

**Flygtningenævnets baggrundsmateriale**

|                                    |                                            |
|------------------------------------|--------------------------------------------|
| <b>Bilagsnr.:</b>                  | <b>342</b>                                 |
| Land:                              | DR Congo                                   |
| Kilde:                             | Human Rights Watch                         |
| Titel:                             | DR Congo: Army, UN failed to Stop Massacre |
| Udgivet:                           | 3. juli 2014                               |
| Optaget på<br>baggrundsmaterialet: | 25. september 2014                         |



# DR Congo: Army, UN Failed to Stop Massacre

Publisher [Human Rights Watch](#)

Publication Date 3 July 2014

Cite as Human Rights Watch, *DR Congo: Army, UN Failed to Stop Massacre*, 3 July 2014, available at: <http://www.refworld.org/docid/53b6822c4.html> [accessed 11 September 2014]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Congolese forces and United Nations peacekeepers failed to intervene to stop a nearby attack that killed at least 30 civilians. The attack was in eastern Democratic Republic of Congo's South Kivu province on June 6, 2014.

Human Rights Watch research found that a senior Congolese army officer stationed nearby, who had been repeatedly warned and informed of the attack by armed assailants in the village of Mutarule, did not act to stop the killings. Members of the UN peacekeeping mission in Congo, MONUSCO, based 9 kilometers away, were also aware of the attack but did not intervene, and only visited Mutarule two days after the massacre.

"The Congolese army and UN peacekeepers left civilians in Mutarule to be slaughtered even though they got desperate calls for help when the attack began," said Anneke Van Woudenberg, Africa advocacy director at Human Rights Watch. "Both the army and MONUSCO need to determine what went wrong and make sure such atrocities don't happen again on their watch."

Congolese military authorities opened an investigation into the attack and arrested two army officers and a civilian, but have not yet charged them. None of the attackers has been arrested.

The massacre occurred amid rising tensions between the Bafuliro and the Barundi and Banyamulenge ethnic groups. During a week-long Human Rights Watch research mission in and around Mutarule in mid-June, victims and witnesses described how a group of armed assailants, some of whom wore military uniforms and spoke Kirundi and Kinyamulenge - the languages of the Barundi and Banyamulenge - attacked an outdoor church service in the Bafuliro section of Mutarule.

The assailants opened fire on nearly 200 people who were gathered outside the church between 8 p.m. and 9 p.m. As people ran for cover, some were hit by gunfire or grenade shrapnel. The assailants then entered the worship area and started shooting people. They also targeted a health center and several houses, shot people at point-blank range, and then burned them to death. The

victims included men, women, and at least eight children - among them a 4-year-old boy with mental and physical disabilities who was burned to death. Most of those killed were from the Bafuliro ethnic group.

One woman, who hid during the attack but was found by the assailants, told Human Rights Watch: "I said to them: 'Please don't kill me. I'm an old woman. What can I do to you?' One said: 'Bring the flashlight.' When they brought it, another said: 'What sort of old woman is this? Kill her.' Then one of them took the bayonet on his gun and stabbed me here [in my ribs and breast]."

The South Kivu military prosecutor opened an investigation into the massacre on June 10. In the following two weeks, several provincial and national government officials visited Mutarule and surrounding areas to investigate the attack and show their support and solidarity with the victims and survivors. Human Rights Watch urged Congolese judicial authorities to bring the assailants responsible for the massacre to justice promptly, in accordance with international fair trial standards.

"Allegations that soldiers close to the scene of the massacre were given direct orders not to intervene raises serious questions about the military's response to the attack," Van Woudenberg said. "The military should investigate whether officers deliberately blocked efforts to protect civilians under attack and hold all those responsible to account."

Residents of the village repeatedly called MONUSCO peacekeepers as the attack was going on. They then set up a small, temporary base on the outskirts of the village. In the ensuing two weeks, the MONUSCO force commander, Gen. Carlos Alberto Dos Santos Cruz, and the UN special representative for the secretary-general in Congo, Martin Kobler, visited Mutarule and surrounding areas. MONUSCO issued a news release on June 7, condemning the attack and saying that peacekeepers would take measures to protect the local population in Mutarule. Maj. Mohammed Shaban, the Pakistani commander of the MONUSCO peacekeepers' base in Sange, 9 kilometers from Mutarule, was replaced by a new commander on June 22.

"UN peacekeepers are providing a false sense of security if they don't even respond when the local protection committees they helped set up ring the alarm bell," Van Woudenberg said. "Continuing tensions and the risk of further attacks mean that the UN should take immediate action to uncover what went wrong at Mutarule and make sure that UN commanders have the authority to respond quickly to any new threats."

Tensions between the Bafuliro and Barundi and Banyamulenge remain high in the aftermath of the massacre. An anonymous flyer written in Swahili and distributed on June 16 in Uvira, the main town south of Mutarule, suggested that the Bafuliro would be taking the law into their own hands. It said: For any person found transporting Banyamulenge, "whether by bicycle, motorcycle, or in his car, it's finished; he and his client will be burned together."

#### Accounts of Victims, Witnesses

Human Rights Watch spoke to many witnesses who survived the attack in Mutarule. A 23-year-old woman who was outside in the church worship area when the attack started told Human Rights Watch:

We heard bullets coming from all sides. We all got down on the ground. They came in by the door and were in camouflage military uniforms. There were many of them. The first one said: "Exterminate them." He said this in Kirundi. Then they started shooting. Next to me was a human rights activist named Akili. He was shot and died immediately. My sister was shot in the leg and injured. We lay on the ground and pretended we were dead.

Photographs taken after the attack, viewed by Human Rights Watch, showed a girl whose stomach was lacerated and children burned beyond recognition. Human Rights Watch researchers visited

the communal gravesite of the 30 civilians who were killed. The researchers found AK-47 caliber bullet casings at the scene of the attack, as well as the burned remains of at least 12 homes.

A 28-year-old pregnant woman who was injured during the attack told Human Rights Watch how she hid in her house after the attack started:

When the assailants came into our house, they said: "Today we are going to kill you." I asked: "Can you forgive us?" They said: "No, we aren't going to forgive you. We are going to kill you." Then they started to stab us. They stabbed me, as well as other women who were in the house with me. Afterward, they went into our neighbor's house where they killed a father, a mother, and their children.

An elderly woman who was injured during the attack told Human Rights Watch:

During the shooting, I hid in a corner with my head under the dry banana leaves, but my feet were visible. I felt someone pulling at my feet. I told them I would get up. When I was up, I said to them: "Please don't kill me. I'm an old woman. What can I do to you?" One said: "Bring the flashlight." When they brought it, another said: "What sort of old woman is this? Kill her." I heard another voice say in Kirundi: "Shoot her." Then one of them took the bayonet on his gun and stabbed me here [in my ribs and breast].

#### Lead-up to the Massacre

Tensions had been mounting in recent months between ethnic Bafuliro, Barundi, and Banyamulenge in Mutarule and surrounding areas. The Bafuliro are seen by many to be an indigenous group, native to the region. The Barundi are related to the people of neighboring Burundi, and have lived in South Kivu since at least the early 19th century. The Banyamulenge, ethnic Tutsi who live in South Kivu, speak a language that is close to the languages of Rwanda and Burundi.

The Barundi and Bafuliro have disputed control of the customary chiefdom in the Ruzizi plain for several decades. While the current customary chief is from the Barundi ethnic group, the Bafuliro believe the customary power belongs to them. The conflict intensified on April 25, 2012, when unidentified gunmen killed Floribert Nsabimana Ndabagoye, the Barundi customary chief, in Mutarule, leading to a series of tit-for-tat attacks and cattle thefts.

Banyamulenge leaders, who are often allied with the Barundi, alleged that Bafuliro Mai Mai fighters had killed four Banyamulenge cattle herders since February 2013. The Mai Mai are local armed groups often organized to defend a particular ethnic group. In March and April 2014, two Banyamulenge herders were reported missing, one near Mutarule, the other in Bwegera, a village 15 kilometers away. Some local residents suspected the Bafuliro were behind their abduction. In what is widely believed to be a Banyamulenge revenge attack, two Bafuliro cattle herders were killed on April 12. Since then, approximately 400 Bafuliro households have left Bwegera, only returning to their farms during the day.

#### Army's Failure to Respond

On June 6, before the attack, a Bafuliro armed group known as Mai Mai Bede, under the command of Bede Rusagara, an army deserter, allegedly killed a Banyamulenge cattle herder near Mutarule and stole his cattle.

A cattle rancher and youth leader of the Barundi ethnic group, Raymond Sheria, phoned Capt. Enabombi Changa Dejeune of the 10052 army battalion, based in Mutarule, and told him that cattle belonging to the Barundi had been stolen. Captain Enabombi sent soldiers to investigate the claim, but the troops came under fire from both Bafuliro Mai Mai and Banyamulenge and Barundi youth. When Enabombi called his commanding officer, 10052 interim battalion commander Col.

Venance Kayumba Nyenyeri - himself from the Banyamulenge community - Nyenyeri told the captain to pull his troops back to his command post in Mutarule. Colonel Nyenyeri allegedly told the captain he should let the Mai Mai and Barundi fight it out themselves and that the army's intervention could result in civilian casualties.

The fighting continued until around 6 p.m. Captain Enabombi continued to call Colonel Nyenyeri, who told him again not to intervene. Around 8 p.m., Sheria, the youth leader of the Barundi, called Enabombi. A soldier present at the time told Human Rights Watch that Sheria taunted the captain, saying that even though Sheria was a civilian, he would show Enabombi who was more of a soldier. The soldier said Sheria also said that he was going to commit a "memorable" act in Mutarule that no one would forget.

Around 9 p.m., when Enabombi heard gunfire in Mutarule, he called Nyenyeri again. The soldier who overheard the phone call said Nyenyeri promised to call the Barundi and "ask them to stop."

Soon after, the attackers fired on Enabombi's troops, who were protecting civilians who had sought shelter near their base. The troops returned fire. A soldier who was involved in the shoot-out told Human Rights Watch:

We tried with the means we had despite the orders that we were given not to intervene. We stopped because we didn't have any more ammunition. The little we were able to do was thanks to 250 bullets we received from the police commander based there.

Enabombi again alerted Colonel Nyenyeri, as well as the deputy battalion commander, that attackers were burning houses and killing people. Nyenyeri allegedly told him he would bring ammunition and to wait at his command post while he consulted with the regiment commander, but never gave him any further instructions. Enabombi called Nyenyeri again multiple times, but the soldier who was present at the time said Nyenyeri did not always answer his phone.

Enabombi also called the military's 104 sector commander and MONUSCO and alerted them to the attack. An army officer in Uvira who was alerted about the attack told Human Rights Watch that he had repeatedly tried to call Nyenyeri, but that his phone was turned off all night.

### UN's Failure to Respond

Major Shaban, the Pakistani commander of the MONUSCO peacekeepers' base in Sange, told Human Rights Watch that the peacekeepers had been alerted to the killings in Mutarule on the evening of June 6, after the attack was under way. He said that when he called his superiors, they told him to clarify the situation and gather more information.

Local residents made multiple calls to MONUSCO pleading for help, from about 8:30 p.m. as the attack began.

Major Shaban told Human Rights Watch he had contacted the battalion commander, Nyenyeri, who said he would "sort it out." Shaban said that, "We were very confident that if [gun]fire is going on, [the Congolese army] would be able to handle it."

Following a previous attack in Mutarule in August 2013, when unidentified gunmen killed eight civilians, as well as ongoing insecurity in the region, Shaban said MONUSCO had set up local protection committees in early 2014 in Mutarule and neighboring villages to enable civilians to alert them to attacks or other threats. MONUSCO also distributed phones to allow community leaders to call MONUSCO without charge.

Copyright notice: © Copyright, Human Rights Watch

## Search Refworld

by keyword

and / or country

All countries



[Advanced Search](#) | [Search Tips](#)

## Countries

- [Congo, Democratic Republic of the](#)

## Topics

- [Armed forces / Military](#)
- [Effective remedy](#)
- [Internal armed conflict](#)
- [Peacekeeping](#)