

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	639
Land:	Den Demokratiske Republik Congo
Kilde:	OHCHR og MONUSCO
Titel:	Report on violations of human rights and international humanitarian law by the Allied Democratic Forces armed group and by members of the defence and security forces in North Kivu and Ituri, between 1 January 2019 to 31 January 2020
Udgivet:	6. juli 2020
Optaget på baggrundsmaterialet:	21. september 2020

**UNITED NATIONS JOINT HUMAN RIGHTS OFFICE
OHCHR-MONUSCO**

Report on violations of human rights and international humanitarian law by the Allied Democratic Forces armed group and by members of the defense and security forces in Beni territory, North Kivu province and Irumu and Mambasa territories, Ituri province, between 1 January 2019 and 31 January 2020



July 2020

Table of contents

Summary.....	4
I. Methodology and challenges encountered.....	7
II. Overview of the armed group Allied Democratic Forces (ADF).....	8
III. Context of the attacks in Beni territory.....	8
A. Evolution of the attacks from January 2015 to December 2018.....	8
B. Context of the attacks from 1 January 2019 and 31 January 2020.....	9
IV. Modus operandi.....	11
V. Human rights violations and abuses and violations of international humanitarian law.....	11
A. By ADF combattants.....	11
i) Abuses of the right to life.....	12
ii) Abuses of the right to physical integrity.....	12
iii) Abuses of the right to liberty and security of the person.....	12
iv) Forced recruitment of children.....	13
v) Abuses of the right to property.....	13
B. Human rights violations by defence and security forces.....	13
i) Violations of the right to life.....	14
ii) Violations of the right to physical integrity.....	14
iii) Violations of the right to liberty and security of the person.....	14
iv) Violations of the right to property.....	15
C. Humanitarian and protection situation.....	15
VI. Legal framework.....	16
VII. Responses by the Congolese authorities.....	17
VIII. Actions taken by MONUSCO.....	18
IX. New developments since 31 January 2020.....	19
A. Conclusion.....	20
B. Recommendations.....	20
i) To the Congolese authorities.....	20
ii) To MONUSCO and UNJHRO.....	21
iii) To humanitarian partners and donors.....	21

List of acronyms

ADF	Allied Democratic Forces
ANR	<i>Agence nationale de renseignements</i>
UNJHRO	United Nations Joint Human Rights Office
RCB	Bashu Community Radio
CMO	<i>Cour militaire opérationnelle</i>
DDRRR	Disarmament, Demobilization, Repatriation, Reintegration and Resettlement Programme
DDR	Disarmament, Demobilization and Reintegration Program
DSF	<i>Département de sécurité aux frontières</i>
FARDC	<i>Forces armées de la République démocratique du Congo</i>
OHCHR	Office of the High Commissioner for Human Rights
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NALU	National Army for the Liberation of Uganda
PNC	<i>Police nationale congolaise</i>
RCD/K-ML	<i>Rassemblement congolais pour la démocratie/Mouvement de libération de Kisangani</i>
OCHA	United Nations Office for the Coordination of Humanitarian Affairs

Summary

This report by the United Nations Joint Human Rights Office (UNJHRO)¹, jointly published by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), covers violations of human rights and international humanitarian law committed by combatants of the Allied Democratic Forces (ADF) and members of the defense and security forces of the Democratic Republic of the Congo in Beni territory, North Kivu province and in Irumu and Mambasa territories, Ituri province, between 1 January 2019 and 31 January 2020.

The human rights abuses committed by the ADF documented in this report include abuses of the rights to life, physical integrity, liberty and security of the person, and property rights. Violations of international humanitarian law documented include the recruitment of children, forced labor, attacks against hospitals, health clinics and a school. Soldiers of the *Forces armées de la République démocratique du Congo* (FARDC) and agents of the *Police nationale congolaise* (PNC) also committed human rights violations, in particular in the context of military operations against the ADF launched in October 2019, including violations of the rights to life, physical integrity, liberty and security of the person and property.

Despite challenges linked to the health and security risks presented by the epidemic of Ebola Virus Disease in Beni territory and the large-scale military operations launched by the FARDC in October 2019, the UNJHRO was able to document numerous human rights abuses committed by the ADF against civilian populations through fact-finding missions and collaboration with networks of local partners. Thus, the UNJHRO documented 397 cases of human rights abuses attributable to the ADF between 1 January 2019 and 31 January 2020, with at least 1,154 victims, including 235 women and 166 children. Seven ADF attacks against hospitals and health centers were also documented, as well as one attack against a school.

These figures represent a sharp increase in the number of human rights abuses – by nearly 69% - compared to the previous year. Four factors have contributed to this increase, in particular the expansion of the area affected by the deadly ADF attacks beyond National Route 4 (RN4)² as a result, among other things, of the destruction of their bases during military operations; reprisals against the civilian population; the security vacuum caused by the closure of certain MONUSCO military bases for budgetary reasons; and the lack of an FARDC presence in some areas.

In addition to attacks against civilians by the ADF, the UNJHRO documented numerous violations of human rights and international humanitarian law in the context of military operations against the ADF by the defense and security forces. The UNJHRO documented cases involving 109 victims of human

¹ On 1 February 2008, the Human Rights Division of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) - now the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) - and the Office of the High Commissioner for Human Rights (OHCHR) in the Democratic Republic of the Congo merged, forming the United Nations Joint Human Rights Office in the Democratic Republic of the Congo (UNJHRO).

² RN4 connects the North and the South of the Democratic Republic of the Congo, from Ituri province to Haut-Katanga province, crossing the *Grand Nord* and *Petit Nord*. It also connects the *Grand Nord* and Tshopo province and serves many agricultural and commercial areas.

rights violations committed by FARDC soldiers and cases involving 137 victims of human rights violations committed by PNC agents, including members of the *Légion nationale d'intervention* (LNI).

The human rights abuses committed by ADF combatants against civilians were widespread, systematic and extremely brutal. Summary executions and abuses of physical integrity were perpetrated mainly with machetes, axes, knives and firearms of the AK-47 type, mortars and rocket launchers. Attacks often took the form of ambushes and incursions into villages that ADF combatants sometimes looted and burned down in retaliation for FARDC military operations. Under international law, the human rights abuses and violations of international humanitarian law committed by ADF combatants could constitute, by their nature and scope, crimes against humanity and war crimes.

The attacks affected all ethnic groups and communities in Beni territory, North Kivu province, and Irumu and Mambasa territories of Ituri province, regardless of religious or ethnic affiliation. Certain ethnic groups or communities were undoubtedly more affected than others due to their wide representation in the affected areas. However, in light of the information collected, the UNJHRO did not find any evidence that could reasonably lead to believe that the numerous victims of the ADF were targeted because of their ethnic or community affiliation.

Considerable efforts have been made by the Congolese authorities, with the support of MONUSCO, to neutralize the ADF, protect civilians and fight against impunity. The combination of military and civilian strategies has certainly contributed to dismantling ADF bases, weakening the ADF and their support networks. However, the change in *modus operandi* observed since the launch of military operations in late 2019 and their ability to retaliate against civilians, continue to pose serious challenges to the FARDC and to MONUSCO.

Introduction

1. The security and protection situation in the north of the territory of Beni, in North Kivu province, has been marked since 1986 by attacks by the Allied Democratic Forces (ADF³), a rebel armed group of Ugandan origin present in particular in the chiefdoms of Watalinga and Beni-Mbau, in Virunga National Park, in a triangle located between the localities of Mbau, Kamango and Eringeti⁴. This area was labeled the "triangle of death" in 2014 due to the continuous massacres of civilians by the ADF.
2. According to the United Nations Group of Experts on the Democratic Republic of the Congo, the ADF has undergone profound changes since 2014, when the Sukola I operation led by the FARDC resulted in the capture of almost all their bases and caused the ADF to break up into small groups, which dispersed into eastern Beni territory and the southern areas of Ituri province. Some of these groups reorganized and regained control of their old strongholds or established new bases in late 2014⁵.
3. Since 2010, the UNJHRO has documented human rights abuses and violations of international humanitarian law committed by the ADF in the chiefdoms of Watalinga and Beni-Mbau during attacks against the civilian population. These have included abuses of the right to life and physical integrity, including acts of sexual violence and cruel, inhuman and degrading treatment, abuses of the right to liberty and security of the person, including abductions, and abuses of the right to property, including looting, and recruitment of children. The last report of the UNJHRO on the human rights situation in Beni in 2015 covered the period of 1 October to 31 December 2014. Between 1 January 2015 and 31 January 2020, the UNJHRO documented at least 1,237 human rights abuses by the ADF, with 1,554 victims of summary executions, 452 victims of abuses of physical integrity and 1,649 victims of abuses of the liberty and security of the person.
4. This report reviews the deadly attacks by the ADF against civilians in 2019 and provides a comparative analysis with previous years. Between 1 January 2019 and 31 January 2020, the UNJHRO documented 397 cases of human rights abuses attributable to the ADF⁶. At least 496 civilians were victims of summary executions, at least 142 were victims of violations of the right to physical integrity, at least 508 persons were abducted and there were at least 79 cases of property rights violations. In comparison, during the previous year, between 1 December 2017 and 31 December 2018, the UNJHRO had documented 238 cases of human rights abuses attributable to the ADF; at least 249 civilians were victims of summary executions, 106 were victims of violations of the right to physical integrity, 306 persons were abducted and there were at least 54 cases of property rights violations.

³ See Chapter II- Overview of the armed group Allied Democratic Forces.

⁴ This area is located between the locality of Mbau (on RN4, 20 km from the city of Beni), Eringeti (on RN4, 56 km north of Beni) and Kamango, 40 km northeast of Beni .

⁵ Letter of 23 May 2016, addressed to the President of the United Nations Security Council by the Group of Experts on the Democratic Republic of the Congo, p.25 see <https://undocs.org/S/2016/466>.

⁶ This report was prepared within the framework of resolution 2502 of 19 December 2019 of the United Nations Security Council, which requests MONUSCO to “Work with the Government of the Democratic Republic of the Congo and humanitarian workers to identify threats to civilians and implement joint prevention and response plans and strengthen civil-military cooperation, to ensure the protection of civilians from abuses and violations of human rights and violations of international humanitarian law, including all forms of sexual and gender-based violence and violations and abuses committed against children and persons with disabilities”, S/Res/2502 (2019), para. 29 (c).

5. The report also addresses violations of human rights and international humanitarian law committed by members of the defense and security forces, in particular during military operations against the ADF. The UNJHRO documented the cases of 109 victims of human rights violations by the FARDC (including at least seven women and seven children), and 137 victims of human rights violations perpetrated by the PNC, including the LNI,⁷ of which 13 were women and 15 were children. In comparison, between 1 December 2017 and 31 December 2018, the UNJHRO had documented the cases of 319 victims of human rights violations by the FARDC (including at least 44 women and 49 children)⁸, and the cases of 334 victims of human rights violations by PNC⁹ agents in Beni territory (including 21 women and 11 children).
6. In addition, the report highlights the vulnerability of the populations of Beni territory, who are constantly exposed to ADF attacks and makes recommendations to the authorities, international organizations and other stakeholders with a view to putting an end to human rights abuses and violations and to bringing the alleged perpetrators to justice.

I. Methodology and challenges encountered

7. The particularly complex and volatile security context was the main challenge in gathering information. The epidemic of Ebola Virus Disease in the Beni region and the launch of FARDC military operations against the ADF on 30 October 2019 limited the movement of the UNJHRO.
8. The UNJHRO conducted several missions to investigate human rights abuses and violations just a few hours after they had been committed. Six of these missions were carried out jointly with the military prosecutor's office in Oicha, during which some 40 victims of human rights violations were heard by magistrates and complaints filed against the alleged perpetrators. Information gathering benefited from the contribution of networks of partners trained to document human rights abuses and violations¹⁰. In addition, the UNJHRO met with numerous victims of abduction by the ADF who had been able to escape or been released, as well as with displaced persons living in more secure areas, such as the city of Beni.
9. The UNJHRO collected information from various sources in the *collectivités* of the Beni-Mbau sector, in particular the *groupements*¹¹ of Bambuba-Kisiki, Batang-Mbau, Bawisa, Batalinge, Isale

⁷ The LNI is a specialized PNC unit responsible, among other things, for counterterrorism operations, policing of public demonstrations and combating organized crime. It falls under the command of the PNC Commissioner General, with headquarters in Kinshasa, and can be deployed at the request of provincial commissioners when the need arises.

⁸ These included 43 victims of violations of the right to life, 37 of whom were victims of extrajudicial executions, including eight women and four children; 135 victims of violations of the right to physical integrity, including 18 women and 24 children victims of sexual violence; 139 victims of violations of the right to liberty and security of the person, including six women and nine children; and two victims of forced labor.

⁹ These included two victims of violations of the right to life, one of whom was a woman victim of extrajudicial execution; cases of 76 victims of violations of the right to physical integrity, including a woman victim of sexual violence; and cases of 256 victims of violations of the right to liberty and security of the person, of whom 17 were women and nine were children.

¹⁰ This challenging context prevented the UNJHRO from being able to organize long-term missions, such as joint investigations or assessments. However, the UNJHRO conducted nine short-term missions. During these missions, 39 persons abducted by the ADF were interviewed, as well as at least 100 witnesses.

¹¹ The localities of Eringeti, Kaynama, Vido, Mayi Moya, Kokola, Linzosisene, Apetina Sana, Mayisafi, Bunake, Chanichane, Samboko, Manzazaba and Kasana, in the Bambuba-Kisiki *groupement*; the localities of Mavivi, Vemba, Mayangose, Totolito, Matiba, Mbau, Mantumbi, Oicha, Mamudioma, Mukoko, Mamove and Nyaleke-Rizierie, in the Batang-Mbau *groupement*; the localities of Nobili and Bundiguya, in the Bawisa *groupement*; the localities of Kamango,

Bulambo, Malambo and Buliki; and in the town of Beni, commune of Ruwenzori, in particular in the districts of Boikene, Matete, Kipriani, Kasinga and Paida, as well as in the commune of Beu, in the districts of Rwangoma, Masuata, Mbelu, Mangolikene and Butanuka. Information gathering was extended to two territories in Ituri province, Mambasa and Irumu¹².

II. Overview of the armed group Allied Democratic Forces (ADF)

10. The armed group ADF was created in 1986 by a group of organizations based in western Uganda. Jamil Mukulu initially baptized the new armed group ADF-NALU, uniting the acronym of the two most important components, the Allied Democratic Forces and the National Army for the Liberation of Uganda (NALU). At the beginning of the 1990s, the group settled in the Ruwenzori mountain chain in Beni territory, from where it recruited combatants, mainly from within the Muslim community, and sought support for its activities in the region. The ADF maintains an international network for recruiting combatants.¹³
11. The ADF was relatively unaffected by the internal conflicts in the Democratic Republic of the Congo of the 2000s and focused on establishing a business network with the Democratic Republic of the Congo and neighboring countries (Burundi, Uganda, Tanzania) and with individuals within the security apparatuses of these states who provide them with arms, ammunition and protection in exchange for economic and financial benefits from the trafficking of gold, timber and agricultural products. During the Sukola I operation launched by the FARDC in January 2014, the ADF suffered significant losses. Combatants were killed, or surrendered by the hundreds, and most of their strongholds were dismantled. At the end of 2014, the number of remaining combatants was estimated at between 500 and 1,100, according to MONUSCO and the FARDC. However, the ADF remained active and continued to carry out brutal attacks against the civilian populations, with the occasional complicity of certain local Mayi-Mayi groups, and an increase in the number of attacks reported.

III. Context of the attacks in Beni territory

A. Evolution of attacks from January 2015 to December 2018

12. This section provides a brief overview of the main attacks carried out by the ADF and the evolution of its *modus operandi* since January 2015 (the last report on the ADF by the UNJHRO covered the period of October to December 2014) and December 2018.
13. From 2015 to December 2018, the UNJHRO documented an increase in attacks against civilians by the ADF in Beni territory. The UNJHRO documented at least 651 human rights abuses, with 1,781 victims, including 336 women and 217 children. During this period, an evolution of the ADF's *modus operandi* was noted, with attacks committed by combatants organized into several

Kibele, Katibombo and Kyanimbe, in the Batalinge *groupement*; the localities of Isale, Mama Ruta and Mwalika, in the Isale Bulambo *groupement*; the localities of Kisima, Bulongo, Ngwatanu and Kasindi, in the Malambo *groupement*; and the localities of Supa Kalau and Kalingate, in the Buliki *groupement*.

¹² The Babila Babombi *groupement* in Mambasa territory and the Bahama Boga, Bahama Buratshi, Cahbi and Nadaliya *groupements* in Irumu territory.

¹³ In 2018-2019, the military prosecutor of the operational military court in North Kivu sent several teams to Uvira, Bukavu and Goma to dismantle the ADF recruitment network. These judicial missions led to the arrest of around 75 people of various nationalities, including Burundians, Congolese, Kenyans, Ugandans, Somalis and Tanzanians.

mobile groups, with a significant presence of women and children among the assailants¹⁴ and targeting areas hitherto considered to be safe.

14. For instance, between 1 and 18 February 2015, the ADF attacked at least seven villages in the Beni-Mbau sector, marking a resumption of violence after the significant losses suffered by the group in 2014. These attacks, by small groups of combatants, were aimed at stealing food and medicine. On 29 November 2015, the ADF carried out simultaneous attacks on several sites in the locality of Eringeti. Unlike the previous attacks, perpetrated by small groups, these attacks were carried out by very large numbers of combatants, estimated between 300 and 500, who included men, women and children carrying weapons and machetes. According to witnesses, some were wearing FARDC military uniforms and insignia.
15. Between 28 February and 14 May 2016, during the attacks in the Bambuba-Kisiki *groupement*, ADF combatants used captured civilians as scouts before killing them when they launched their assault on villages. The attacks were carried out by combatants divided into three small groups. The first two groups blocked the main roads to prevent civilians from fleeing, and to resist possible interventions by the defense and security forces, while the third group engaged in the killing of civilians, looting, destruction and arson.

B. Context of the attacks from 1 January 2019 and 31 January 2020

16. From 1 January 2019, the attacks took a new turn and targeted both villages and military positions. Between 1 January 2019 and 31 January 2020, the ADF carried out at least 162 attacks against civilians (123 attacks against villages or fields and 39 ambushes), 35 against military positions and 16 others targeting both civilians and military positions¹⁵.
17. Several factors appear to have influenced the change in *modus operandi* of the ADF. On the one hand, this situation was due to the dispersal and relative weakening of the ADF following the dismantling of their support networks and the capture of numerous combatants who were tried and sentenced by the military justice between 2017 and 2018. The military capabilities of the ADF were undoubtedly weakened, but the looting of civilian goods, in particular food and medicine, extended into areas previously very little affected by ADF attacks. For the first time, attacks were carried out against villages along the RN 4 road, during which the ADF looted pharmacies, hospitals and food stores, and abducted civilians to transport the looted goods.
18. The second contributing factor was the closure of some MONUSCO military bases due to budgetary constraints and the repositioning of MONUSCO's Force in line with the "protection by projection"¹⁶ strategy. As of 2017, several of MONUSCO's main military bases (COBs) and

¹⁴ According to information collected by the UNJHRO, the ADF require women and children, often family members of combatants or people recruited by force, to participate in the fighting or carry looted goods. The presence of women and children prevents the FARDC and MONUSCO from acting effectively during military operations. More information on the *modus operandi* of the ADF is available in the Midterm Report of the Group of Experts on the Democratic Republic of the Congo (S/2019/974).

¹⁵ Attacks with an impact on civilians are listed in the chronology of incidents in the Appendix.

¹⁶ The concept of "protection by projection" was presented by the members of the 5th Committee of the General Assembly of the United Nations during its visit to the Democratic Republic of the Congo in 2017. The strategic review of MONUSCO and the new orientations of the mandate linked to the reduction in budgetary resources led not only to the closure of several bases, but also to the reduction of military personnel. Bases (COBs and TOBs) were closed and a central base was created in Sake from which TOBs or SCDs could be deployed, as necessary.

temporary operational bases (TOBs) located on RN 4 were closed. These bases had formed a safety belt that extended from Eringeti to Paidia via Kasinga and their closure was not followed by deployment of the FARDC into these areas. This security vacuum enabled the ADF, which until then had a limited area of action, to extend its presence into the cities of Oicha, Mayimoya and Beni. The closure of the Luna, Kasinga and Muzambayi COBs resulted in a significant reduction in security coverage and favored attacks in this area.

19. For example, between 11 and 26 February 2019, armed men presumed to be ADF combatants carried out at least five attacks against both FARDC positions and civilian populations in the locality of Mamove (approximately 15 km from Oicha, Batangi-Mbau *groupement*, Beni-Mbau sector). These attacks resulted in clashes with FARDC soldiers, as well as human rights abuses and violations of international humanitarian law. On 12 February 2019, a position of the 322nd battalion of the FARDC in Mamove was attacked by ADF combatants coming from Virunga National Park¹⁷. During these clashes, at least four ADF combatants were killed and the FARDC recovered weapons and ammunition that they then displayed publicly. Between 24 and 26 February 2019, the ADF carried out attacks in Mamove in which a man and a woman were executed, some 20 civilians abducted, and houses and part of the reference health center in Mamove was burned down. Attacks were also directed against the center of the city of Beni and certain outlying districts between August and December 2019, resulting in the massacre of at least 40 civilians, including 12 women.
20. These numerous attacks on the outskirts of large urban centers led to popular demonstrations, initiated by some civil society organizations against the defense and security forces and MONUSCO. Thus, the day after an ADF incursion into neighborhoods of the city of Beni on 19 November 2019, in which seven civilians were shot and stabbed, Beni residents took part in violent demonstrations in which the town hall and the MONUSCO offices in Boikene were set on fire and looted. Protestors criticized MONUSCO for its perceived inaction in the face of the ADF attacks. During one of these demonstrations, on 22 November 2019, a protester was killed by a PNC agent and four other people were injured. Forty-nine demonstrators were arrested, 10 of whom were suspected of belonging to a Mayi-Mayi group and kept in detention, while 15 others were transferred to the public prosecutor and charged with destruction. The police officer responsible for the demonstrator's death was arrested and brought before the military court.
21. The third factor contributing to the intensification of deadly attacks against civilians was the launch by the FARDC on 30 October 2019 of large-scale military operations against the ADF. Before the start of these operations, the ADF had indicated that it would attack the population in reprisal for attacks against their positions by the FARDC. FARDC military operations were carried out on four axes: the southern axis in Mwalika, the northern axis in Oicha, the northeastern axis around the area known as the "triangle of death", and the extreme north axis, at the administrative border with Ituri, covered by the 31st Brigade with its base in Mambasa. Following the launch of these operations, ADF attacks against civilians increased significantly¹⁸.

¹⁷ Since their arrival in the Democratic Republic of the Congo, the ADF had established their bases within the Virunga National Park, which covers a vast area and several territories of the province of North Kivu, where they have developed clearings for agriculture and have schools and training camps for their fighters. See footnotes 1 and 2 above.

¹⁸ See Appendix, chronology of attacks.

22. In addition, the complicity of local armed groups and the lack of trust of some members of the population of Beni in the FARDC and MONUSCO contributed to considerably hampering a rapid and effective military response against the ADF. Added to this is the fact that the villages attacked are scattered and isolated and have no telephone coverage, which limited the effectiveness of early warning mechanisms and hampered the implementation of rapid response and.

IV. Modus operandi

23. The UNJHRO was able to establish that most of the attacks perpetrated by the ADF during the period covered by this report were carried out by groups of 300 to 500 combatants, including women and children related to the combatants or forcibly recruited. Some displayed FARDC uniforms and insignia, AK-47 firearms, mortars, rocket launchers and machetes. These attacks often took the form of ambushes or incursions into villages.
24. The ambushes were set up by the ADF on highways, in farms and around oil mills or presses. Simultaneous attacks were carried out, targeting several villages or camps within a locality. The attackers regularly used bladed weapons to avoid being noticed by the security and defense forces. In addition to violations of the right to life, abductions of children, women and men and looting were also recorded. Based on information obtained by the UNJHRO through various sources, during the period under review at least 105 people were ambushed by the ADF, 39 of whom were killed and 20 injured by gunshot or machete. For example, on 19 November 2019 during an attack on Mapiki, 55 km northeast of Beni, most of the victims were stabbed to death.
25. The ADF attacked the population without distinction based on religion or ethnicity, often as a reprisal or with the aim of taking their property or chasing them from certain areas. These attacks affected four areas northeast of Beni (the so called “triangle of death”). The victims belonged to various ethnic groups, namely Nande and Twa, but also Shi, Bembe and Boudou. In the Watalinga *collectivité*, most of the victims were of Talingi ethnicity. In the north (Oicha, Mayi Moya, Mbau, Linzo, Sesene, Eringeti, Kaynama, Vido), the victims were mainly Nande, Mbuba and Lesse from Irumu, in the province of Ituri, but present in this area. Lendu and Hema were also victims of these attacks in Ituri. In the northwest, in the localities of Mamove, Ahili, Apetinasana, Kengele and on the administrative border with Ituri, the Nande and Twa were also attacked. In the southeast (Kasindi-Bashu axis), most of the victims were of Nande ethnicity.

V. Human rights violations and abuses and violations of international humanitarian law

A. By ADF combattants

26. Between 1 January 2019 and 31 January 2020, the UNJHRO documented 397 cases of human rights abuses attributable to the ADF, including 379 in the territory of Beni, North Kivu, and 18 in the territory of Irumu, Ituri. These included abuses of the right to life and physical integrity, abductions, forced labor and attacks against hospitals and schools. These figures represent an increase of almost 67% compared to the previous year (238 abuses documented between December 2017 and December 2018). As noted in Part III.B of this report, this increase is the consequence of several factors, including the unilateral military operations of the FARDC that scattered the ADF in many areas, as well as the redeployment of the defense and security forces and MONUSCO peacekeepers to other territories.

i) Abuses of the right to life

27. During the reporting period, the UNJHRO documented the summary executions of at least 496 civilians - 142 women, 25 children and 329 men - in attacks attributed to the ADF. The majority of the victims were killed using bladed weapons or were shot.
28. In the majority of cases, the means and modus operandi of the attacks indicated a clear intention to leave no survivors. Whole families, including very young children and the elderly, were killed with bladed weapons. In addition, several people injured in the course of the attacks died due to the isolation of their villages and difficult access to medical care.
29. For example, on 9 January 2019, between 4 a.m. and 6 a.m., at a location 2 to 8 km east of Eringeti-center, at least eight civilians (four men, three women and a girl) were killed by bullet and machete, 11 other civilians (two men, five women and four children - one boy and three girls) were wounded by gunshot, and at least 21 people (14 men and seven children - four girls and three boys) were abducted by a group of men suspected to be ADF, who were carrying rifles and bladed weapons, and wearing military uniform. This incident took place during simultaneous attacks against three FARDC positions and resulted in massive displacement of the population from Mayisafi to Eringeti.
30. On 25 November 2019 in the district of Masiani, Mulekera commune of the city of Beni, eight people were killed with bladed weapons in their homes by suspected ADF combatants. Witnesses said that some of the attackers wore military uniforms similar to those of the FARDC. On 30 January 2020, during an incursion into Aveyi, Mantumbi and Mamove, at least 30 civilians were killed with bladed weapons by suspected ADF combatants. The perpetrators first killed 10 people fleeing the attack and set fire to four motorcycles in the village of Aveyi. They then killed 14 civilians, including nine women, in the village of Mantumbi, and six other civilians, including three women, in the village of Mamove, where they set fire to four houses.

ii) Abuses of the right to physical integrity

31. During the same period, the UNJHRO recorded the cases of at least 142 victims of violations of the right to physical integrity - 73 men, 44 women and 25 children. Most of the victims were injured in attacks on villages, while they were in the field, or during ambushes; among the victims, two women were subjected to sexual violence. The UNJHRO also noted cases of abductees who were victims of serious violations of the right to physical integrity during their captivity. For example, between 1 and 4 May 2019 a dozen people who had been abducted by the ADF during a series of ambushes were beaten during their captivity.

iii) Abuses of the right to liberty and security of the person

32. Among the attacks attributed to the ADF during the same period, the UNJHRO documented the abduction of 508 civilians - 304 men, 88 women and 116 children - during attacks. Victims of abduction are usually used to transport looted goods. During the same period, the ADF released many victims a few days or weeks after their abduction, including 91 people released between March and April 2019.

33. For example, between 11 and 13 February 2019 in Mamove, at least 18 people (nine women, six men and three children - two girls and one boy) were abducted. They were forced to transport looted goods during six days of walking in the bush before reaching the Bango/Madina camp, where they were kept for ten days in an underground cell before their release. During their captivity, they were forced to work in the fields on behalf of the ADF.

iv) Forced recruitment of children

34. During the period covered by this report, 116 children were abducted by the ADF during attacks on villages and ambushes in fields and on roads. In general, children are forced to transport looted goods, work in the fields and perform certain household tasks. According to information collected by the UNJHRO, some were trained in the handling of weapons and sent to the field to participate in attacks. From 1 January 2019 to 31 January 2020, 56 children were separated from the ADF by the Child Protection Section of MONUSCO, 55 of whom had been directly involved in attacks by the ADF.

v) Abuses of the right to property

35. The ADF looted an indefinite quantity of goods, including medicines, cattle, food and various other products. The UNJHRO was able to document at least 79 cases of abuse of the right to property, as well as attacks on seven hospitals and health centers and one school.

36. On 1 May 2019, in the locality of Tchabi, Irumu territory, Ituri province, at least 15 men, two women and a child were abducted by the ADF during an attack on their village. Five of the victims (four men and a woman) were nurses at the local health center. The perpetrators looted pharmaceuticals and other materials from this center, took valuables from houses and shops, and killed an FARDC soldier. They then moved to Batanga, about 12 km from Tchabi, where they abducted six people (including a woman and a four-year-old child released the same day) and stole 128 cows belonging to members of the Hema community.

B. Human rights violations by defence and security forces¹⁹

37. The defense and security forces committed human rights violations in the context of military operations against the ADF in Beni territory. Human rights violations increased following the deployment of additional troops - 21 regiments, five brigades and several battalions - to the sub-sector covering Butembo. Soldiers are deployed within local communities, with arms and ammunition, which exposes civilians to risks of violations by poorly disciplined soldiers and to attack by the ADF.

38. Similarly, LNI police officers deployed in Beni territory (Mayimoya, Oicha, Eringeti, and Mbau localities) in August and December 2019 committed human rights violations. They were responsible for the killing of at least two men in 2019. Violations by police officers resulted in reprisals by the population. In December 2019, youths killed a PNC officer in Oicha.

¹⁹ The report focuses on violations committed by FARDC soldiers and PNC agents who are the main members of the defense and security forces involved in operations against the ADF. The human rights violations documented in this part of the report are those committed by the *Légion nationale d'intervention* (LNI) from October 2019 (representing the start of operations) to the end of January 2020.

39. Since the start of FARDC military operations in October 2019, the UNJHRO has documented the cases of 109 victims of human rights violations committed by the FARDC, including at least seven women and seven children. The UNJHRO also documented the cases of 137 victims (including 13 women and 15 children) of human rights violations committed by the PNC, including elements of the LNI deployed in Beni territory in support of military operations.

i) Violations of the right to life

40. From 30 October 2019 to the end of January 2020, the UNJHRO documented the extrajudicial killings of eight civilians (six men and two women) by FARDC soldiers. For example, on 22 November 2019 in Oicha, a man was killed by a soldier from the 32nd FARDC Brigade. The victim was shot in the hip and died of his injuries in the hospital. The alleged perpetrator claimed that the victim intended to physically assault him. He was arrested by a police patrol and brought before the military court. On 21 December 2019 in Vurusi, three civilians (two men and a woman) were killed by a sergeant of the 1st Battalion of the 3310th FARDC regiment during an altercation.

41. Other violations of the right to life were committed in the context of cohabitation between civilians and the military. For instance, on 23 December 2019 an FARDC soldier killed a man in Baungatsu Luna (55 km northeast of Beni, Beni territory), and on 12 January 2020, soldiers from the 310th and 311th Battalions of the FARDC killed a woman in Ngite (about 16 km northeast of Beni, Beni territory). The two cases concerned domestic violence involving the military and the victims. In the first case, the soldier fled while the soldier involved in the second incident was arrested and charged.

42. On 12 February 2019 in Nobili (about 115 km northeast of Beni city), an officer from the FARDC border security department, *Département de sécurité aux frontières* (DSF) ordered soldiers to beat a taxi driver to death. The victim was riding a motorcycle belonging to the officer and had not paid him the weekly proceeds. The officer then ordered the victim's imprisonment and prohibited that he receive medical treatment. The victim died a few hours after his incarceration.

ii) Violations of the right to physical integrity

43. Between 1 January 2019 and 31 January 2020, the UNJHRO documented the cases of at least eight victims of violations of the right to physical integrity attributed to the FARDC - six victims of rape and two victims of injury by machete. Three of the rape victims were girls. The two victims injured were women. The alleged perpetrators were arrested and handed over to military justice.

44. As an example, the UNJHRO documented the rape and injury by machete, on 30 December 2019, of a woman about 70 years old by a soldier from the 311th FARDC Commando Battalion in Ngite (around 16 km northeast of Beni city); the rape of a 16-year-old girl by a soldier from the 32nd FARDC Rapid Reaction Brigade deployed to Oicha (30 km north of Beni city); and the injury of a woman by machete by a soldier from the 311th FARDC battalion in Ngite on 6 January 2020.

iii) Violations of the right to liberty and security of the person

45. In the course of military operations against the ADF, FARDC soldiers arbitrarily arrested and detained 91 people, including at least four children, some of whom were suspected of being ADF combatants. For example, the UNJHRO recorded the arrest and detention of 86 people by the

2102nd FARDC Regiment based in Isale Bulambo, in the south of Beni territory, in December 2019. The victims were arrested during a military operation between 8 and 10 November 2019 in Mwalika within the Graben, in the southern zone in the chiefdom of the Bashu. This place is considered to be the training and transit camp for ADF combatants. Those arrested were farmers. They were transferred to military justice before being released following advocacy by the UNJHRO. Four children were also arbitrarily arrested during violent protests in the city of Beni on 28 November 2019. They were suspected of being Mayi-Mayi combatants. Finally, on 9 December 2019, soldiers from the 32nd FARDC Rapid Reaction Brigade arrested a person for organizing illegal patrols.

46. The UNJHRO also documented the cases of 135 victims of arbitrary arrest by the PNC (including 13 women and 15 children). On 20 November 2020, in the rural commune of Oicha, PNC agents arbitrarily arrested, at the request of the administrator of the territory, 12 members of the citizen's movement LUCHA during a peaceful march against insecurity.

iv) Violations of the right to property

47. During the period under review, the UNJHRO documented two violations of the right to property attributed to FARDC soldiers engaged in military operations against the ADF in the territory of Beni. On 26 December 2019 in Kamango (about 100 km northeast of the city of Beni), *Batalinga groupement, collectivité* chiefdom of Watalinga, Beni territory, North Kivu province, the general hospital in Kamango was looted by soldiers from the 3406th FARDC Regiment deployed to Kamango as part of operations against the ADF. According to information collected by the UNJHRO, four soldiers from a team sent to respond to an attack on this locality by the ADF broke down the doors of the health center to steal medicines and equipment. They were arrested and placed at the disposal of justice by the regiment's command.

C. Humanitarian and protection situation

48. In Beni territory, the persistent presence of the ADF remains a serious threat to the civilian population, with negative consequences for the humanitarian and protection situation. In addition, since October 2014, military operations by the Congolese security forces against the ADF have led to increased activism by the armed group and, as a result, human rights abuses and the displacement of civilians.
49. The population of the affected areas lives mainly from agriculture and is exposed to attacks on the way to or in their fields. The situation deteriorated further in 2016 when the FARDC closed the Mbau-Kamango road, the main road to the rest of the country. The fields were thus abandoned, forcing many households to move to other areas. In addition to the insecurity, the extension of ADF activity to the far west of the RN 4 road also affected agricultural activities, raising concerns at a potential food crisis.
50. According to humanitarian sources, the violence resulted in the displacement of nearly 432,692 civilians (namely 75,499 households) between September 2019 and mid-March 2020. Most of them (nearly 66%) are now living in Kamango (Kahondo, Luanoli, Nobili, etc.), Mutwanga (Bulongo, Lume, Mutwanga, Mwenda, Rugetsi, etc.) and Oicha (Erineti, Mbau, Mavivi, Oicha commune and Kainama). Others (estimated at 34%) headed to the neighboring areas of Beni, Kalunguta, Kyondo, Mabalako and Vuhovi.

VI. Legal framework

51. The human rights referred to 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 Rights²⁰ the African Charter on Human and Peoples' Rights²¹, the International Covenant on Economic, Social and Cultural Rights²², the Convention against Torture, and the Optional Protocol to the Convention on the Rights of the Child²³ on the involvement of children in armed conflict. These rights are also protected by the Universal Declaration of Human Rights²⁴, several provisions of which are considered to have the status of customary international law. In accordance with this legal framework, the Congolese State is bound to respect these human rights standards and to take the necessary measures to prevent and punish violations and abuses of these rights, whether committed by its security forces or by non-state actors such as ADF combatants.
52. In addition, the territories considered in this report have been affected since 1995 by a non-international armed conflict between government forces and the ADF armed group. In this context, international humanitarian law applicable to non-international armed conflicts is binding on all parties involved in the conflict, in particular the FARDC and armed groups such as the ADF. Therefore, all the parties to the conflict are bound to respect international humanitarian law as enshrined in article 3 common to the four Geneva Conventions of 12 August 1949 and in Additional Protocol II to the Geneva Conventions relating to the protection of victims of non-international armed conflicts of 8 June 1977, to which the Democratic Republic of the Congo is a party, as well as customary international law, which guarantees the protection of persons who do not participate or no longer participate in hostilities, and prohibits in particular unpaid or excessive forced labor. By their nature and extent, certain violations documented in this report may also constitute war crimes and crimes against humanity within the meaning of articles 7 and 8 of the Rome Statute of the International Criminal Court, which have been incorporated into the internal law of the Democratic Republic of the Congo.
53. In addition, the human rights violations and abuses described in this report can be considered crimes under Congolese criminal law, such as murder, rape, recruitment of children, theft and abduction, each of which constitutes a crime punishable by at least imprisonment. According to the Congolese Constitution, it is the responsibility of military justice to investigate these acts insofar as it has jurisdiction over all crimes committed by members of the security and defense forces, and by armed groups²⁵.

²⁰ The International Covenant on Civil and Political Rights 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).

²¹ The African Charter on Human and Peoples' Rights recognizes respect for life and the integrity of the person (articles 4 and 5), as well as the right to property (article 14).

²² The International Covenant on Economic, Social and Cultural Rights recognizes the right to education (article 13).

²³ The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict prohibits the recruitment and use in hostilities of persons under the age of 18 by armed groups.

²⁴ The Universal Declaration of Human Rights expressly recognizes the right to life, liberty and security of the person (article 3) as well as the right to property (article 17). It also prohibits torture and cruel, inhuman or degrading treatment or punishment (article 5).

²⁵ Article 156 of the Constitution of the Democratic Republic of the Congo of 18 February 2006.

VII. Responses by the Congolese authorities

54. Since 2014, unilateral operations of the FARDC or joint operations with MONUSCO have been conducted to combat the ADF, following attacks in Eringeti, Kasana and Rwangoma. As a result, the ADF's capacity has been reduced and important strongholds, including the Madina camp, have been destroyed. Many ADF combatants have been killed or arrested during these operations and hostages have been released. A large arsenal of firearms and ammunition has been seized, as well as numerous documents allowing for better understanding of the functioning of this armed group.
55. However, the positions taken have not been secured through the deployment of the defense and security forces. Some have been recovered by the ADF when the FARDC were deployed to other combat zones.
56. In December 2019, the headquarters of the FARDC, the Land Force and the Commander of the 3rd Defense Zone of North Kivu were transferred to Beni in order to support these operations as closely as possible. Thus, an Operations Coordination Center was created, with representatives of Operation Sukola I, the MONUSCO Force Intervention Brigade (FIB), the MONUSCO police, the PNC, the *Direction générale des migrations* (DGM) and the *Agence nationale des renseignements* (ANR). This center, headed by the FARDC staff, is responsible for coordinating operations in an integrated manner, with specific responsibilities.
57. With the support of the United Nations Police (UNPOL) from 1 December 2019, so-called cordon operations have been organized in the cities of Beni and Oicha by mixed units made up of personnel from the FARDC, PNC, ANR and DGM as part of operational strategies to fight urban crime. These operations have served to dismantle probable support networks of armed groups, resulting in arrests of several suspects, including soldiers and police officers. Weapons, ammunition and military effects have also been seized.
58. During the visit of the United Nations Under-Secretary-General for Peace Operations in December 2019, the Congolese authorities expressed a wish for closer collaboration with MONUSCO in the fight against the ADF. At the military level, in addition to intelligence sharing and logistical support, it was decided to directly involve MONUSCO peacekeepers in fighting against the ADF, alongside the FARDC.
59. At the judicial level, after the trials that took place from September 2017 to January 2018, which led to the conviction of more than 224 defendants, including 117 ADF combatants, 95 combatants of various Mayi-Mayi groups, 11 FARDC soldiers and one civilian,, continuing the fight against impunity in the context of the prosecution of ADF combatants remained a priority for the Congolese authorities in 2019. Military justice continues its efforts to dismantle the ADF networks in North Kivu and South Kivu. More than 400 people have been arrested and are awaiting trial. The *Cour militaire opérationnelle* (CMO) has requested the support of MONUSCO for the organization of another mobile court in order to try them. However, the CMO is an exceptional court, which makes decisions at first and last instance without the right to appeal them, which

contravenes article 14.5 of the International Covenant on Civil and Political Rights and the Congolese Constitution.

VIII. Actions taken by MONUSCO

60. MONUSCO supports the FARDC and civil authorities, while ensuring compliance with the human rights due diligence human policy (HRDDP) in the context of support to non-UN armed forces in the fight against the ADF. Thus, according to its mandate, the MONUSCO Force Intervention Brigade²⁶ supports the FARDC in the planning and implementation of military operations. On 7 December 2017, 15 peacekeepers from the Tanzanian contingent of the FIB were killed and around 50 others injured in an ADF attack on their position in Semuliki. On 14 November 2018, seven other peacekeepers (six from the Malawian contingent of the FIB and one from the Tanzanian contingent) were killed in an ADF counterattack after taking control of Kididwe in the context of Operation Usalama Center. In support of operations underway since October 2019, MONUSCO, which has bases in Kasinga, Oicha, Mayimoya and Kamango, establishes additional temporary bases in other locations whenever necessary.
61. In addition, MONUSCO's strategy against the ADF revolves around three essential links: the dismantling of the ADF recruitment and support network; support for military operations with a DDRRR program; and engagement with countries bordering the Democratic Republic of the Congo. This strategy aims at a global and integrated approach which combines non-military means to eradicate the ADF phenomenon.
62. Since its offices were set on fire following violent demonstrations demanding the departure of MONUSCO on 25 November 2019, the mission has revised its strategy for the protection of civilians. Beyond the contingency plan, the operation of the alert system has been reviewed with a check on the receipt of alerts and the responses to them. A secretariat composed of the Civil Affairs Section and the UNJHRO has been set up to organize meetings of the Protection Management Group at the provincial level²⁷ (SMGP-P) and to monitor the implementation of the resulting recommendations. Meetings to assess risks and the responses to previous alerts have allowed MONUSCO to measure the responses provided and, if necessary, to identify the reasons that prevented a response.
63. At the judicial level, the UNJHRO and MONUSCO has provided financial and technical support to the military prosecutor's office in the context of its investigations. In April 2018, a joint judicial investigation mission was organized in the localities of Butuhe, Vurondo, Rwahwa, Bulambo Isale and in southern Lubero. This allowed the military justice to interview 177 victims and witnesses (161 men and 16 women). The investigations concerned the incidents between June 2016 and April 2017, involving FARDC soldiers deployed in the localities of Bulambo Isale, Vurondo-Rwahwa, Butuhe and Kitsobo in the context of operations against armed groups. Similar joint investigation missions were carried out from 18 to 26 February 2019 in Bulambo-Isale, Vuhovi, Bunyuka, Kasindi and Bulongo, which allowed judicial officials to interview 37 victims and witnesses,

²⁶ The MONUSCO Force Intervention Brigade was deployed in accordance with United Nations Security Council resolution 2098 (see paragraph 9), adopted on 28 March 2013, which authorized the deployment of a contingent of 3,000 soldiers to the East of the Democratic Republic of the Congo in order to neutralize armed groups.

²⁷ The SMGP-P is a mechanism for the coordination and protection of civilians led by the head of the MONUSCO office with the participation of MONUSCO uniformed and civilian personnel, humanitarian actors and on certain occasions the Congolese military and civilian authorities.

including 27 victims of rape. Finally, it is worth noting the support for mobile court hearings organized by the military garrison court of Beni-Butembo in Kasindi from 22 to 27 September 2019. These hearings led to the conviction and sentencing of 10 FARDC soldiers to five to 20 years in jail for rape and extortion committed in the context of military operations against armed groups in the north of North Kivu province²⁸.

IX. New developments since 31 January 2020

64. In total, 170 human rights abuses perpetrated by the ADF were documented between 1 February and 30 June 2020 in the territories of Beni, Irumu and Mambasa, with at least 570 victims, including 297 victims of summary executions (73 women and nine children). The fragmentation of the group and its presence over a wider area make military operations and the neutralization of the group more difficult. The involvement of other Mayi-Mayi groups further exposes civilian populations to an even higher risk of human rights abuses.
65. Since 1 February 2020, the human rights situation in Beni territory has worsened further due to an increase in attacks against civilians by the ADF in retaliation for military operations. The dismantling by the FARDC of several ADF bases, particularly in the "triangle of death", did not put an end to the actions of the ADF and improve the protection of civilians. Indeed, the loss of their bases caused a fragmentation of the group into factions that scattered towards the north of Beni territory and in Ituri province, where the group tries to control spaces by committing human rights abuses and illegally exploiting natural resources.
66. Thus, the location of ADF attacks has changed, extending into the province of Ituri, particularly in the Mambasa territory and the south of Irumu territory, especially in the chiefdom of Bahema Boga. The area where the ADF are usually active has been disturbed and they are now present in the northeast, north, northwest and southwest, in the localities of Mangina and Mandumbi, on the border with the Babila Babombi chiefdom, Mambasa territory, Ituri province.
67. Between 1 February and 30 June 2020, in the province of Ituri, the UNJHRO documented 36 human rights abuses with at least 135 victims, including 14 abuses of the right to life against 86 civilians (including seven women and six children). The ADF also committed six abuses of the right to liberty and security of the person (27 victims, including seven women) and three abuses of the right to physical integrity (two male victims and one woman victim of rape), three cases of forced labor (19 victims including six women) and ten abuses of the right to property.
68. In the northern part of Beni territory, the ADF and their Mayi-Mayi Kyadenga allies have been engaged in combat against the Mayi-Mayi Uhuru for control of this space since they were dislodged from the "triangle of death"²⁹. This situation has generated a deterioration of the security situation in Beni territory, with serious human rights abuses committed by the ADF and groups close to them.
69. Between 1 February and 30 June 2020, in Beni territory alone, the UNJHRO documented 134 human rights abuses perpetrated by the ADF causing at least 435 victims (including 94 women

²⁸ It emerged from the observation of trials before the CMO that the minimum guarantees of a fair trial as provided for in article 14 of the International Covenant on Civil and Political Rights and in the Constitution of the Democratic Republic of the Congo are not respected. See paragraph 60 above.

²⁹ See Introduction, paragraph 1.

and 10 children). At least 53 abuses of the right to life were recorded (211 victims of summary executions, including 66 women and three children), 31 abuses of the right to liberty and security of the person (152 victims including 17 women and four children), 13 abuses of the right to physical integrity (31 victims including seven women and three children), one case of forced labor (11 victims including four women) and 19 abuses of the right to property.

X. Conclusion and recommendations

A. Conclusion

1. The territory of Beni continues to be affected by persistent attacks by the ADF and FARDC operations against this armed group. Between 1 January 2019 and 31 January 2020, the UNJHRO documented at least 397 human rights abuses committed by the ADF, including 379 in the territory of Beni and 18 in the territories of Irumu and Mambasa, Ituri. These acts include abuses of the rights to life and physical integrity, abduction, forced labor, looting and attacks on hospitals and a school. The attacks affected all the ethnic groups present in the territories of Beni in North Kivu, Irumu and Mambasa in Ituri, regardless of religious or ethnic affiliation. Certain communities were certainly more affected than others due to their large representation in the affected areas. However, in light of the information collected, the UNJHRO did not document any evidence that could reasonably lead to believe that the numerous victims of the ADF were targeted because of their ethnicity or community faith.
2. The context and modus operandi of the ADF when committing abuses and violations of human rights and international humanitarian law leads to the conclusion that they were committed "as part of a widespread or systematic attack against a civilian population, with knowledge of this attack" and could therefore constitute crimes against humanity. ADF combatants and their leaders could also be held responsible for war crimes and serious human rights violations through killing, physical harm, abduction, forced labor, looting and destruction of protected property (hospitals and schools).
3. In addition, between the launch of major military operations against the ADF in October 2019 and January 2020, at least 245 people (including 20 women and 22 children) were victims of violations of human rights and international humanitarian law attributable to the security and defense forces. These acts include violations of the right to life, with at least eight victims of extrajudicial executions attributed to the FARDC (six men and two women), violations of the right to physical integrity, violations of the right to liberty and security of the person by arbitrary arrest and illegal detention, as well as violations of the right to property. These violations of human rights and international humanitarian law committed in the context of a non-international armed conflict could constitute war crimes.

B. Recommendations

i) To the Congolese authorities

- Continue the judicial investigations into the crimes committed by the ADF in the areas where they operate and establish the responsibilities of the perpetrators so that they answer for their acts before the competent courts;

- Reform the Operational Military Court³⁰ so that it respects the principles of the right to a fair trial, and introduce a right of appeal against its decisions in accordance with the Constitution of the Democratic Republic of the Congo and international instruments;
- Strengthen actions aimed at improving the behavior of the defense and security forces in theaters of operation, in particular by training, strengthening the disciplinary monitoring system and opening legal proceedings against FARDC soldiers and PNC agents involved in violations of human rights and international humanitarian law;
- Improve conditions for the deployment of security and defense forces in the theater of operations to prevent their establishment within communities, which creates risk for the protection and physical security of civilians.
- Ensure that victims of human rights abuses committed by the ADF and human rights violations perpetrated by the defense and security forces receive psycho-social care, and have access to justice, truth and reparations;
- Restore the authority of the State in all areas taken over by the defense and security forces and ensure that the authorities and institutions fulfill their responsibilities while respecting human rights and human dignity ;
- Strengthen the mechanisms for the protection of civilians in the context of and parallel to military operations;
- Strengthen early warning mechanisms allowing a quicker reaction to prevent attacks by the ADF and other armed groups on civilian populations;
- Consider, with the countries of origin of ADF combatants, regional political solutions with a view to ensuring their repatriation;
- Establish a credible and appealing disarmament, demobilization and repatriation (DDR) process, allowing in particular foreign national combatants who have not committed serious human rights abuses to return to their country of origin if they wish.

ii) To MONUSCO and UNJHRO

- Continue to support the efforts of the Congolese government to set up and implement a comprehensive strategic plan against the ADF aimed at dismantling the network, military operations with the FARDC, preferably jointly, and regional engagement with neighboring countries;
- Continue supporting the FARDC in the planning and joint implementation of military operations in accordance with the principle of human rights due diligence;
- Continue to support the restoration of State authority in the areas recovered through the deployment of the police and judicial institutions, with a view to strengthening the protection of civilians and ensuring respect for human rights and human dignity ;
- Support national and local authorities in the search for lasting and inclusive peace throughout the province of North Kivu, based on peaceful coexistence between different ethnic groups;
- Help telecommunications companies to install antennas in different areas where populations are at risk to facilitate the transmission of early warnings;

³⁰ Article 276 "Except for the judgments rendered by the Operational Military Courts, the decisions and judgments of the Military Courts and Tribunals are subject to opposition and appeal", Law No. 023/2002 of 18 November 2002 on the Military Judicial Code.

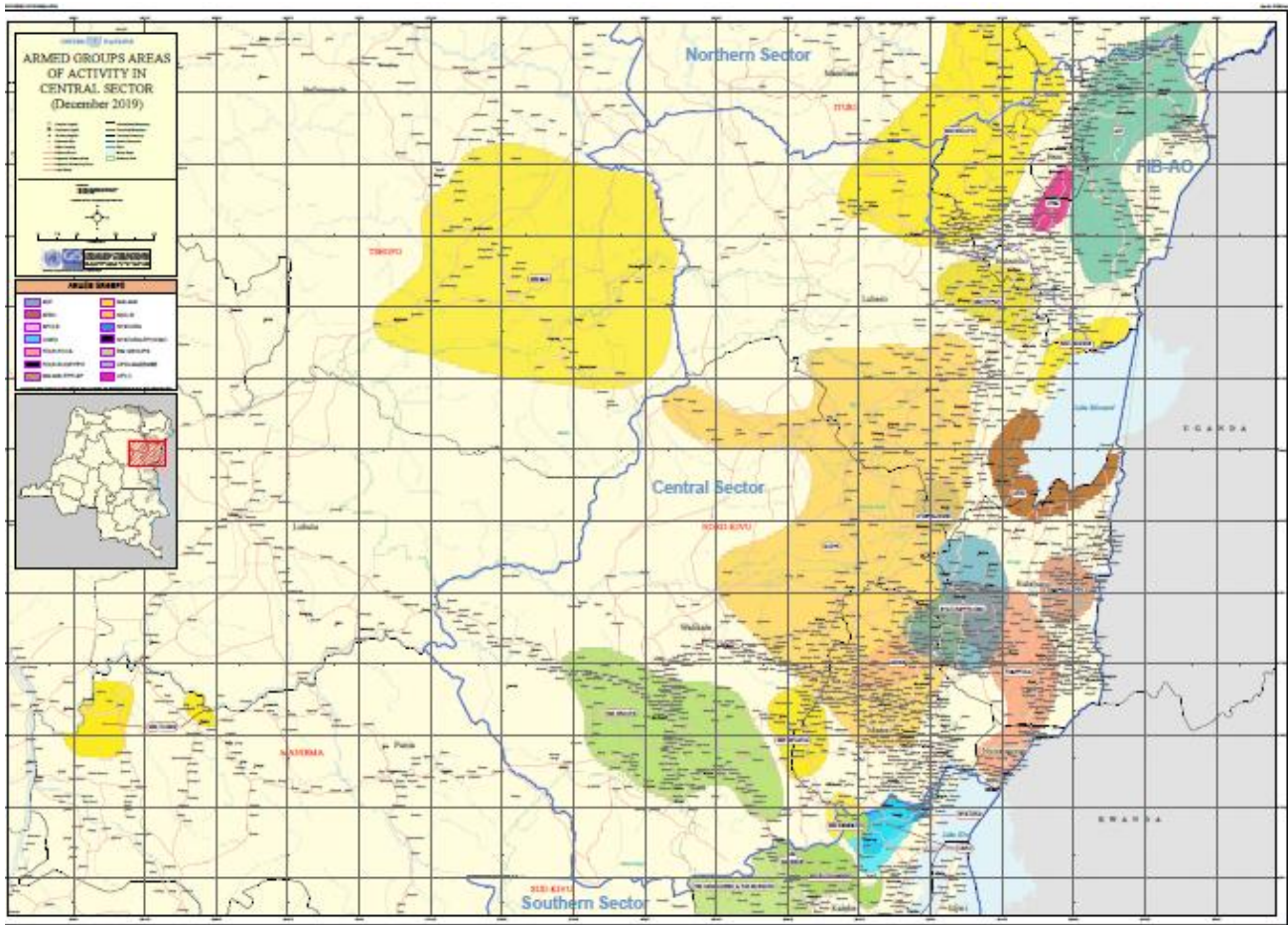
- Strengthen MONUSCO's engagement with communities in order to establish relationships of trust with them in the fight against the ADF;
- Support judicial investigations into crimes committed by the ADF and the defense and security forces so that the perpetrators of violations and abuses of human rights and international humanitarian law are brought to justice. In this sense, the UNJHRO could provide support to the victims so that their rights are respected in the framework of the trials planned by the Congolese judicial authorities to try the ADF combatants arrested and suspected of having committed crimes against civilians in Beni territory;
- Improve and continue to contribute to the effective functioning of various forums for the protection of civilians and the monitoring of human rights such as the SMGP-P, and the committees for monitoring human rights violations committed by the FARDC and the PNC ;
- Ensure greater cooperation between MONUSCO and humanitarian organizations, in particular through protection working groups for a continuous assessment of protection risks and faster assistance to affected populations.

iii) To humanitarian partners and donors

- Provide humanitarian assistance to the people displaced by ADF attacks, including the 25,000 households in Nobili and the new IDPs being registered in the Beni and Butembo urban areas;
- Development partners should support efforts to rebuild the infrastructures and public services destroyed by the ADF and to secure them in the long term in order to contribute to the restoration of State authority and to encourage displaced populations to return to their villages;
- Donors could consider opening up the many inaccessible areas that are affected by ADF activities in order to break dependence on the ADF and other armed groups.

XI. Annexes

Annex 1: Mapping of armed groups presence in Beni territory



Annex 2: Infographics

HUMAN RIGHTS ABUSES BY THE ADF, 1ST JANUARY 2019 – 31ST JANUARY 2020

Figure 1. Total number of abuses

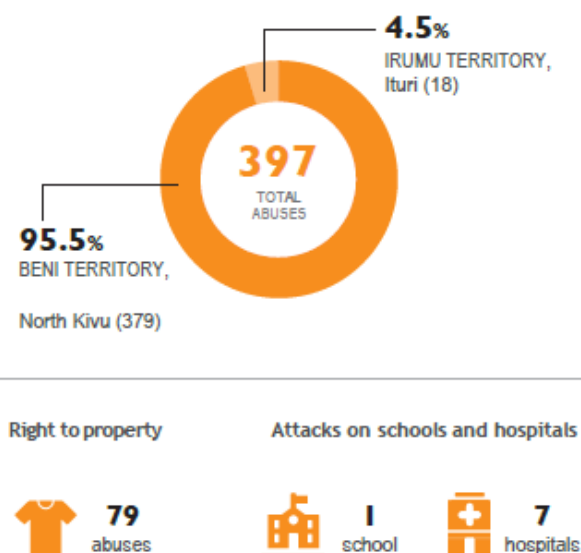
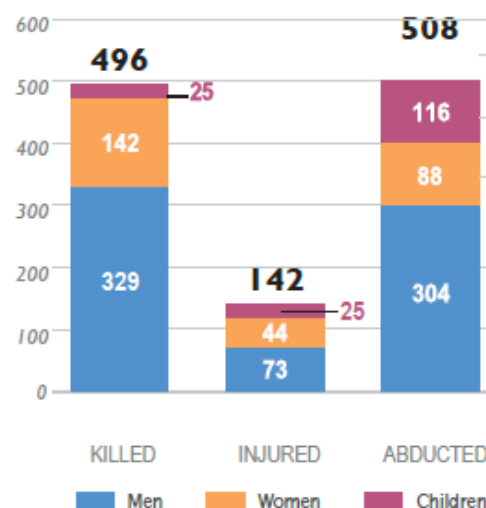


Figure 2. Victims of the ADF abuses for the period January 2019 - January 2020



HUMAN RIGHTS VIOLATIONS BY DEFENSE AND SECURITY FORCES, 1ST OCTOBER 2019 – 31ST JANUARY 2020

Figure 3. Victims of FARDC and PNC violations for the period October 2019 – January 2020

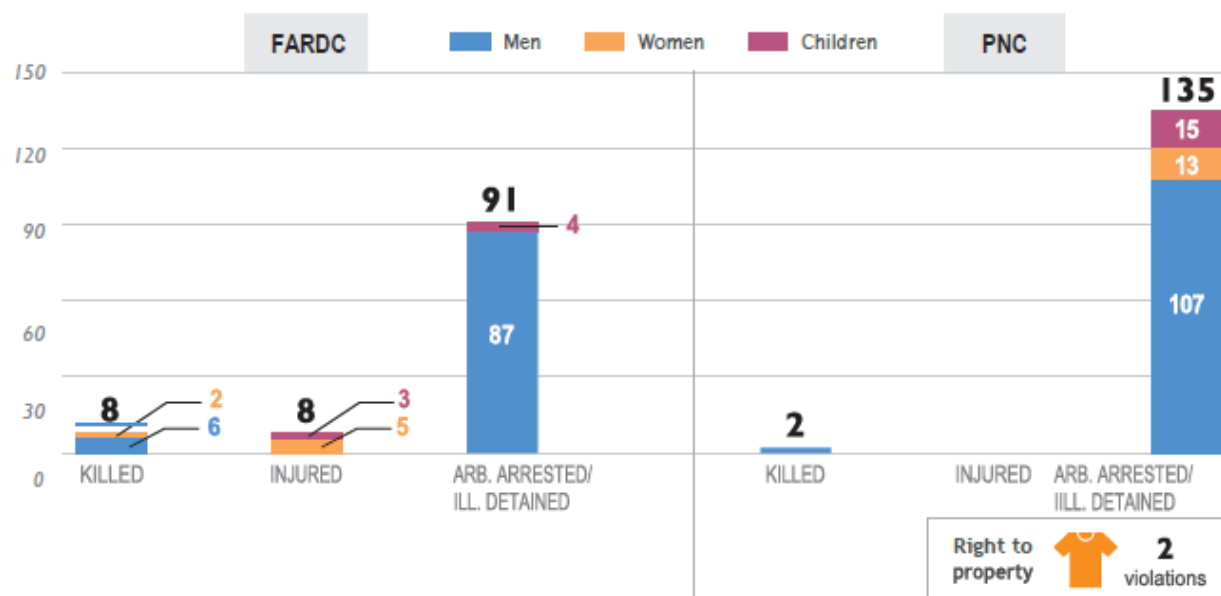


Figure 1. Total number of abuses

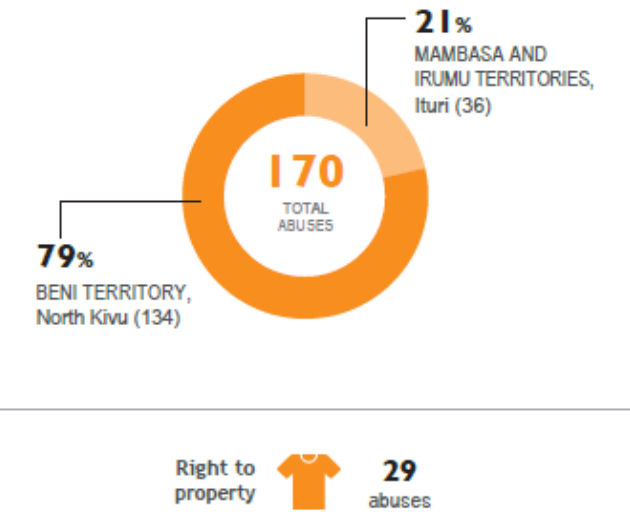
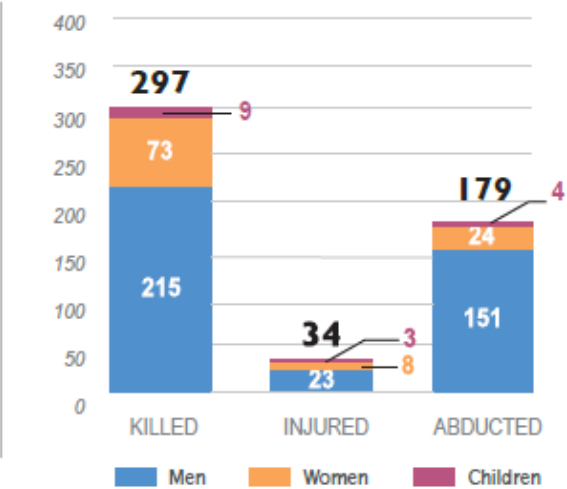


Figure 2. Victims of ADF abuses for the period February - June 2020



Annex 3: Comments of the Democratic Republic of the Congo

République Démocratique du Congo

Kinshasa, le 12 9 JUIN 2020

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'Etat ;
(Avec l'expression de mes hommages les plus dévoués)
Palais de la Nation
KINSHASA/GOMBE
- Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement ;
(Avec l'expression de ma très haute considération)
Hôtel du Gouvernement
KINSHASA/GOMBE
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de l'Intérieur, Sécurité et Affaires Coutumières ;
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de la Justice et Garde des Sceaux ;
- Son Excellence Monsieur le Ministre de la Défense Nationale et Anciens Combattants
(Tous) à KINSHASA/GOMBE

**A Monsieur Abdoul Aziz Thiolye,
Directeur du Bureau Conjoint des
Nations Unies aux Droits de
l'Homme et Représentant du
Haut-Commissariat aux Droits
de l'Homme en RDC
à KINSHASA/GOMBE**

Objet : Accusé de réception
Rapport public du BCNUDH du 24 juin 2020

Monsieur le Directeur,

C'est avec intérêt que j'ai lu votre rapport référencé BCNUDH/OD/NRI/0306/2020 du 24 juin dernier intitulé : « Transmission du rapport public du BCNUDH sur les abus des Droits de l'homme, violations des Droits de l'homme et violations du droit international humanitaire par des combattants des ADF et des membres des forces de défense et de sécurité dans plusieurs localités au Nord-Kivu et en Ituri, entre le 1^{er} janvier 2019 et le 30 janvier 2020 ».

Y faisant suite, je prends acte de son contenu et m'engage par la même occasion d'en faire part au Gouvernement, à toute fins utiles. Et ce, non sans raison, compte tenu de la pertinence de différents aspects qu'il aborde; y ajouter les autres recommandations pour lesquelles l'Etat se doit d'apporter une réponse holistique.

Au demeurant, en ce qui concerne les cas des crimes graves documentés par votre Bureau, je vous saurais gré de les porter également à la connaissance de l'Auditeur Général des FARDC, pour des suites judiciaires appropriées.

Veuillez agréer, **Monsieur le Directeur**, l'expression de ma parfaite considération.

Me André LITE ASEBEA

Immeuble Kasai, 4^{ème} et 5^{ème} Niveaux (Place Royale) – Kinshasa/Gombe
Tél. +243 81 79 79 371 – +243 81 26 49 738 – +243 998 26 46 46 E-mail : mondroitshumain@gmail.com