

*Translated from French*

**MONUSCO  
United Nations Organization Stabilization Mission in the Democratic Republic  
of the Congo**

**Office of the United Nations High Commissioner for Human Rights**

**Preliminary report of the fact-finding mission of the United Nations  
Joint Human Rights Office into mass rapes and other human rights  
violations by a coalition of armed groups along the Kibua-Mpofi  
road in Walikale, North Kivu, from 30 July to 2 August 2010**

24 September 2010

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## I. Introduction

1. From 30 July to 2 August 2010, a coalition of forces of the Mayi Mayi Cheka and the Forces démocratiques de libération du Rwanda (FDLR) as well as forces under Colonel Emmanuel Nsengiyumva,<sup>1</sup> a total of at least 200 fighters,<sup>2</sup> systematically attacked civilians in 13 villages along the Kibua-Mpofi road<sup>3</sup> in the *groupement* of Ihana, Wanianga sector, Walikale territory, province of North Kivu. The assailants looted most of these villages, committed mass rapes of women, men and children, abducted civilians and used them to forced labour.

2. Upon being informed of this situation, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) deployed a joint protection team, including staff from the United Nations Joint Human Rights Office (UNJHRO),<sup>4</sup> to the area from 13 to 17 August 2010 to assess the security situation, evaluate the protection needs of the local population and look into allegations that civilians were raped, and used for forced labour and of looting. On the basis of evidence gathered during the mission from International Medical Corps (IMC), a non-governmental organization (NGO) that administered first aid to the victims, the initial figures indicated that at least 154 civilians had been raped and subjected to sexual violence.

3. Given the scope and seriousness of these allegations, UNJHRO deployed a special fact-finding team (hereinafter “the team”) from 25 August to 2 September 2010 in order to conduct an in-depth investigation into these human rights violations. The team visited the 13 villages targeted by the perpetrators and gathered more than 300 witness statements from different sources. This is a preliminary report of the results of the investigation conducted by the team.

4. Drawing on the evidence gathered in the course of the fact-finding mission and the efforts to consolidate the lists of victims prepared by partners, the team has found that at least 303 civilians were raped, including 235 women, 13 men, 52 girls and 3 boys. These figures may be revised upward, as several victims have not yet come forward out of fear, particularly owing to the weight of local customs and the risk of being ostracized or abandoned by their communities. Moreover, half of the population, fearing fresh attacks, is still living in the bush. Furthermore, at least 923 houses and 42 shops were looted and 116 civilians were abducted during the attacks and used for forced labour.

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<sup>1</sup> A Congolese colonel (formerly of the Congrès national pour la défense du peuple, CNDP) who joined the Forces armées de la République démocratique du Congo (FARDC) as a result of the March 2009 Goma peace agreements. He rejoined the rebellion in early 2010. He is apparently related to Lieutenant Colonel Yusuf Mboneza, also ex-CNDP and former commander of the 212th Brigade, which has its headquarters in central Walikale and whose area of responsibility includes the villages attacked by the coalition.

<sup>2</sup> Other sources indicated that the number of rebels ranged from 300 to 400.

<sup>3</sup> Located 85 km and 56 km, respectively, north-east of central Walikale. This 21 km road is 7 to 28 km west of Kibua.

<sup>4</sup> On 1 February 2008, the Human Rights Division (HRD) of the United Nations Organization 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 were integrated to form the United Nations Joint Human Rights Office (ONJHRO).

## II. Methodology and constraints

5. During the mission from 25 August to 2 September 2010, the team travelled to the 13 villages targeted by the perpetrators and conducted a rigorous investigation into the allegations of rape and kidnapping of civilians and of systematic looting in order to determine the background to the attacks and the sequence of events, identify the victims and the alleged perpetrators and discover the perpetrators' motives. For that purpose, the team interviewed eyewitnesses and victims of the attacks, heads of villages and communities along the Kibua-Mpofi road, nurses at the Mpofi, Kembe, Luvungi and Lubonga health centres, directors of the NGOs Heal Africa and IMC, members of FARDC stationed at Mpofi and Kibua, the commander of the 211th Brigade of FARDC and peacekeepers from the MONUSCO company operating base (COB) at Kibua.

6. It should be noted that some witnesses and victims, who were traumatized by the events, experienced some confusion about the dates when describing the events, which complicated the process of analysing the information gathered and reconciling the witness statements. Owing to the weight of local customs and traditions and out of fear of being ostracized or abandoned by their families, several rape victims did not come forward and did not tell the team about the abuses committed against them. Moreover, half of the population is still living in the forest, fearing further attacks by the perpetrators. This likely includes rape victims whom the team was unable to interview. Therefore, although the team interviewed many victims, it has been unable to make a full count.

7. The team examined the lists of rape victims drawn up by partners and prepared a consolidated list.<sup>5</sup> Some lists had been drawn up with no prior verification and without indicating the age, sex or home village of the victims or the type of human rights violation perpetrated against them. The team did not take that fact into account in its working methodology, which consisted of travelling to each targeted village, conducting individual interviews with victims and any other witnesses and checking the names of the victims interviewed against the names on the consolidated list.

8. The team also faced constraints during the mission owing to the lack of security in the area visited. Numerous messages warned of another attack by FDLR<sup>6</sup> and it was reported that some communities around Kibua were attacked by FDLR while the investigation was under way. The lack of security limited the team's movements and the time spent on the ground. The team was therefore unable to complete interviews with victims in the villages of Kasuka, Brazza, Lubonga, Chubo, Bitumbi and Ndorumo.

9. On 4 September 2010, the team sent the military prosecutor of the Goma Operational Military Court a summary of the evidence gathered regarding the mass rapes and other human rights violations committed in the area during the attack. The

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<sup>5</sup> The consolidated list was prepared using lists of rapes drawn up by heads of villages and communities, health centres and certain partners such as Heal Africa, IMC and the MONUSCO Child Protection Section.

<sup>6</sup> For example, a warning of the attack on Kibua by FDLR was received on Saturday, 28 August 2010. Shots were heard by villagers on 31 August 2010 in the villages around Kishanga, east of Kibua. According to unconfirmed reports from the local population, the shots were fired by FDLR.

military prosecutor informed the team that the Congolese justice department had opened a case file on the matter and that a team of investigators would be deployed to the location in the near future.

### III. Background to the attack

10. In the absence of State authority, several armed groups, particularly FDLR, the Mayi Mayi Cheka and armed fighters under Colonel Emmanuel Nsengiyumva have set up their bases and reign supreme in the forests of Walikale. They control some of the many mines in the area as well as the roads leading to them. Playing on the vulnerability and distress of the territory's local inhabitants, these groups have proclaimed themselves defenders of the interests of their respective communities. Under the false pretext of advancing political and social claims, these armed groups have taken control of several communities in Walikale territory, province of North Kivu.<sup>7</sup> Walikale territory is a mineral-rich area and armed groups are able to finance their movements through control of mining operations.

11. Since Government forces launched operations against them in 2009,<sup>8</sup> FDLR fighters have, in reprisal, systematically launched deadly attacks against civilians who are inadequately protected and often accused of being "traitors". These attacks are characterized by killings, mass sexual violence, systematic looting and abduction, and using civilians for forced labour.

12. While the mining concessions in Walikale have been officially granted to three foreign companies,<sup>9</sup> the fact remains that mining is mainly artisanal and is strongly controlled by the most influential armed groups in the region, in particular FDLR. Several medium-sized armed groups that are likely interested in a war economy — like the Mayi Mayi Cheka and armed fighters under Colonel Emmanuel Nsengiyumva — have joined forces with FDLR in recent months with the aim not only of winning their share of the profits flowing from the trade in minerals but also of forcing the Government to negotiate peace.

13. The minerals trade also profits local administrative authorities and unscrupulous members of FARDC deployed to Walikale, who are supported by their superiors in the provincial and central commands.<sup>10</sup> Motivated by greed and assured

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<sup>7</sup> FDLR forces have been living there since 1994 at least and have set up their headquarters there, in Mutongo, Mungazi and Kishanga. More recently, in 2010, the Mayi Mayi Cheka and armed fighters under Colonel Emmanuel Nsengiyumva established their bases in Irameso and Misao.

<sup>8</sup> The purpose of these operations — those conducted under "Kimia II", for example — was to neutralize FDLR, but they were badly planned and had a disastrous impact on civilians.

<sup>9</sup> The Anglo-South African consortium Mining Processing Company (MPC), the Oakridge Company run by a British citizen living in Rwanda and the Congolese company Groupe minier Bangadula (GMB) are in a dispute over the highly productive Bisie cassiterite mine.

<sup>10</sup> See the 2009 report by the NGO Global Witness entitled "'Faced with a gun, what can you do?': War and the militarisation of mining in Eastern Congo".

of impunity,<sup>11</sup> they develop secret links<sup>12</sup> with the armed groups operating in their deployment zones or leave those zones and move to the mine locations, leaving the civilian populations unprotected. Orders for deployment and redeployment of FARDC troops to communities in Walikale have apparently been ignored at times owing to the jostling among military officers over zones in which large mines are located. These disputes, which are linked to cooperation between FARDC troops and rebel armed groups,<sup>13</sup> adversely affect the ability of FARDC troops to effectively protect the local population in their deployment areas.

14. While no FARDC troops were present at the time of the attacks, the area targeted by the perpetrators is the responsibility of the 212th Brigade commanded by Lieutenant Colonel Yusuf Mboneza. Local sources indicated that the early departure of members of the 212th Brigade of FARDC from the area in question at least two months ago (or even four months ago for certain villages) was ordered by Lieutenant Colonel Mboneza on the grounds that FDLR no longer posed a threat to the civilian population and because mining operations in the area were unprofitable. Lieutenant Colonel Mboneza was arrested on 12 August 2010 for insubordination, refusing to obey an order, abandoning his troops on the battlefield and fleeing before the enemy after the attack on Kilambo by a coalition of Mayi Mayi Cheka and FDLR fighters in late July 2010.<sup>14</sup> This arrest illustrates the propensity of certain FARDC military officers to give priority to their personal interests to the detriment of their mandate to protect the people. Similarly, the team was unable to clarify why the police d'intervention rapide were not deployed in the region after FARDC troops left, which should have been done under the stabilization process for areas formerly under the control of armed groups. There is agreement, on the other

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<sup>11</sup> This theme of impunity is illustrated by the attacks at Bisie and Mpama in 2009 as well as the arrest of Lieutenant Colonel Mboneza and his liberation by force last 12 August by fellow ex-CNDP forces while being held in the lock-up of the Office of the Military Prosecutor at the Goma garrison.

<sup>12</sup> Colonel Chuma Balumisa, Commander of the 2nd Operational Area of the Amani Leo operations, is under pretrial investigation on a charge of engaging in profit-making activities during wartime. A local source indicated that, during a meeting for peace talks with FDLR/Mayi Mayi forces in the Walikale forest in July 2010, the rebel leaders were speaking on Thuraya phones with certain territorial- and provincial-level military and administrative authorities without any fear of being found out or revealing their affinities.

<sup>13</sup> See the letter of 23 November 2009 addressed to the President of the Security Council by the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (S/2009/603).

<sup>14</sup> When the operations were undertaken at Kilambo following the events of 24 July 2010 attributed to the Mayi Mayi Cheka/FDLR coalition, Lieutenant Colonel Mboneza apparently refused to deploy his troops to fight the enemy. He also withdrew from the front, taking with him troops and weapons and abandoning his operational sector chief, Colonel Chuma. This incident appears to demonstrate his affinities with the rebel groups. Lieutenant Colonel Mboneza was arrested on 12 August at the Goma airport. General Bosco Ntaganda, who was present during the arrest, is reported to have vigorously protested against it. On 12 August 2010, an unidentified company of at least 50 FARDC (ex-CNDP) soldiers heavily armed with rocket launchers, machine guns and rocket-propelled grenades came to the Office of the Military Prosecutor at the Goma garrison, where Colonel Mboneza was being held under guard. The FARDC troops surrounded the Office of the Military Prosecutor, blocked all access routes and freed Lieutenant Colonel Mboneza from the lock-up under threat of armed force. The command of the Amani Leo operations established a disciplinary commission following this escape. Lieutenant Colonel Mboneza has been suspended from duty pending the commission's decision.

hand, that had the FARDC troops remained in place their presence would have dissuaded the coalition members from launching attacks on the 13 villages.

15. Owing to their vulnerability and helplessness in the face of the foregoing, the local inhabitants have become eager not only to establish local self-defence groups,<sup>15</sup> but also to regularly negotiate peace with the most influential armed groups in the areas in return for payment of a security tax.<sup>16</sup>

16. The company operating base at Kibua, whose area of responsibility includes the villages attacked by the coalition of armed groups, reportedly received 80 newly deployed troops on 27 and 28 July 2010<sup>17</sup> as a result of MONUSCO troop rotations. The troops had not undergone specific training regarding the protection of civilians and interaction with communities in the context of the Democratic Republic of the Congo. The company operating base did not have a community liaison interpreter<sup>18</sup> at the time of the attack. Once or twice each week, the peacekeepers stationed at Kibua conduct day patrols to the east and west of Kibua. No night patrol was conducted in the area of responsibility of the Kibua base prior to the attacks, although the local people were of the view that attacks and other violations of armed groups took place during the night. The capacity of the Kibua peacekeepers to gather intelligence and intervene is limited by operational constraints, including lack of military logistics and telephone coverage, the poor condition and insecurity of roads, long distances between villages and the isolation of the area. MONUSCO peacekeepers at Kibua were not specifically aware of deterrence mechanisms or of proactive protection techniques that could have maximized their capacity to intervene when the attacks took place.

#### IV. Sequence of events and identity of perpetrators

17. Having collected witness accounts and substantiated the evidence gathered from various sources, the team can conclude that from 30 July to 2 August 2010, a coalition<sup>19</sup> of elements of Mayi Mayi Cheka, FDLR and armed followers of Colonel Emmanuel Nsengiyumva, comprising at least 200 fighters, proceeded from Irameso, some 40 kilometres north of Kibua, and systematically attacked civilians in 13 villages located over a distance of 21 kilometres on the Kibua-Mpofi road, Walikale, North Kivu.

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<sup>15</sup> According to local sources, in the absence of Government forces, several children from villages along the Kibua-Mpofi road were given the task of identifying armed groups in the bush. Several villages are reportedly preparing a formal request for training and weapons for self-defence groups.

<sup>16</sup> Delegates from each village go to the forest each month to negotiate peace with FDLR. Last month, FDLR sent a message requesting payment of a security tax set at US\$ 150 per village. On 1 September 2010, village delegates met in Luvungi in order to go to the forest and make the payment to the Mayi Mayi/FDLR.

<sup>17</sup> This took place exactly two days before the coalition attack. Company operating bases have 80 military personnel at most.

<sup>18</sup> Community liaison interpreters are Congolese civilians deployed at military bases. Their task is to facilitate the work of MONUSCO military personnel by interfacing between them and local communities in order to provide better protection. Prior to deployment, their training is organized jointly by the United Nations Joint Human Rights Office and the Civil Affairs Section of MONUSCO.

<sup>19</sup> Some local sources have referred to a meeting held in Walikale forest in June 2010 in order to formalize the alliance.

18. The rebel coalition was led by Colonel Mayele, Chief of Staff of Mayi Mayi Cheka, who hails from the village of Kembe on the Kibua-Mpofi road in the *groupement* of Ihana. Several sources reported that two FDLR officers, named “Bravo” and “Lionceau” (lion-cub) respectively, were among the perpetrators. The two officers are apparently known to the local population, having reportedly lived in Kibua from 1996 to the beginning of operation Umoja Wetu in 1999. They are said to belong to the FDLR faction of Sadiki Soleil<sup>20</sup> and to be based respectively in Chalingwangwa and Maningwi, near Mutongo, the principal town of the *groupement* of Ihana. Other credible sources identified elements loyal to Colonel Emmanuel Nsengiyumva among the perpetrators in the village of Kembe, as a result of which he would incur criminal liability.

19. For four days, assailants armed with AK-47 rifles, grenades and machetes travelled across the 13 villages<sup>21</sup> along the Kibua-Mpofi road, beginning with the village of Bunangiri some four kilometres from Mpofi and proceeding towards Kibua. The coalition elements then divided into groups of two, three and six individuals. Some travelled through the forests to reach the villages while others expropriated vehicles in order to move freely along the road. Taking advantage of the substantial transit of goods in connection with market day in Kibua on 30 July, they cut off the road in the villages of Kembe, Tweno and Nsindo until 1 August in order to block traffic and loot traders’ wares. They took control of Bunangiri hill, the only location in the area from which telephone calls can be made or received. They then established a communications base in the village of Kembe. That tactic enabled them to shut down all means of communication and contain any information on the attacks.

20. The perpetrators arrived in the villages by surprise and stated that they had come to provide security for the local people. Some chiefs and dignitaries then instructed the women to prepare food for the rebels. At that point, the perpetrators suddenly moved towards the houses and began raping and looting. While one group raped and looted, another lay in ambush on the outskirts of the forest to intercept fugitives and proceeded to rape and/or abduct them. Some attacks took place by day, but most took place during the night.

## V. Human rights violations

### 5.1. Rapes and other sexual violence

21. In view of the consistent accounts that were collected, the team can conclude that at least 303 civilians were raped, including 235 women, 13 men, 52 girls and 3 boys. That number may rise; several other people did not come forward owing to the weight of local customs and the risk of being rejected or abandoned by their

<sup>20</sup> There are several factions within the FDLR, including Front démocratique de libération du Rwanda-rassemblement pour l’unité et la démocratie (FDLR-RUD), Forces démocratiques de libération du Rwanda-forces combattantes abacunguzi (FDLR-FOCA) under General Sylvestre Mudacumura and FDLR Sadiki Soleil. The latter controls Walikale territory, particularly the Mungazi road as far as Kishanga, some 11 kilometres east of Kibua.

<sup>21</sup> The villages are Bunangiri, Kembe, Tweno, Ruvungi, Bunyampiri, Chobu, Bitumbi, Rubonga, Kasuka, Ndorumo, Brazza, Kitika and Nsindo. A map of Walikale territory is enclosed as annex 1 of this report.

communities. Moreover, half of the population is still hiding in the forest and is reported to include rape victims.

22. According to the accounts given by traditional chiefs and victims, the pretext of looking for minerals and supplies for FDLR was a lie. In their opinion, the attacks were a punitive expedition intended to subjugate the local communities in the Kibua-Mpofi area; those communities were considered “traitors” for sympathizing with Government forces. In order better to punish them, the armed groups allegedly decided to scar them forever through extremely humiliating acts, hence the planning of mass rapes. According to the local traditions of the Nianga ethnic group,<sup>22</sup> “It is better to die than to be raped by FDLR<sup>23</sup> and their allies, because such rape is the worst humiliation that can be visited upon a human being.”

23. Almost all of the victims, regardless of their physical condition and age, were gang-raped by two to six perpetrators. The perpetrators forced their victims to the ground. Taking turns, one would immobilize the victim by pinning down the chest and arms, a second would hold the legs while a third would rape the victim. Before the sexual act proper, the assailants would insert their hands into the vaginas of the victims, purportedly to look for gold or silver.<sup>24</sup> After the search, they would wipe their hands on the faces of the victims. Because some of the rapes took place in the forest in the rain, several women were bitten by snakes during the sexual intercourse.

24. The villages of Luvungi and Lubonga appear to have been the worst affected. On the night of 30 to 31 July 2010, in the Chobu quarter of the village of Lubonga, the men spent the night in the forest because they were afraid of being abducted and forced to carry goods looted by the perpetrators. When the men had left their wives and children in the village, the perpetrators surrounded the quarter and systematically raped the women and children living in each of the 40 houses there.

25. Most of the rapes appear to have taken place in the presence of the victims’ children, whose ages varied from one week to 11 years, and other family members. During the interviews, most of the victims sweated and cried. All of the victims and their families<sup>25</sup> are in need of post-traumatic support.

26. Three weeks after the events, around 100 victims had yet to receive medication. They went to health centres and underwent basic medical examinations, but received only paracetamol for want of appropriate medication. They then returned to their villages and are waiting to be contacted by nurses to receive free

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<sup>22</sup> The Nianga is the majority indigenous ethnic group living along the road. There are minority groups such as the Chi, who tend to work as miners and traders in minerals. The team noticed antagonism between the two ethnic groups; the former tend to be pro-Government, whereas the latter appear to sympathize with armed groups.

<sup>23</sup> During that attack, FDLR fighters were far more numerous than other armed coalition groups.

<sup>24</sup> Several accounts confirmed that practice. Male and female traders and mine workers carefully wrap their money and mineral nuggets in small handkerchiefs and conceal them in their private parts.

<sup>25</sup> The humanitarian community in Goma, and in particular the International Committee of the Red Cross and International Medical Corps, deployed nurses and psychologists along the road of the attacks in order to provide medical support for the victims. However, in view of the significant number of victims, there is a need to strengthen those measures and establish mobile clinics in each village. That proposal was made at a cluster protection meeting, and action is being taken to assess feasibility and implementation.



medicine. The International Medical Corps twice donated medicine to the Lubonga Health Centre; however, supplies rapidly ran out because of the ever-increasing number of victims. Moreover, the latter have not been medically tested for sexually transmitted diseases, including HIV/AIDS.

## **5.2. Looting, abduction, forced labour and other human rights violations**

27. During the attacks that occurred between 30 July and 2 August 2010, at least 923 houses were looted and emptied. The perpetrators also emptied at least 42 shops in the various villages. The looting was carried out sometimes collectively according to rebel affiliation (Mayi Mayi Cheka, Colonel Emmanuel Nsengiyumva or FDLR) and sometimes individually. The looted goods were very often gathered at a location at the centre of the village, near the commercial centre, and divided into three parts. Each part was then bundled into a parcel weighing between 40 and 70 kilograms. In villages such as Luvungi, some people were able to keep only the clothes they were wearing on the day of the attack. Since the attacks, most of the population has been sleeping on the ground without bedding and has no cooking utensils.

28. On 2 August 2010 in Kembe, elements of the 25th Brigade of FARDC proceeding from Kashbere under the command of Major Ekofo were involved in acts of looting, extortion of civilian property and forced labour in respect of two minors. The United Nations Joint Human Rights Office has shared that information with the prosecutor of the operational military court, who has undertaken to follow up the matter.

29. In the course of the attacks, at least 116 people, including at least 15 minors, were reportedly kidnapped and used for forced labour. Upon entering the villages, the perpetrators stopped anyone who tried to escape along pathways or in the homes that were being looted, and locked them in huts where they remained captive for close to a day. They were then forced to carry heavy packages on their heads to rebel camps at least 40 kilometres away, in the forest north of the Kibua-Mpofi road. Columns of captives carrying goods proceeded from each of the villages along the forest path towards Irameso, which has been identified as the coalition capital and is located two days' march from Kibua and its environs. Along the way, most of the captives succeeded in escaping while their captors were momentarily distracted. The remainder appear to have been kept in captivity after carrying the goods to destination. The remaining captives all appear to have subsequently escaped and returned to their villages after walking for between six hours and two days.

30. At least 15 of the captives were subjected to cruel, inhuman or degrading treatment. For example, a man with malaria was forced to carry a heavy package to Irameso, some 40 kilometres from the village of Luvungi, and was flogged every time he wanted to rest. On his return to Luvungi on 3 August 2010, he was admitted for emergency care at the village health centre. In order to force the victims to move more quickly, the assailants struck the captives on the back and on the back of the head with ropes, rifle butts and sticks.

## **VI. Response of the Congolese authorities, MONUSCO and humanitarian partners**

### **6.1. Congolese authorities**

31. On 1 August 2010, FARDC urgently deployed two of its units from Walikale and Munganzi to Kashebere with a view to beating back the attackers at Mpofi and Kibua. In the afternoon of 2 August 2010, another motorized unit of the 25th FARDC independent brigade from Kashebere was deployed along the Kibua-Mpofi road, segments of which had been cut off by assailants since 30 July 2010, in order to reopen it. On 1 August 2010, at around 6 a.m., the Mpofi-based FARDC unit proceeded towards Kembe. According to a FARDC officer the team met at Mpofi, the resulting clashes left at least eight of the assailants dead. On 1 August 2010, the commander of the MONUSCO company operating base in Kibua reportedly initiated a meeting with the commander of the FARDC unit deployed in Kibua to plan joint MONUSCO/FARDC patrols along the road attacked. A FARDC officer in civilian clothes accompanied the company operating base soldiers on their patrol of the Kibua-Mpofi road on 2 August 2010. However, the FARDC soldiers deployed at Kibua and Mpofi did not make a formal request for support from the Kibua-based MONUSCO soldiers to track down and neutralize elements of the rebel coalition.

32. There is a Congolese national police presence along the road attacked and there are police posts at Luvungi and Kibua. However, those posts, each of which is equipped with one AK-47 assault rifle, have a total of about 10 men. Given their poor equipment, they are effectively unable to protect civilians. According to the local chiefs, the police are the first to take to their heels in the event of a rebel attack.

33. A number of initiatives are under way at the provincial level to try to secure legal assistance for the victims of rape and other human rights violations. However, since the alleged perpetrators are members of armed gangs, live deep in the forests and are not readily identifiable, it is highly unlikely that they will be apprehended. The leaders of these armed bands should be held accountable for the acts committed by their subordinates. Even if such were the policy, it would be difficult to identify and arrest such individuals.

### **6.2. MONUSCO**

34. At the time of the attack, the MONUSCO company operating base at Kibua did not have a community liaison interpreter. It had only one Congolese interpreter, an ambulance and two jeeps. Its 80 peacekeepers, who had recently been deployed without any special training on the protection of civilians and best practices, were unfamiliar with the terrain, circumstances and the armed groups involved. Furthermore, its response capacity was hampered by other operational constraints.<sup>26</sup> It was only on 13 August 2010, when the joint protection mission was deployed along the road attacked, that reports on the mass rapes and other human rights violations were substantiated.

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<sup>26</sup> The lack of military logistics and telephone coverage, dilapidated and insecure roads, long distances between villages and isolation of the area.

35. On 30 July 2010 in the evening, the deputy chief of Ihana *groupement*, who resides in Kibua, reportedly began to receive news about the attacks which had started. The following day, the chief of Brazza village and an official from Lubonga village reportedly went to Kibua to brief him on the situation. The deputy chief apparently informed the MONUC soldiers at the Kibua company operating base, no later than 1 August 2010, about the coalition's attack on civilians in the area and the reported incidents of alleged looting and rape.<sup>27</sup> Late in the morning of that same day, the company operating base conducted a patrol along the Kibua-Bunyampuri road followed by another patrol, on 2 August 2010, along the Kibua-Mpofi road. Since the local inhabitants were still hiding in the forest and the villages were empty, the company operating base soldiers were not able to substantiate the facts and assess the situation as a result of the patrols conducted on 1 and 2 August 2010.

36. The former company operating base team used to hold security meetings every Monday. The village chiefs and elders, and FARDC and PNC were invited to those meetings. No such meeting was held in August 2010.<sup>28</sup> The operating base commander reportedly held some bilateral meetings with the deputy chief of the *groupement*, who was then told to relay the information to the *localité* and village chiefs. The local residents expressed their dissatisfaction at the very limited interaction with United Nations soldiers on patrol, such that residents were not readily forthcoming with information on their protection needs and violence perpetrated by armed groups. With the assistance of the community liaison interpreter, who had arrived at Kibua on 25 August 2010, the base gradually familiarized itself with best practices in the conduct of protection of civilian tasks and is said to have held a general security briefing on 3 September 2010.

37. Local residents feel that the United Nations peacekeepers are unwilling to take measures to protect them in the event of attacks. There is clearly a sense of distrust between the Kibua-based peacekeepers and the civilians, which might have accounted for the delay in investigating and corroborating reports about the coalition's attacks against civilians. Up until the team's visit,<sup>29</sup> most local residents had only seen MONUSCO peacekeepers in their vehicles during daytime patrols; rarely had they engaged with local inhabitants in their villages.<sup>30</sup>

38. Following the upsurge in activities of armed groups in Walikale and Masisi territories, which led to widespread violations of human rights and heightened the sense of insecurity among civilians, MONUSCO launched operation Shop Window in the Pinga, Kibua and Walikale areas of North Kivu on 1 September to reassure local inhabitants and show MONUSCO commitment to use all resources necessary to carry out its protection mandate.

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<sup>27</sup> The deputy *groupement* chief appeared unsure of and confused about the dates. According to the accounts of some *localité* chiefs, the company operating base was informed on 31 July 2010 and promised to dispatch a patrol along that road the following day, 1 August 2010. A *localité* chief accompanied the *groupement* chief to the base on the morning of 1 August 2010.

<sup>28</sup> According to the base commander, this was because of operational constraints.

<sup>29</sup> From 25 August to 3 September 2010.

<sup>30</sup> Several chiefs, including those of Bitumbi, Brazza, Chobu, Bunangiri and Buyampiri, told the team that it was the first time that they had seen MONUSCO soldiers in their villages talking to villagers.

### **6.3. Humanitarian partners**

39. The NGO, IMC, regularly offers assistance in the form of medicines to the Lubonga and Mpofi health centres. Alerted by the Lubonga health centre, the officials of this NGO, accompanied by psychologists and nurses, held an initial emergency meeting at Lubonga on 6 August 2010. Most of the village chiefs attended the meeting and reported on the humanitarian situation and abuses committed by the rebels in their respective villages. Until then, although the Lubonga health centre had treated some rape victims, it remained unclear as how widespread the alleged incidents of rape was because a considerable proportion of the population was still hiding in the bush and only began to emerge around 9 August 2010. The International Committee of the Red Cross and the NGO, Solidarités, also participated in that meeting, following which a first batch of antibiotics for the rape victims was offered to the Lubonga health centre.

40. On 9 August 2010, IMC rushed back to that area at the request of the Lubonga health centre, which was overwhelmed by the number of rape victims and was experiencing a critical shortage of medicines. As at 9 August 2010, the Lubonga centre had documented 55 incidents of rape. The OMC officials did not meet with the operating base peacekeepers to inform them about the seriousness of the attacks. Operating base soldiers on patrol acknowledged that they saw an IMC vehicle that day at Lubonga but did not speak with its occupants. The IMC vehicle returned to Walikale without stopping at Kibua. Since then, more and more cases of rape have been documented as local inhabitants gradually returned to their villages.

41. To date, no central, provincial or territorial authority of the Democratic Republic of the Congo has visited the victims, apart from the commander of the Kashebere based 211th FARDC brigade and his immediate superior, who visited the people together with Mr. Meece, Special Representative of the Secretary-General, Mr. Khare, Assistant Secretary-General for Peacekeeping Operations and the Head of the MONUSCO office in Goma during their on-site visit of 1 September 2010.

## **VII. Conclusions and recommendations**

42. Between 30 July and 2 August 2010, FDLR and Mayi Mayi Cheka elements and fighters of Colonel Emmanuel Nsengiyumva perpetrated serious human rights violations against civilians in 13 villages along the Kibua-Mpofi road in Walikale, North Kivu. The United Nations Joint Human Rights Office (UNJHRO) has been able to establish, on the basis of evidence gathered to date, that at least 303 civilians were raped, including 235 women, 52 girls and 3 boys, and that at least 923 houses and 42 shops were looted and 116 civilians were abducted and used for forced labour.

43. In the face of these serious violations, the Congolese authorities are neither able to deal with these armed groups nor bring the perpetrators of such acts to justice; as a result, they still go unpunished. The involvement of some Government forces, partly composed of former combatants from poorly trained and poorly integrated armed groups, in illegal business transactions in mining sites and their complicity with the leaders of armed groups place the already extremely vulnerable civilian population at greater risk of violence.

44. MONUSCO faced some operational constraints that limited its ability to gather early warning information on, and trigger a timely response to, the attacks on the Kibua-Mpofi road by the coalition of armed elements.

45. Accordingly, UNJHRO recommends:

**That the authorities of the Democratic Republic of the Congo should:**

- Immediately deploy properly trained and vetted Government defence and security forces to the above-mentioned area in order to protect the civilian population in the light of continuing threats and rumours of fresh attacks by armed groups active in the area;
- Investigate the actions of FARDC, which failed to secure the area probably because of involvement by some of its members in illegal transactions around the mining sites and their possible complicity with armed groups roaming the region, in violation of the orders given by the FARDC military hierarchy;
- Open up the area by improving means of communication there, including the telephone network and roads, and promoting community radio stations;
- Facilitate the access of humanitarian partners to the rebel-infested areas in order to gain access to victims and provide them with emergency care.

**That MONUSCO should:**

- Provide continuing training to MONUSCO soldiers on their mandate, civilian protection and best practices in civilian protection;
- Define and clarify the tasks of each company operating base and temporary operational base with respect to civilian protection and provide them with the resources, tools and equipment needed to carry out their mandate;
- Provide all MONUSCO bases with enough community liaison interpreters to ensure that local communities are able to devise early warning mechanisms in the event of attacks or threats of attacks;
- Undertake further investigations into the issues not fully addressed in the present report and provide the Congolese Government with such support as it may need to investigate and prosecute the alleged perpetrators of those attacks.

**That humanitarian partners should:**

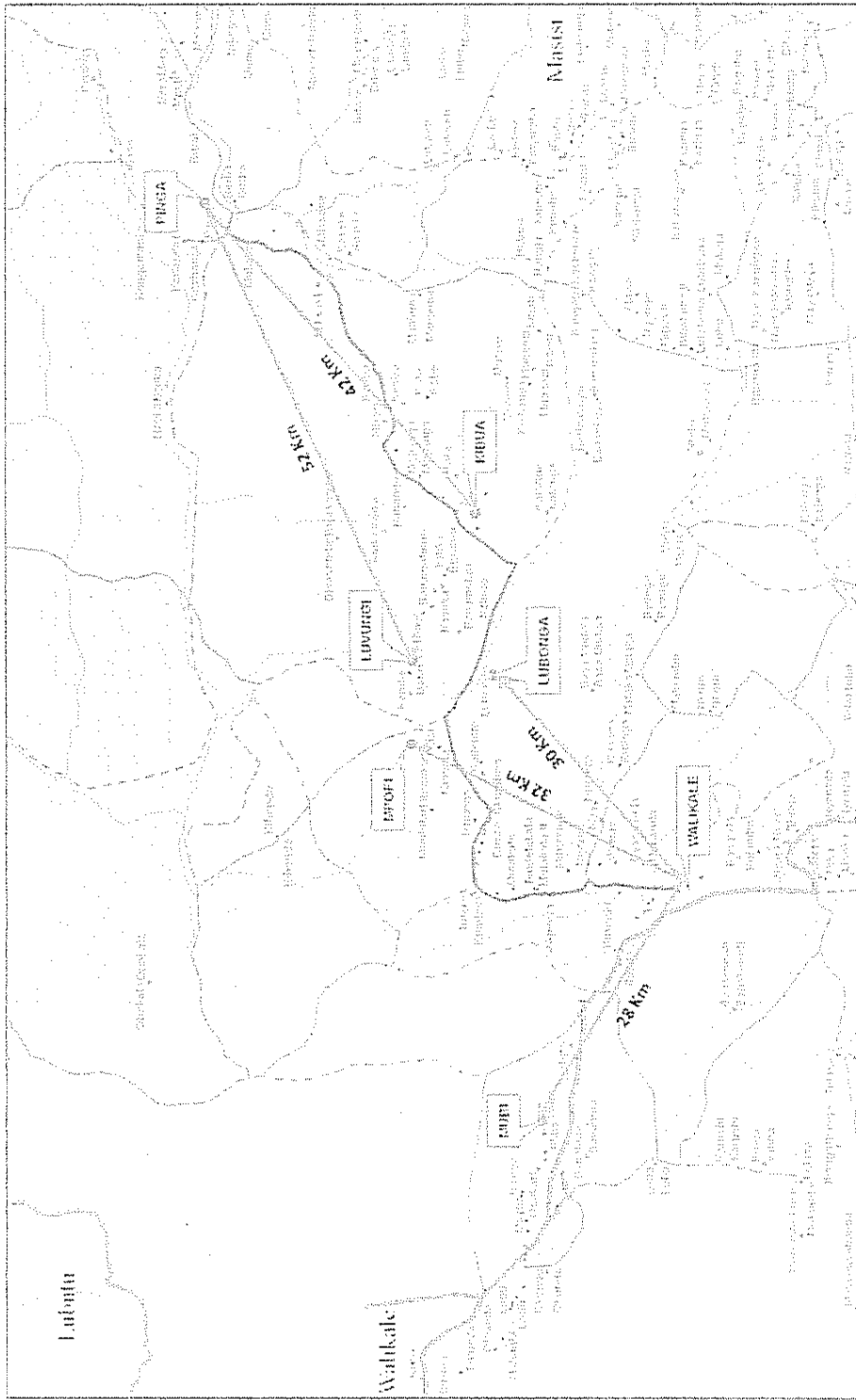
- Provide appropriate medical assistance to all the victims of rape, including psychological assistance for the victims and their families and screening for sexually transmitted diseases;
- Provide humanitarian assistance to the victims who have been robbed of all their property.

**That the international community should:**

- Provide the Congolese authorities with such support as they may need to apprehend and prosecute leaders of the armed groups implicated in those serious human rights violations;

- Provide the Congolese authorities with the necessary assistance to regulate the illegal exploitation of natural resources and combat the militarization of mines and profiteering by some officials, which adversely affect the joint efforts of MONUSCO and FARDC to provide protection for civilians.

**Annex I**  
**Map of Walkale territory**



**WALIKALE - PINGA ROAD**

Compiled by GIS Unit, MACHUSSCO Kibudatr  
 11th September 2010  
 1:1 0001:000  
 1:1 0001:000

Scale: 1:1 000 1:1000 1:10000 1:100000 1:1000000

Legend:  
 - Boundary of the territory  
 - Boundary of the sub-territory  
 - Boundary of the village  
 - Boundary of the hamlet  
 - Boundary of the settlement  
 - Boundary of the road  
 - Boundary of the river  
 - Boundary of the stream  
 - Boundary of the lake  
 - Boundary of the forest  
 - Boundary of the bush  
 - Boundary of the field  
 - Boundary of the garden  
 - Boundary of the pasture  
 - Boundary of the mountain  
 - Boundary of the hill  
 - Boundary of the valley  
 - Boundary of the plain  
 - Boundary of the plateau  
 - Boundary of the slope  
 - Boundary of the ridge  
 - Boundary of the peak  
 - Boundary of the depression  
 - Boundary of the valley floor  
 - Boundary of the valley side  
 - Boundary of the valley head  
 - Boundary of the valley tail  
 - Boundary of the valley neck  
 - Boundary of the valley mouth  
 - Boundary of the valley shoulder  
 - Boundary of the valley slope  
 - Boundary of the valley crest  
 - Boundary of the valley trough  
 - Boundary of the valley gully  
 - Boundary of the valley ravine  
 - Boundary of the valley gorge  
 - Boundary of the valley canyon  
 - Boundary of the valley chasm  
 - Boundary of the valley abyss  
 - Boundary of the valley chthon  
 - Boundary of the valley stygian  
 - Boundary of the valley infernal  
 - Boundary of the valley hellish  
 - Boundary of the valley infernal  
 - Boundary of the valley hellish