other people from the village who had fled to the forest. From where we were hiding we learnt that the attack was over and that the Mayi Mayi had left the village, so we returned to the village and we saw many bodies strewn on the ground and we saw that, after killing people with machetes, the Mayi Mayi had also removed their sexual organs and many houses had been burnt. My wife and my child were killed by the Mayi Mayi.*” Of note is the practice where combatants returned to certain villages during the evening in order to attack villagers who had returned to bury victims.<sup>16</sup>

23. Attacks perpetrated by Nyatura, sometimes in collaboration with the FDLR, although less systematic in the *groupements* covered by this report, were on occasion very violent. Victims – often children – were hit with machetes or burnt in houses. One witness described the attack on the village of Miano by Nyatura combatants in June 2012: “*At 10 a.m., I heard firing. I left the house with one of my children whom I took by the hand. I had to leave all my possessions behind in the house. In the neighbouring house four people were killed and the house was burnt. Before leaving, the Nyatura fighters burnt entire villages in the localité*”.

## 5.2. Right to physical integrity

24. During the period covered by this report, the UNJHRO documented a small number of cases of violation of the right to physical integrity during attacks on villages in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements*, corroborating the *modus operandi* whereby the presumed perpetrators, particularly Raïa Mutomboki, sought above all to kill civilians during the attacks.

25. The UNJHRO did not document systematic cases of sexual violence during the attacks on villages.<sup>17</sup> However, during certain attacks, cases of rape were reported and the UNJHRO

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<sup>16</sup> Some witnesses also spoke of cases where people who did not return to their villages for several days, found bodies, sometimes even weeks later, in peripheral areas of villages that had been attacked.

<sup>17</sup> It is difficult to draw conclusions from this trend, as victims of sexual violence are often reluctant to report what they suffered for fear of being stigmatised. It is also important to note that a large proportion of those killed during

was able to confirm four cases. For example, in one case, on 6 August 2012 in a village near Katoyi, nine women were raped by Raïa Mutomboki: “A number of displaced women were staying with me. Therefore I was sleeping in the kitchen. At 5 a.m. a group of Raïa Mutomboki, about 20 men armed with rifles, machetes, spears and knives came into my house. They said that they wanted to ‘taste’ Hutu women, and that Congolese Hutu are equally despicable as Rwandan Hutu. The men then went into the other part of the house where they raped four young women aged between 15 and 18 and five older women, including myself”. It is important to note that several witnesses reported cases of sexual mutilation on the remains of victims who had been killed. The UNJHRO also documented several cases of sexual violence perpetrated by combatants belonging to armed groups in the area outside of the attacks on villages. For example, on 19 July 2012 in Ufamandu I *groupement*, two women and a minor were raped by Nyatura combatants. The girl was also raped with a wooden stick and died as a result of her injuries.

### 5.3. Right to property

26. The systematic attacks carried out by the presumed perpetrators, both Nyatura and Raïa Mutomboki, seeking to take control of territory by forcing part of the population to leave based on ethnic origins, were accompanied on occasion by looting, and above all by the destruction of houses. During the month of May 2012, all the villages on the road between Remeka and Mbeshe-Mbeshe<sup>18</sup> and some villages on the road from Remeka to Luutu<sup>19</sup> were burnt. According to local authorities, on or around 29 August 2012, Raïa Mutomboki burnt 11 villages<sup>20</sup> in the *groupements* of Nyamaboko I and II. According to one witness, in at least one of these villages, only those houses belonging to Hutu were burnt. The practice of burning villages frequently led to violations of the right to life, as the presumed perpetrators burnt alive people who were hiding inside their houses.

### 5.4. Forced displacement

27. According to the United Nations Office for the Coordination of Humanitarian Affairs, at least 60 000 people have reportedly fled their villages in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements* since the beginning of the attacks and have not since returned. It is difficult for the UNJHRO to estimate the number of people who have fled attacks since April 2012, given that many people have left Masisi territory, where the investigations took place.

28. The *modus operandi* of the attackers, seeking to terrorise civilians by carrying out killings and by systematically burning houses, was aimed at, according to many witnesses, displacing populations and preventing their return. One victim described to the UNJHRO the attack on his village in late June 2012 by combatants belonging to Raïa Mutomboki and Mayi Mayi Kifuafua: “The attackers arrived at 3 a.m. They cried: ‘we want you to return

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the attacks were women, but investigators or witnesses did not verify whether victims were subjected to sexual violence before being killed.

<sup>18</sup> The villages of Bikunje, Bunyahahiti, Kaleta, Kirambo, Kiterema, Mbeshe Mbeshe, Mololo and Mutindi

<sup>19</sup> The villages of Biriki, Buango, Bunyakangendu, Bwongo, Katuunda, Kingete, Luutu, Ndeko Miko and Nyakabasa/Buruso.

<sup>20</sup> The villages of Ndumba, Kakoka, Kasesa, Muhahirwa, Kabumba, Rwandanda, Masiza, Mikenno, Kiniheraa, Luke and Bururero.

*home to Rwanda'. They were screaming in Kiswahili. They started to burn houses. They were armed with spears and machetes, and some had firearms. I took my children and I fled''.*

## **VI. Measures taken by the Congolese state, MONUSCO and the international community**

29. The Congolese authorities have taken some measures to ensure the protection of civilians following the intensification of attacks by armed groups in Masisi territory. The 902<sup>nd</sup> FARDC Regiment was deployed in proximity to Remeka and Ngungu at the end of May 2012, but following the death of the commander of this unit on 22 July 2012 during an attack on Ngungu by Nyatura assailants, it was replaced by the 108<sup>th</sup> Regiment.<sup>21</sup> During the months of September and October 2012, the 321<sup>st</sup> and 8021<sup>st</sup> Battalions were deployed to Luke and the 1031<sup>st</sup>, 8062<sup>nd</sup> and 1082<sup>nd</sup> Battalions were deployed to Katoyi, Remeka and Ngungu respectively. The deployment of these battalions did serve to restrict the number of attacks by Raïa Mutomboki but, given the limited means available to the Congolese security and defence forces, and the number of security concerns which they face, these measures have remained insufficient to effectively protect civilians. The provincial government of North Kivu has also encouraged initiatives to promote inter-community dialogue and ethnic reconciliation. In addition, on 19 October 2012 the military prosecutor in North Kivu opened a judicial investigation into the alleged perpetrators of human rights violations committed between April and September 2012 in Masisi territory.
30. Following the first allegations of arbitrary executions, MONUSCO deployed Joint Protection teams (JPT) in the *groupements* to assess the needs of civilians, especially of the internally displaced<sup>22</sup> and formulate recommendations aimed to improve the situation of these populations. From May 2012, MONUSCO established two Standing Combat Deployments<sup>23</sup> in Katoyi and Remeka in order to reinforce the protection of displaced civilians in the vicinity of these two villages. These bases were withdrawn in mid July 2012 in order to ensure the security of Goma, which at the time was under the threat of an attack by M23. MONUSCO also established a Temporary Operating Base in the village of Ngungu, to where a large number of internally displaced persons had fled the ethnic violence in Masisi territory. MONUSCO also launched 15 helicopter-supported foot patrols in the most volatile areas.
31. Some non-governmental organisations delivered punctual humanitarian aid to internally displaced persons and provided medical assistance to persons injured. Nonetheless, taking

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<sup>21</sup> In addition to problems related to sufficient and regular payment and the absence of adequate equipment, the 1801<sup>st</sup> Battalion was deployed in Ngungu and the 1802<sup>nd</sup> Battalion to Nyabiondo, which is largely insufficient to cover Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements*.

<sup>22</sup> MONUSCO organised several JPT mission to assess the needs in protection of the population in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements*. From 24 to 26 May 2012, a JPT mission went successively to Remeka and Katoyi to verify the allegations received following the first attacks. Between 6 and 10 August 2012, during a JPT mission in Ngungu, which welcomed a part of the population that had escaped the surroundings of Katoyi and Remeka, the UNJHRO recorded new allegations of human rights violations in Ufamandu I and II *groupements*, in the months of July and August 2012. On 24 August 2012, an evaluation joint mission took place in Remeka to monitor protection issues raised during previous missions.

<sup>23</sup> Temporary deployment of a military unit of MONUSCO.

account of the current situation in Masisi territory, the needs in terms of humanitarian assistance in the region remain very high.

## VII. Conclusions and recommendations

32. Following its different investigation missions, the UNJHRO can confirm that, between April and September 2012, at least 264<sup>24</sup> people were victims of arbitrary executions, of whom 246 were killed by combatants of Raïa Mutomboki and Mayi Mayi Kifuafua and 18 killed by combatants from Nyatura and FDLR in the *groupements* of Ufamandu I and II, Nyamaboko I and II and Kibabi, in Masisi territory, North Kivu province. The UNJHRO documented other serious human rights violations, including violations of physical integrity and rape, the destruction and looting of property and the forced displacement of civilians by the same armed groups and in the same *groupements*. These human rights violations, if established before a competent court of law, could constitute war crimes and crimes against humanity.
33. The security situation for civilians in Ufamandu I and II, Nyamaboko I and II and Kibabi *groupements* is particularly serious. The figures noted in this report reflect only the cases confirmed by the UNJHRO during the six investigation missions and do not have the objective to present a comprehensive situation of human rights in eastern DRC. Combatants belonging to FDLR, Nyatura, Raïa Mutomboki and Mayi Mayi Kifuafua conducted widespread, systematic and targeted attacks against civilians based on their actual or presumed ethnicity, as well as large scale killings which could constitute war crimes and crimes against humanity as defined by international and Congolese law, once established before a competent court of law, It is imperative to bring an end to this violence and ensure the effective protection of civilians. The UNJHRO is particularly preoccupied by the absence of a ‘vetting’<sup>25</sup> procedure in the framework of the integration of Nyatura combatants into the FARDC, which is currently underway. The only verification which has been carried out is that of identifying the presence of minors in their ranks, and 40 children have thus been separated from the armed group with the support of MONUSCO.
34. The UNJHRO has received serious allegations of similar violence in other parts of North Kivu Province, in particular in the territories of Masisi and Walikale, as well as in the territories of Shabunda and Kalehe in South Kivu province. The risk of intensification of this inter-ethnic violence gives rise to serious concerns for the peace and security of civilians in the region.
35. Thus the UNJHRO demands immediately:

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<sup>24</sup> The UNJHRO believes that the total number of victims could be significantly higher than the number confirmed in the present report, due in particular to difficulties in accessing certain areas and prevalent insecurity, as well as the large scale displacement of populations provoked by the attacks.

<sup>25</sup> Verification and prior control of the combatants before their integration into the FARDC in order to exclude, among others, those who are perpetrators of serious human rights violations.

### **To the Congolese authorities**

- to take additional measures as soon as possible to bring an end to attacks against civilians in Masisi territory and to deploy defence and security forces in sufficient numbers, and with the necessary logistical support, to effectively ensure the protection of civilians;
- to reinforce security in the territory, above all through the deployment of FARDC soldiers in order to allow civilians to return to their villages of origin and to complement this deployment with that of PNC agents to allow an improved protection of civilians, notably in the context of investigations which will be carried out by judicial authorities in regard to these violations;
- to continue encouraging the establishment of community reconciliation mechanisms, in order to avoid escalating or extending ethnic conflict to other parts of the DRC;
- to conduct investigations in a timely manner into all human rights violations, in particular those described in this report and to prosecute the alleged perpetrators of these acts;
- to take into account the human rights violations detailed in this report and the responsibility of the alleged perpetrators during all measures of security sector reform and the restructuring of armed forces and to implement a systematic verification of the human rights records of combatants, their commanders and their overall group during the integration process of armed groups into the FARDC;

### **To the international community**

- to continue their support to the Congolese defence and security forces, with respect to verifying conformity with human rights standards, in order them to fully ensure the protection of civilians in regions still affected by armed conflict;
- to provide humanitarian assistance to the victims of serious human rights violations and other people displaced as a result of the attacks;
- to provide the necessary support to the Congolese authorities in terms of investigations and prosecutions of the alleged perpetrators of human rights violations;
- to provide logistical support to facilitate to deployment of defence and security forces in the area.

# Annex – Map of Masisi territory

Map of Masisi Territory

