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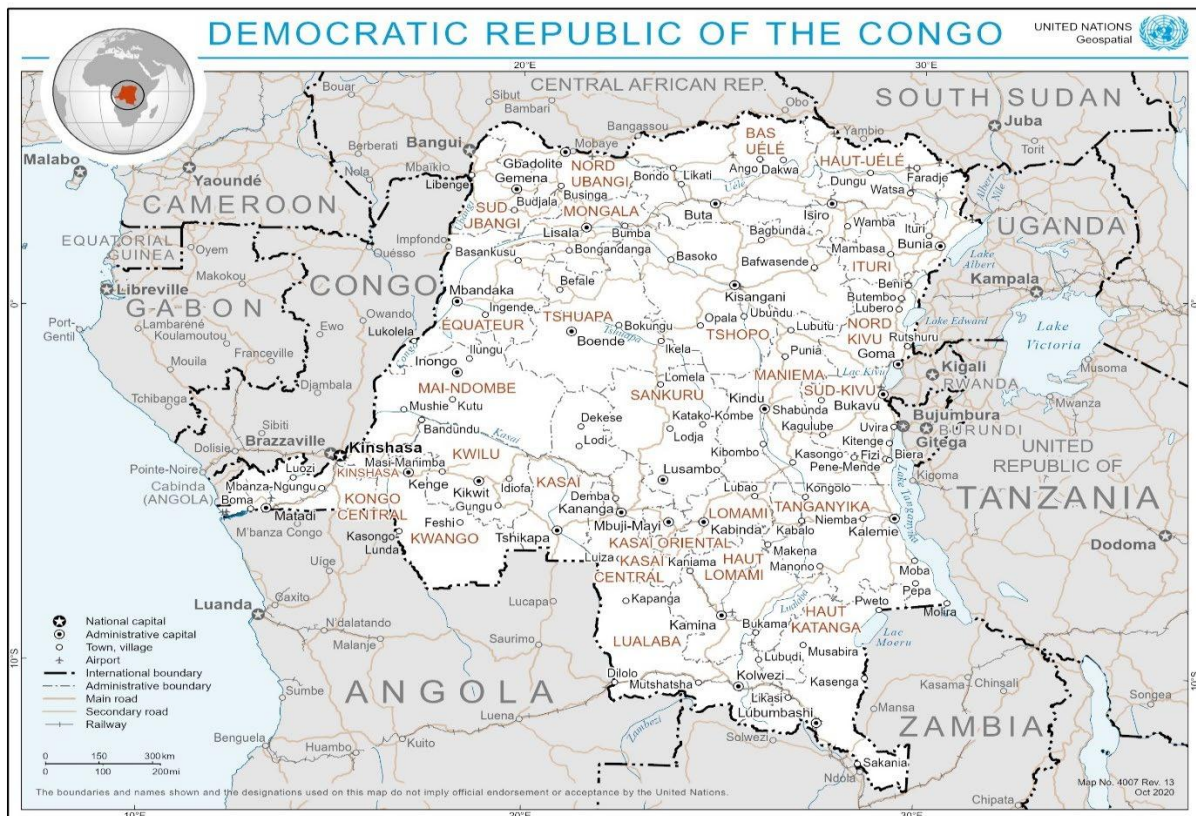
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UNHCR POSITION ON RETURNS TO NORTH KIVU, SOUTH KIVU, ITURI AND ADJACENT AREAS IN THE DEMOCRATIC REPUBLIC OF CONGO AFFECTED BY ONGOING CONFLICT AND VIOLENCE – Update III

November 2022

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Map of the Democratic Republic of the Congo



Introduction

1. This position supersedes and replaces the 2019 *UNHCR Position on Returns to North Kivu, South Kivu and Adjacent Areas in the Democratic Republic of the Congo – Update II*.¹ The security and human rights situation in North Kivu, South Kivu and Ituri has further deteriorated,² affected by escalating armed conflict, inter-ethnic and political violence, dire humanitarian conditions and serious violations of human rights.³

¹ UNHCR, *UNHCR Position on Returns to North Kivu, South Kivu and Adjacent Areas in the Democratic Republic of the Congo – Update II*, September 2019, www.refworld.org/docid/5d6d794a4.html.

² "Despite a state of siege that has been in force since 11 months in the provinces of North Kivu and Ituri in the Democratic Republic of the Congo, and despite military operations by the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo, FARDC), the Uganda People's Defence Forces (UPDF) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the security and humanitarian situation in the two provinces deteriorated. [...] In South Kivu, the situation in the Hauts-Plateaux of Mwenga, Uvira and Fizi territories remained of significant concern, with continued cycles of retaliatory clashes between armed groups and attacks against civilians." UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, pp. 2-3. See also, OHCHR, *DRC: Turk Urges De-Escalation, Protection of Civilians Following Renewed Hostilities*, 1 November 2022, www.ohchr.org/en/press-releases/2022/11/drc-turk-urges-de-escalation-protection-civilians-following-renewed; UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html; UNHCR, *UNHCR Deeply Concerned by Renewed Violence Displacing Thousands in North Kivu, DR Congo*, 27 May 2022, www.ecoi.net/en/document/2073734.html.

³ UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, paras 2-13, 26, 30-34; The New Humanitarian, *The Humanitarian Fallout of DR Congo's M23 Rebellion*, 21 July 2022, www.thenewhumanitarian.org/news-feature/2022/07/21/DRC-M23-Rutshuru-displacement-aid; UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, paras 11-23, 25-33; Amnesty International, *DRC: Justice and Freedoms under Siege in North-Kivu and Ituri*, 10 May 2022, www.ecoi.net/en/file/local/2072621/AFR6254952022ENGLISH.pdf; US Department of State, *2021 Country Reports on Human Rights Practices: Democratic Republic of the Congo*, 12 April 2022, www.ecoi.net/en/document/2071135.html; Human Rights Watch (HRW), *World Report 2022: Democratic Republic of Congo*, 13 January 2022, www.ecoi.net/en/document/2066484.html. UNHCR documented 48,813 protection-related incidents between January and September 2022 in the DRC. UNHCR, *Protection Monitoring*, 2022.

2. Armed violence in the eastern provinces of the Democratic Republic of Congo (DRC) has intensified in recent years as numerous armed groups continue to fight against the Congolese armed forces (FARDC) and the UN Stabilization Mission (MONUSCO) and attack the civilian population; a resurgence of the *Mouvement du 23 mars* (M23) since November 2021 is further destabilizing the area.⁴ In North Kivu, intense fighting between FARDC and M23 forces in Rutshuru territory during 2022, as well as sporadic attacks by the Allied Democratic Forces (ADF), has led to large-scale forced displacement, serious human rights violations and abuses, and increased inter-community tension and hate speech.⁵ In South Kivu, cycles of violence have resulted in forced displacement and conflict-related human rights violations and abuses.⁶ The conflict in Ituri involving the Lendu and Hema tribes has continued, with attacks by Lendu militias against Hema villagers and displacement camps since November 2021, as well as retaliatory attacks by Hema militia, resulting in further displacement.⁷ In response to the violence in North Kivu and Ituri, on 3 May 2021 President Tshisekedi imposed martial law under a state of siege in the two provinces; human rights groups allege that the measure has caused an increase in civilian casualties and human rights violations.⁸
3. The situation has been further complicated by the involvement of regional actors, with Ugandan troops fighting the ADF in the northeast and Burundian troops engaged in operations against the Burundian armed rebel group *Résistance pour un Etat de droit au Burundi* (RED-Tabara) in South Kivu.⁹

⁴ OHCHR, *DRC: Türk Urges De-Escalation, Protection of Civilians Following Renewed Hostilities*, 1 November 2022, www.ohchr.org/en/press-releases/2022/11/drc-turk-urges-de-escalation-protection-civilians-following-renewed-hostilities; HRW, *DR Congo: Resurgent M23 Rebels Target Civilians*, 25 July 2022, www.hrw.org/news/2022/07/25/dr-congo-resurgent-m23-rebels-target-civilians; Foreign Policy, *The Rebirth of Congo's Rebellion*, 4 July 2022, <https://foreignpolicy.com/2022/07/04/m23-rebel-group-congo-rwanda-uganda/>; Voice of America (VOA), *UN: Well-Armed M23 Rebels Resurgent in DRC*, 29 June 2022, www.voanews.com/a/un-well-armed-m23-rebels-resurgent-in-drc/6638775.html; HRW, *DR Congo: Civilians at Risk Amid Resurgence of M23 Rebels*, 1 June 2022, www.hrw.org/news/2022/06/01/dr-congo-civilians-risk-amid-resurgence-m23-rebels. In February 2021 there were reportedly around 120 armed groups across the eastern Congo. Kivu Security Tracker, *The Landscape of Armed Groups in Eastern Congo*, February 2021, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/39/2021%20KST%20report%20EN.pdf>, p. 9.

⁵ "Armed conflict in North Kivu province since May 22, 2022 has forced tens of thousands of people to flee their homes, as M23 rebels launched their biggest offensive against government troops in a decade." HRW, *DR Congo: Civilians at Risk Amid Resurgence of M23 Rebels*, 1 June 2022, www.ecoi.net/en/document/2073811.html. "In recent weeks, fighting between the Congolese Army and the M23 group in North Kivu Province has displaced more than 160,000 people across Rutshuru and Nyiragongo territories." UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html. See also, INTERSOS / UNHCR, *Rapport mensuel de monitoring de protection*, August 2022, www.ecoi.net/en/file/local/2078899/Rapport+mensuel+monitoring+de+protection+Nord+Kivu++Aout+2022.pdf, p. 1; The New Humanitarian, *The Humanitarian Fallout of DR Congo's M23 Rebellion*, 21 July 2022, www.thenewhumanitarian.org/news-feature/2022/07/21/DR-Congo-M23-Rutshuru-displacement-aid; OHCHR, *UN Human Rights Chief and Special Adviser on Prevention of Genocide Disturbed by Increase in Violence and Hate Speech in Eastern DRC*, 20 June 2022, www.ohchr.org/en/press-releases/2022/06/un-human-rights-chief-and-special-adviser-prevention-genocide-disturbed; UN Office for the Coordination of Humanitarian Affairs (OCHA), *Democratic Republic of the Congo - North Kivu - Flash Update #8: Humanitarian Situation in Rutshuru Territory*, 12 June 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-flash-update-8-humanitarian-situation-rutshuru-territory-12-june-2022>.

⁶ UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, paras 21-23. See also, UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 152-161.

⁷ UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html; UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 87-93, 97-98; Global Center for Responsibility to Protect, *R2P Monitor, Issue 60*, 1 March 2022, www.ecoi.net/en/document/2068991.html, p. 9. See also UNHCR, *UNHCR Strongly Condemns Attacks on Sites for Internally Displaced People in DR Congo's Ituri Province*, 13 May 2022, www.ecoi.net/en/document/2073025.html; Protection Cluster, *Analyse de Protection Province de l'Ituri - République Démocratique du Congo*, 21 February 2022, www.ecoi.net/en/document/2068347.html; OHCHR, *Press Briefing Notes on Democratic Republic of the Congo*, 8 February 2022, www.ecoi.net/en/document/2067775.html.

⁸ The New Humanitarian, *Revived M23 Rebellion Worsens DR Congo's Security Troubles*, 7 July 2022, www.thenewhumanitarian.org/analysis/2022/07/07/Congo-M23-Rwanda-martial-law-demobilisation-ADF-CODECO; Aljazeera, *East DR Congo Violence Worsening Despite 'State of Siege' – UN*, 17 June 2022, www.aljazeera.com/news/2022/6/17/east-congo-violence-worsening-despite-military-rule-u-n-experts; France 24, *DR Congo Declares a 'State of Siege' over Worsening Violence in East*, 1 May 2021, www.reuters.com/world/congo-declares-state-siege-over-eastern-bloodshed-2021-05-01/. "President Tshisekedi declared that he introduced the State of Siege with the aim to combat armed groups and protect civilians. The number of civilian casualties from armed conflict in the region, however, has more than doubled in the past year. Between June 2020 and March 2021, 559 civilians were killed amid armed conflict in North-Kivu and Ituri. According to the United Nations, the number of civilian deaths between June 2021 and March 2022 rose to at least 1,261." Amnesty International, *DRC: One Year On, 'State of Siege' Used as a Tool to Crush Dissent*, 10 May 2022, www.amnesty.org/en/latest/news/2022/05/drc-one-year-on-state-of-siege/. "Measures taken in the implementation of the état de siège, which became effective on 6 May 2021 in North Kivu and Ituri provinces and has been extended 23 times seem to have neither dissuaded armed groups from attacking civilians, especially in sites of internally displaced persons, nor reduced the number of documented violations and abuses." UN General Assembly, *Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 10 August 2022, A/HRC/51/61, www.ecoi.net/en/file/local/2079466/A_HRC_51_61_AdvanceEditedVersion.docx, para. 6.

⁹ UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 12; UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 19-21, 71, 162-163. The involvement of Ugandan forces in North Kivu, which coincides with a road project funded by the Ugandan government meant to increase trade from Goma, has inflamed regional tensions with Rwanda, who reportedly view the road project as "a threat to Rwanda's sphere of influence in eastern DRC". Congo Research Group and Ebuteli, *Uganda's Operation Shujaa in the DRC: Fighting the ADF or Securing Economic Interests?*,

4. On 20 December 2021, the UN Security Council approved a one-year extension of MONUSCO's mandate, including its armed component which comprises a maximum of 13,500 military personnel.¹⁰ In June 2022, the East African Community decided to send a Kenya-led regional force to assist the DRC in fighting rebel groups in the eastern provinces.¹¹

Conflict in North Kivu

5. During 2021, the Armed Conflict Location & Event Data Project (ACLED) documented 1093 incidents of battles, explosions/remote violence and violence against civilians in North Kivu, causing 2,245 fatalities; the areas most affected were Beni (437 incidents), Rutshuru (227) and Masisi (223).¹² Violence continued at a high level into 2022; as of 1 November, there had been 1,046 incidents of battles, explosions/remote violence and violence against civilians, causing 1,767 fatalities.¹³ Over 190,000 persons were displaced by conflict in Rutshuru and Nyiragongo territories between March 2022 and 11 July 2022.¹⁴
6. The ADF, an extremist Islamist group with ties to the Islamic State, continued to conduct deadly attacks in both cities and rural areas in North Kivu and expanded into Irumu territory in southern Ituri.¹⁵ During 2021 and 2022, the ADF began using remote-detonated explosive devices to attack the civilian population in North Kivu.¹⁶ The ADF also attempted to carry out a bombing in Kigali, which was thwarted, and carried out multiple explosive attacks in Uganda, including a November 2021 suicide

June 2022, www.congoresearchgroup.org/wp-content/uploads/2022/06/report-crg-ebuteli-uganda-operation-shujaa-drc-adf-securing-economic-interests.pdf, p. 7. See also, Africa Center for Strategic Studies, *Rwanda and the DRC at Risk of War as New M23 Rebellion Emerges: An Explainer*, 29 June 2022, <https://africacenter.org/spotlight/rwanda-drc-risk-of-war-new-m23-rebellion-emerges-explainer/>.

¹⁰ UN, *Security Council Extends Mandate for United Nations Organization Stabilization Mission in Democratic Republic of Congo*, Unanimously Adopting Resolution 2612 (2021), 20 December 2021, <https://press.un.org/en/2021/sc14743.doc.htm>.

¹¹ On 15 August 2022, Burundian troops entered into South Kivu as part of the East African Community (EAC) force. In September 2022, the DRC signed a formal agreement for the troop deployment with the EAC. Besides Burundi and Kenya, the 6,500 to 12,000 troops are expected to come from South Sudan, Tanzania and Uganda, but not Rwanda. ICG, *Supporting Dialogue and Demobilisation in the DR Congo*, 10 October 2022, www.ecoi.net/en/document/2079862.html; The East African, *DRC Prepares Ground for Regional Troops to Pursue Rebels*, 27 September 2022, www.theeastafrican.co.ke/tea/news/east-africa/drc-prepares-ground-for-regional-troops-to-pursue-rebels-3964058; The East African, *EAC Troops Get Nod for Deployment in East DR Congo*, 9 September 2022, www.theeastafrican.co.ke/tea/news/east-africa/eac-troops-get-nod-for-deployment-in-east-dr-congo-3943334; International Crisis Group (ICG), *East Africa's DR Congo Force: The Case for Caution*, 25 August 2022, www.ecoi.net/en/document/2078013.html; VOA, *East African Community Agrees to Deploy Troops to Stabilize DRC*, 21 June 2022, www.voanews.com/a/east-african-community-agrees-to-deploy-troops-to-stabilize-drc/6626718.html; Aljazeera, *East Africa Leaders Agree Regional Force to Quell DR Congo Crisis*, 21 June 2022, www.aljazeera.com/news/2022/6/21/east-africa-leaders-agree-regional-force-for-dr-congo. "The status-of-forces agreement of the joint regional force of EAC, outlining the obligations and responsibilities of the force to be deployed in the Democratic Republic of the Congo for an initial period of six months, was signed on 8 September in Kinshasa." UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, para. 7.

¹² This data is available for export on their website. ACLED, *Data Export Tool*, accessed 2 November 2022, <https://acleddata.com/data-export-tool/>.

¹³ This included 437 incidents in Rutshuru territory, 309 in Beni, 108 in Masisi and 60 in Lubero. Ibid.

¹⁴ OCHA, *Democratic Republic of the Congo - North-Kivu Overview: Rutshuru - Nyiragongo Crisis*, 15 July 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-overview-rutshuru-nyiragongo-crisis-july-11-2022>. See also, UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html.

¹⁵ UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, para. 16; Congressional Research Service (CRS), *The Allied Democratic Forces, an Islamic State Affiliate in the Democratic Republic of Congo*, 1 September 2022, <https://crsreports.congress.gov/product/pdf/IF/IF12206>, p. 1; UN Security Council, *Fifteenth Report of the Secretary-General on the Threat Posed by ISIL (Da'esh) to International Peace and Security and the Range of United Nations Efforts in Support of Member States in Countering the Threat*, 26 July 2022, S/2022/576, www.ecoi.net/en/file/local/2076995/N2243078.pdf, paras 16-17; UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, paras 15, 26; UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 23-29. See also, Radio Okapi, *Beni : 3 morts dans une nouvelle attaque attribuée aux rebelles des ADF*, 20 September 2022, www.radiookapi.net/2022/09/20/actualite/securite/beni-3-morts-dans-une-nouvelle-attaque-attribuee-aux-rebelles-des-adf; Radio Okapi, *Beni : 6 morts lors d'une nouvelle attaque des rebelles ADF*, 14 September 2022, www.radiookapi.net/2022/09/14/actualite/securite/beni-6-morts-lors-dune-nouvelle-attaque-des-rebelles-adf; Radio Okapi, *Beni : 6 morts dans une incursion des ADF à Bulongo*, 8 September 2022, www.radiookapi.net/2022/09/08/actualite/securite/beni-6-morts-dans-une-incursion-des-adf-bulongo; Radio Okapi, *Nord-Kivu : au moins 7 morts dans une nouvelle incursion des ADF à Ruwenzorio*, 24 August 2022, www.radiookapi.net/2022/08/24/actualite/securite/nord-kivu-au-moins-7-morts-dans-une-nouvelle-incursion-des-adf; Africanews, *DRC: 13 Civilians Killed, Health Centre Burnt Down by ADF Rebels in East*, 8 July 2022, www.africanews.com/2022/07/08/drc-13-civilians-killed-health-centre-burnt-down-by-adf-rebels-in-east/; Anadolu Agency, *24 Killed in DR Congo Attacks, 15 Missing: Monitor*, 27 June 2022, www.aa.com.tr/en/africa/24-killed-in-dr-congo-attacks-15-missing-monitor/2623540.

¹⁶ The UN Panel of Experts noted that the "capacity of ADF to build and use radio- and timer-controlled devices demonstrates that it has considerably increased its technical know-how and skills". UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 54, see also paras 48-52. The improvised explosive devices (IEDs) used by the ADF have become increasingly sophisticated and have been placed by the ADF after attacks to target persons returning to the area. UNHCR information, October 2022.

attack which led to Ugandan troops being deployed to fight the group in North Kivu.¹⁷ Between January 2021 and January 2022, the ADF “summarily executed at least 1,311 civilians and abducted 1,206 in Beni, Mambasa and Irumu territories.”¹⁸

7. In November 2021, M23, a dormant rebel group defeated in 2013, conducted its first attack in years.¹⁹ The number of M23 attacks increased through December and into 2022, showing “a higher degree of ‘professionalism’, active recruitment [...] and resupply.”²⁰ From 1 January 2022 to 1 November 2022, ACLED documented 211 incidents of battles, explosions/remote violence and violence against civilians by M23, which occurred almost entirely in Rutshuru territory.²¹ Throughout the first nine months of 2022, M23 succeeded in taking key towns and cities, including the border town of Bunagana, and as of November 2022, M23 continued to attack the FARDC and to occupy territory in North Kivu.²²

¹⁷ ICG, A “Deal with the Devil” in the Heart of the Great Lakes, 29 June 2022, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/un-pacte-avec-le-diable-au-coeur-des-grands-lacs; Aljazeera, Ugandan Army Discovers Training Facility for ADF Rebels, 17 June 2022, www.aljazeera.com/news/2022/6/17/ugandas-army-says-it-discovers-training-facility-for-islamist-militia; UN Security Council, Final Report of the Group of Experts on the Democratic Republic of the Congo, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 20-21, Annex 25; Congo Research Group and Ebuteli, Uganda’s Operation Shujaa in the DRC: Fighting the ADF or Securing Economic Interests?, June 2022, www.congoresearchgroup.org/wp-content/uploads/2022/06/report-crg-ebuteli-uganda-operation-shujaa-drc-adf-securing-economic-interests.pdf, pp. 4-5.

¹⁸ Global Center for Responsibility to Protect, Democratic Republic of the Congo, 1 June 2022, www.globalr2p.org/countries/democratic-republic-of-the-congo/. During 2021: “Le BCNUDH a documenté 738 atteintes aux droits de l’homme commises par les combattants des ADF, une augmentation de l’ordre de 52% par rapport à 2020. Les ADF ont été responsables de l’exécution sommaire de plus de 1.259 personnes (958 hommes, 262 femmes et 39 enfants)”. MONUSCO, Principales tendances des violations des droits de l’homme au cours de l’année 2021, 30 January 2022, www.ecoi.net/en/document/2067303.html, para. 2. From 16 March to 15 September 2022, the “ADF remained the main perpetrator of violence against civilians. Between 16 March and 14 August, ADF conducted 99 attacks, killing more than 541 civilians, mainly in the provinces of Ituri and North Kivu. A significant increase in the number of attacks was registered in July, which was attributed to the security vacuum created by the redeployment of [local and international security forces] to Rutshuru Territory in response to the resurgence of M23.” UN Security Council, Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 9.

¹⁹ “Elements of the group returned to DRC in late 2016 though fresh clashes weren’t reported until last November. Recent battles saw the group – which UN experts say has several hundred fighters – reach Goma’s outskirts and capture the border town of Bunagana.” The New Humanitarian, Revived M23 Rebellion Worsens DR Congo’s Security Troubles, 7 July 2022, www.thenewhumanitarian.org/analysis/2022/07/07/Congo-M23-Rwanda-martial-law-demobilisation-ADF-CODECO. See also, The Guardian, ‘It Shouldn’t Be Happening Again’: M23 Rebels Return to Wreak Havoc in DRC, 18 July 2022, www.theguardian.com/global-development/2022/jul/18/m23-rebels-return-to-wreak-havoc-in-north-kivu-drc; The Conversation, What M23’s On-and-Off Insurgency Tells Us about DRC’s Precarious Search for Peace, 22 May 2022, <https://theconversation.com/what-m23s-on-and-off-insurgency-tells-us-about-drcs-precious-search-for-peace-182520>.

²⁰ UN Security Council, Final Report of the Group of Experts on the Democratic Republic of the Congo, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 61. See also, ICG, East Africa’s DR Congo Force: The Case for Caution, 25 August 2022, www.ecoi.net/en/document/2078013.html; HRW, DR Congo: Resurgent M23 Rebels Target Civilians, 25 July 2022, www.hrw.org/news/2022/07/25/dr-congo-resurgent-m23-rebels-target-civilians; The New Humanitarian, Revived M23 Rebellion Worsens DR Congo’s Security Troubles, 7 July 2022, www.thenewhumanitarian.org/analysis/2022/07/07/Congo-M23-Rwanda-martial-law-demobilisation-ADF-CODECO; HRW, DR Congo: Civilians at Risk amid Resurgence of M23 Rebels, 1 June 2022, www.ecoi.net/en/document/2073811.html. The UN Secretary-General referred to M23 currently as “a modern army with heavy equipment that is more advanced than the equipment of MONUSCO”. Deutsche Welle (DW), Congo Crisis in Focus at UN General Assembly, 22 September 2022, www.dw.com/en/congo-crisis-in-focus-at-un-general-assembly/a-63196552. The government has repeatedly accused Rwanda of supporting the M23 rebels, which has sparked tensions between Rwanda and the DRC. A “de-escalation process” between the two countries in July 2022 promised a return to normal diplomatic relations and a ceasefire, which M23 refused to follow. The two presidents met and agreed to resume talks in September 2022. UN Security Council, Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, paras 5-7, 19-21; The East African, Rwanda, DR Congo Differ on M23 Threat, Offer Parallel Solutions in French Mediation, 24 September 2022, www.theeastafrican.co.ke/tea/news/east-africa/rwanda-dr-congo-differ-on-m23-threat-3960162; DW, M23 Rejects Ceasefire Deal Signed Between Congo and Rwanda, 7 July 2022, www.dw.com/en/m23-rejects-ceasefire-deal-signed-between-congo-and-rwanda/a-62389650; Aljazeera, DR Congo and Rwanda Agree to Reduce Tensions over M23 Rebels, 6 July 2022, www.aljazeera.com/news/2022/7/6/dr-congo-and-rwanda-agree-to-reduce-tensions-over-m23-rebels. Tensions remain high between the two countries as shown in the expulsion of Rwanda’s ambassador to the DRC on 29 October 2022, Le Monde Afrique, Le Rwanda « regrette » l’expulsion de son ambassadeur par la République démocratique du Congo, 30 October 2022, www.lemonde.fr/afrique/article/2022/10/30/la-republique-democratique-du-congo-expulse-l-ambassadeur-du-rwanda-accuse-de-soutenir-la-rebellion-du-m23_6147928_3212.html. In 2013, prior to the group’s defeat, the UN Panel of Experts concluded that Rwanda had supported the M23 rebels on multiple occasions with “recruitment [...] the provision of arms and ammunition, particularly during periods of combat [...] [and] direct troop reinforcement from Rwandan soldiers in August [2013]”. UN Security Council, Letter Dated 22 January 2014 from the Coordinator of the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council, 23 January 2014, S/2014/42, www.un.org/ga/search/view_doc.asp?symbol=S/2014/42, para. 28, see also paras 29-31.

²¹ A further 5 incidents occurred in Nyiragongo territory and one in Masisi. ACLED also recorded 85 incidents where the FARDC clashed with or attacked M23. ACLED, Data Export Tool, accessed 2 November 2022, <https://acleddata.com/data-export-tool/>. UNHCR has received reports of the use of non-discriminatory weapons, targeted killings, beatings, extortion, gender-based violence (GBV), forced recruitment and the looting of villages and crops. UNHCR information, October 2022. “At first, the M23 mainly targeted Congolese soldiers, but since June [2022] the group has also been making civilian victims.” ICG, Supporting Dialogue and Demobilisation in the DR Congo, 10 October 2022, www.ecoi.net/en/document/2079862.html.

²² OHCHR, DRC: Türk Urges De-Escalation, Protection of Civilians Following Renewed Hostilities, 1 November 2022, www.ohchr.org/en/press-releases/2022/11/drc-turk-urges-de-escalation-protection-civilians-following-renewed; UN Security Council, Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 2; UN Security Council, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, para. 17; The East African, DRC Prepares Ground for Regional Troops to Pursue Rebels, 27

8. Other militias continue to operate in North Kivu, including Mai-Mai groups,²³ Nyatura factions²⁴ and *Nduma défense du Congo-Rénové* (NDC-R) factions.²⁵ According to MONUSCO, during 2021 Nyatura factions were responsible for the majority of recorded human rights violations in North Kivu; additionally, Nyatura groups, the NDC-R and other armed groups acted as de facto authorities in some places where state administration was weak or absent.²⁶

Conflict in Ituri

9. During 2021, ACLED documented 761 incidents of battles, explosions/remote violence and violence against civilians in Ituri which caused 2,200 fatalities, affecting mostly Djugu and Irumu territories.²⁷ Between 1 January and 15 September 2022, ACLED documented a further 753 incidents of battles, explosions/remote violence and violence against civilians in Ituri causing 2,291 fatalities, mostly in Djugu and Irumu territories but with an elevated level of violence also in Mahagi and Mambasa.²⁸
10. During 2020 the ADF began carrying out attacks in southern Ituri, but a “particular escalation” occurred in May 2021 when a dual attack against Boga and Tshabi in Irumu territory killed more than 50 civilians

September 2022, www.theafrican.co.ke/tea/news/east-africa/drc-prepares-ground-for-regional-troops-to-pursue-rebels-3964058; RFI, *RDC: Bunagana aux mains du M23 depuis deux mois, aucune issue en vue*, 14 August 2022, www.rfi.fr/fr/afric/20220814-rdc-bunagana-aux-mains-du-m23-depuis-deux-mois-aucune-issue-en-vue; The Guardian, *‘It Shouldn’t Be Happening Again’: M23 Rebels Return to Wreak Havoc in DRC*, 18 July 2022, www.theguardian.com/global-development/2022/jul/18/m23-rebels-return-to-wreak-havoc-in-north-kivu-drc; DW, *M23 Rejects Ceasefire Deal Signed Between Congo and Rwanda*, 7 July 2022, www.dw.com/en/m23-rejects-ceasefire-deal-signed-between-congo-and-rwanda/a-62389650; Africanews, *Clashes Continue in DRC Despite De-Escalation Agreement with Rwanda*, 7 July 2022, www.africanews.com/2022/07/07/clashes-continue-in-drc-despite-de-escalation-agreement-with-rwanda/; France 24, *DR Congo Condemns Rwanda for ‘Supporting’ M23 Rebels as Group Seizes Border Town*, 14 June 2022, www.france24.com/en/africa/20220614-dr-congo-condemns-rwanda-for-supporting-m23-rebels-as-group-seizes-border-town; Reuters, *Heavy Fighting as Congo Tries to Fend Off Resurgent M23 Rebels*, 26 May 2022, www.reuters.com/world/africa/heavy-fighting-congo-tries-fend-off-resurgent-m23-rebels-2022-05-26/; OCHA, *Democratic Republic of the Congo - North Kivu - Flash Update #5: Humanitarian Situation in Rutshuru Territory*, 14 May 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-flash-update-5-humanitarian-situation-rutshuru-territory-24th-may-2022>.

²³ “Since the 1990s, armed groups have come and gone in this resource-rich region. Most of these groups, those commonly known as *Mai-Mai*, consider themselves defenders of their communities in a competition for political or customary power, land resources or access to infrastructure.” ICG, *A ‘Deal with the Devil’ in the Heart of the Great Lakes*, 29 June 2022, www.crisisgroup.org/africa/great-lakes/democratic-republic-congo/unpacte-avec-le-diable-au-coeur-des-grands-lacs. See also, Kivu Security Tracker, *Armed Groups*, accessed 2 November 2022, <https://kivusecurity.org/about/armedGroups>; Radio Okapi, *Nord-Kivu : les Mai-Mai sèment l’insécurité sur la côte ouest du lac Edouard*, 23 September 2022, www.radiookapi.net/2022/09/23/actualite/securite/nord-kivu-les-mai-mai-sement-linsecurite-sur-la-cote-ouest-du-lac; Radio Okapi, *Ituri : 6 morts dans une nouvelle attaque des ADF et Mai-Mai à Tolitoli*, 21 September 2022, www.radiookapi.net/2022/09/21/actualite/securite/ituri-6-morts-dans-une-nouvelle-attaque-des-adf-et-mai-mai-tolitoli; Radio Okapi, *Beni : l’armée congolaise annonce l’arrestation de 4 miliciens Mai-Mai*, 15 July 2022, www.radiookapi.net/2022/07/15/actualite/securite/beni-larmee-congolaise-annonce-larrestation-de-4-miliciens-mai-mai; Radio Okapi, *Lubero : un nouveau groupe armé accusé de multiples tracasseries à Misingi*, 15 July 2022, www.radiookapi.net/2022/07/15/actualite/securite/lubero-un-nouveau-groupe-arme-accuse-de-multiples-tracasseries-misingi; Radio Okapi, *Beni : une dizaine d’hommes armés présentés à la population*, 14 July 2022, www.radiookapi.net/2022/07/14/actualite/securite/beni-une-dizaine-dhommes-armes-presentes-la-population; Radio Okapi, *Beni : 4 morts dans une attaque des Mai-Mai à Butuhe*, 28 June 2022, www.radiookapi.net/2022/06/28/actualite/securite/beni-4-morts-dans-une-attaque-des-mai-mai-butuhe.

²⁴ “Numerous Nyatura factions operate in Masisi and Rutshuru. While the term Nyatura (Kinyarwanda for ‘those who hit hard’) emerged in association with armed mobilization in the Congolese Hutu community around 2011, Nyatura groups have their roots in the armed mobilization of the early 1990s [...] Most Nyatura groups claim to protect the Congolese Hutu population from Mai-Mai or the Congolese army.” Kivu Security Tracker, *Armed Groups*, accessed 2 November 2022, <https://kivusecurity.org/about/armedGroups>. See also, Radio Okapi, *Masisi : la milice Nyatura accusée d’avoir recruté environ 400 personnes à Bashali Kaembe*, 22 August, 2022, www.radiookapi.net/2022/08/22/actualite/securite/masisi-la-milice-nyatura-accusee-davoir-recrute-environ-400-personnes; Radio Okapi, *Masisi : déplacement de la population à la suite des affrontements entre deux factions de Nyatura à Bashali Mukoto*, 16 July 2022, www.radiookapi.net/2022/07/16/actualite/securite/masisi-deplacement-de-la-population-la-suite-des-affrontements-entre; Radio Okapi, *Nord-Kivu : 7 déplacés tués dans le camp de Kashuga*, 9 June 2022, www.radiookapi.net/2022/06/09/actualite/securite/nord-kivu-7-deplaces-tues-dans-le-camp-de-kashuga; Radio Okapi, *Masisi : à l’approche des festivités de fin d’année, la population toujours exposée à l’insécurité*, 13 December 2021, www.radiookapi.net/2021/12/13/actualite/securite/masisi-lapproche-des-festivites-de-fin-dannee-la-population-toujours.

²⁵ Kivu Security Tracker, *Armed Groups*, accessed 2 November 2022, <https://kivusecurity.org/about/armedGroups>; UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, para. 16. See also, Radio Okapi, *Nord-Kivu : situation tendue après affrontements entre les Mai-Mai APCLS et NDC à Nyamaboko*, 19 June 2022, www.radiookapi.net/2022/06/19/actualite/securite/nord-kivu-situation-tendue-apres-affrontements-entre-les-mai-mai-apcls; Radio Okapi, *Nord-Kivu : 7 déplacés tués dans le camp de Kashuga*, 9 June 2022, www.radiookapi.net/2022/06/09/actualite/securite/nord-kivu-7-deplaces-tues-dans-le-camp-de-kashuga; Radio Okapi, *Nord-Kivu : des Mai-Mai NDC attaquent 4 positions des FARDC*, 14 February 2022, www.radiookapi.net/2022/02/14/actualite/securite/nord-kivu-des-mai-mai-ndc-attaquent-4-positions-des-fardc.

²⁶ “Les combattants Nyatura ont commis le plus grand nombre d’atteintes aux droits de l’homme (956 atteintes ayant causé la mort de 96 hommes, 26 femmes et huit enfants) parmi les groupes armés. Les combattants Nyatura, du NDC-R et de nombreux autres groupes armés profitent de la faiblesse de la présence de l’autorité de l’Etat pour poser des actes d’administration de fait.” MONUSCO, *Principales tendances des violations des droits de l’homme au cours de l’année 2021*, 30 January 2022, www.ecoi.net/en/document/2067303.html, para. 2.

²⁷ ACLED, *Data Export Tool*, accessed 2 November 2022, <https://acleddata.com/data-export-tool/>.

²⁸ While there had only been 27 recorded incidents in 2021, from 1 January to 1 November 2022 there were 93 incidents in Mahagi territory. There were 82 incidents in Mambasa territory during the same period. Ibid. See also, UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/T09, www.ecoi.net/en/file/local/2079421/N2259940.pdf, paras 14-15.

in one day.²⁹ Reportedly, Operation Shuja—a joint military operation between Ugandan forces and FARDC in North Kivu—has resulted in the ADF moving operations to Ituri in 2022.³⁰ The ADF has also “published several videos of beheadings shot in Ituri, the first in June 2021”.³¹

11. Inter-ethnic violence between the Lendu and Hema ethnic groups has continued, primarily in Djugu and Mahagi territories, with both sides forming militias and attacking civilians from the other ethnic group.³² The Cooperative for the Development of the Congo (CODECO), a loose collection of Lendu militias, has been described as “[o]ne of the deadliest groups in eastern DRC”, and has regularly attacked civilians, including attacks on the Tsuya and Plaine Savo IDP camps which sheltered displaced Hema persons.³³ During 2021, CODECO summarily executed 253 men, 61 women and 95 children.³⁴ In response to attacks by Lendu militias, the Hema have formed a self-defence group called *Zaire* or the *Front populaire d'autodéfense en Ituri* (FPAC), which operates on a smaller scale but which has been accused of executing Lendu civilians.³⁵ Violence continues to be cyclical, with retaliatory attacks on both sides, and has exacerbated displacement.³⁶

²⁹ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 25. See also, CRS, *The Allied Democratic Forces, an Islamic State Affiliate in the Democratic Republic of Congo*, 1 September 2022, <https://crsreports.congress.gov/product/pdf/IF/IF12206>, p. 1; DW, *DR Congo: At Least 50 Killed in Attacks, ADF Blamed*, 31 May 2021, www.dw.com/en/dr-congo-at-least-50-killed-in-attacks-adf-blamed/a-57733604. As of October 2022, attacks by the ADF continued in Ituri. See, for example, Africanews, *DRC: 14 Civilians Killed in Attack Attributed to ADF Rebels*, 3 October 2022, www.africanews.com/2022/10/03/drc-14-civilians-killed-in-attack-attributed-to-adf-rebels/; Radio Okapi, *Ituri : le bilan de l'attaque de Tolitoli revu à la hausse*, 23 September 2022, www.radiookapi.net/2022/09/23/actualite/securite/ituri-le-bilan-de-lattaque-de-tolitoli-revu-la-hausse; Radio Okapi, *Ituri : les ADF tuent 8 personnes lors d'une nouvelle attaque au sud d'Irumu*, 19 September 2022, www.radiookapi.net/2022/09/19/actualite/securite/ituri-les-adf-tuent-8-personnes-lors-dune-nouvelle-attaque-au-sud.

³⁰ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 26.

³¹ Ibid., para. 27. See also, VOA, *Killings by Islamist Militia in the DRC Rose Almost 50% in 2021, UN Says*, 28 January 2022, www.voanews.com/a/killings-by-islamist-militia-in-congo-rose-almost-50-in-2021-un-says/6417221.html; Foreign Policy, *Uganda and Congo Are at War with the Islamic State*, 29 November 2021, <https://foreignpolicy.com/2021/11/29/congo-isis-uganda-adf-terrorism-islamic-state-museveni/>.

³² UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, para. 12.

³³ The New Humanitarian, *Revived M23 Rebellion Worsens DR Congo's Security Troubles*, 7 July 2022, www.thenewhumanitarian.org/analysis/2022/07/07/Congo-M23-Rwanda-martial-law-demobilisation-ADF-CODECO. See also, TRT World, *CODECO Militia 'Kills' Civilians, 'Burns' over 300 Homes in DRC*, 9 September 2022, www.trtworld.com/africa/codeco-militia-kills-civilians-burns-over-300-homes-in-drc-60648; VOA, *At Least 33 Killed in Eastern DR Congo Clashes, Monitor Says*, 3 September 2022, www.voanews.com/a/at-least-33-killed-in-eastern-dr-congo-clashes-monitor-says-6730331.html; UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 88-92; UNHCR, *UNHCR and IOM Condemn Deadly Attack on Displacement Site in DR Congo*, 3 February 2022, www.unhcr.org/news/press/2022/2/61f6ebc24/unhcr-iom-condemn-deadly-attack-displacement-site-dr-congo.html; Kivu Security Tracker, *In Ituri Province, the FARDC Are Unable to Distinguish CODECO Militias from Civilians*, 15 November 2021, <https://blog.kivusecurity.org/in-ituri-province-the-fardc-are-unable-to-distinguish-codeco-militias-from-civilians/>. While almost every faction of CODECO signed a ceasefire agreement in June 2022, attacks against civilians perpetrated by CODECO continued as of October 2022. Radio Okapi, *Djugu : les miliciens URDPC/CODECO accusés d'avoir tué 7 orpailleurs à Lisey*, 5 October 2022, www.radiookapi.net/2022/10/05/actualite/securite/djugu-les-miliciens-urdpc-codeco-accuses-davoir-tue-7-orpailleurs-lisey; VOA, *At Least 33 Killed in Eastern DR Congo Clashes, Monitor Says*, 3 September 2022, www.voanews.com/a/at-least-33-killed-in-eastern-dr-congo-clashes-monitor-says-6730331.html; UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, para. 12.

³⁴ “En Ituri, la situation sécuritaire est également tributaire des attaques contre les populations civiles par des combattants de la Coopérative de développement du Congo (CODECO) qui ont été responsables de l'exécution sommaire de 253 hommes, 61 femmes et 95 enfants.” MONUSCO, *Principales tendances des violations des droits de l'homme au cours de l'année 2021*, 30 January 2022, www.ecoi.net/en/document/2067303.html, para. 3. MONUSCO documented at least 151 civilians killed by CODECO in displacement camps from 1 June 2021 to 31 May 2022. UN General Assembly, *Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 10 August 2022, A/HRC/51/61, www.ecoi.net/en/file/local/2079466/A_HRC_51_61_AdvanceEditedVersion.docx, para. 22.

³⁵ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 101, 105-106; Kivu Security Tracker, *In Ituri Province, the FARDC Are Unable to Distinguish CODECO Militias from Civilians*, 15 November 2021, <https://blog.kivusecurity.org/in-ituri-province-the-fardc-are-unable-to-distinguish-codeco-militias-from-civilians/>. Both Zaire and CODECO fight for control of gold mines in the Djugu area. See HumAngle, *CODECO Rebels Intensify Attacks on Djugu, Eastern DR Congo*, Kill 24, 17 August 2022, <https://humanglemedia.com/codeco-rebels-intensify-attacks-on-djugu-eastern-dr-congo-kill-24/>; TRT World, *Zaire Militia Blamed for New Massacre in DRC's Volatile East*, 7 August 2022, www.trtworld.com/africa/zaire-militia-blamed-for-new-massacre-in-drc-s-volatile-east-59526; France 24, *At Least 35 Killed in Attack on DR Congo Gold Mine: Local Sources*, 8 May 2022, www.france24.com/en/africa/20220508-at-least-35-killed-in-attack-on-dr-congo-gold-mine-local-sources.

³⁶ UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, para. 15; UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 93; UN News, *UN Rights Office Warns of Risk of Further Attacks on Displaced Camps in DR Congo*, 8 February 2022, <https://news.un.org/en/story/2022/02/1111522>. “In Djugu territory, there was an increase in CODECO attacks targeting Hema community members, including attacks on internally displaced persons sites, provoking reprisal attacks by Zaire combatants against predominantly Lendu-inhabited areas. In the western area of Mongwalu, both groups committed violence and attacked civilians, mainly around mining sites. Between 17 March and 31 May [2022], 199 civilians, including at least 35 women and 26 children, were killed and another 89 civilians, including at least 9 women and 2 children, were injured in incidents attributed to CODECO. Zaire combatants killed 19 civilians, including at least 3 women and 1 child, and injured another 9 civilians. CODECO combatants also reportedly killed 5 civilians and injured 2 civilian women in Mahagi territory.” UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, para. 13.

12. In addition, the *Force patriotique et intégrationniste du Congo* (FPIC), also referred to as Chini ya Kilima, remained active in Irumu territory and reportedly had an alliance with CODECO; in 2021, the group clashed with FARDC and *Zaire* forces.³⁷ While the FPIC reportedly agreed to lay down arms in May 2022,³⁸ the group continued to be active and engaged in hostilities with other armed groups as of September 2022.³⁹

Conflict in South Kivu

13. During 2021, ACLED documented 646 incidents of battles, explosions/remote violence and violence against civilians in South Kivu causing 697 fatalities, affecting mostly Uvira, Fizi and Mwenga territories.⁴⁰ From 1 January to 1 November 2022, ACLED documented a further 387 incidents of battles, explosions/remote violence and violence against civilians in South Kivu causing 628 fatalities, with the violence concentrated in Uvira and Fizi territories.⁴¹
14. In the Moyens and Haut Plateaux of Uvira in South Kivu, armed conflict continues with sporadic attacks between Banyamulenge self-defence groups, including the Twirwaneho and Gumino, the FARDC and a loose coalition of Mai-Mai militias, including “the Mai-Mai Yakutumba and its *Coalition nationale du peuple pour la souveraineté du Congo* (CNPSC), *Forces armées “Biloze Bishambuke”* (FABB) and *Forces des patriotes pour la défense du Congo* (FPDC)-*Mouvement de libération*, commonly known as Mai-Mai Ebuela”.⁴² Additionally, Burundian troops and Imbonerakure militia continue to cross the border to fight RED-Tabara, a Burundian rebel group, and have established a “more permanent and significant presence” in Fizi and Uvira territories since December 2021.⁴³

Human Rights Situation

15. During 2021, there were 1,016 instances of conflict-related sexual violence, over one-third of which occurred in North Kivu; armed actors and militias use sexual violence as “a tactic to assert control over natural resources and territory” and as “a tool of collective punishment for perceived collaboration with

³⁷ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 124-127.

³⁸ The FPIC declared a ceasefire, but outlined conditions that were unlikely to be met, including the release of their members who had been arrested. UN Peacekeeping, *Ituri : le Front patriotique et intégrationniste du Congo accepte de déposer les armes*, 31 May 2022, <https://peacekeeping.un.org/fr/ituri-le-front-patriotique-et-integrationniste-du-congo-accepte-de-deposer-les-armes>.

³⁹ Radio Okapi, *RDC : les miliciens CODECO et FPIC se rapprochent de Bunia*, 12 September 2022, www.radiookapi.net/2022/09/12/actualite/securite/rdc-les-miliciens-codeco-et-fpic-se-rapprochent-de-bunia; La Libre Afrique, *RDC: 3 miliciens tués dans des combats pour le contrôle d'une mine en Ituri*, 25 July 2022, <https://afrique.lalibre.be/71424/rdc-3-miliciens-tues-dans-des-combats-pour-le-contrôle-d'une-mine-en-ituri/>.

⁴⁰ ACLED, *Data Export Tool*, accessed 2 November 2022, <https://acleddata.com/data-export-tool/>. ACLED uses the following definitions for the different types of events: “Battles: Violent interactions between two organized armed groups”; “Explosions/Remote violence: An event involving one side using remote weapons (e.g. artillery). These events can be against other armed actors, or used against civilians”; “Violence against civilians: Violent events where an organized armed group deliberately inflicts violence upon unarmed non-combatants”. ACLED, *Quick Guide to ACLED Data*, last updated June 2022, <https://acleddata.com/resources/quick-guide-to-acleddata/#s10>. On the political and ethnic causes and background of the conflicts in South Kivu, see, generally, ACCORD, *Democratic Republic of the Congo: The Situation of the Banyamulenge (2020 to March 2022)*, April 2022, www.ecoi.net/en/file/local/2071779/ACCORD_DR+Congo_Situation+of+Banyamulenge.pdf; Conflict Research Group, *Mayhem In the Mountains: How Violent Conflict on the Hauts Plateaux of South Kivu Escalated*, April 2021, www.gicnetwork.be/wp-content/uploads/2021/04/05_GIC_Mayhem-in-the-mountains_WEB-2.pdf.

⁴¹ Almost 70 per cent (260 incidents) of the violence occurred in Uvira and Fizi. ACLED, *Data Export Tool*, accessed 2 November 2022, <https://acleddata.com/data-export-tool/>.

⁴² UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 158, see also paras 153-157, 159-161. Twirwaneho groups began forming in 2019 across the Hauts-Plateaux in response to attacks against Banyamulenge; the term means “let’s defend ourselves” in Kinyamulenge. UN Security Council, *Letter Dated 10 June 2021 from the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council*, 10 June 2021, S/2021/560, www.ecoi.net/en/file/local/2053905/S_2021_560_E.pdf, para. 133. See also, Radio Okapi, *Sud-Kivu : des policiers et civils pris en otage par un groupe armé à Minembwe*, 5 August 2022, www.radiookapi.net/2022/08/05/actualite/securite/sud-kivu-des-policiers-et-civils-pris-en-otage-par-un-groupe-arme; Radio Okapi, *Sud-Kivu : deux factions de la milice Twirwaneho s'affrontent à Mugeti, un mort*, 12 July 2022, www.radiookapi.net/2022/07/13/actualite/securite/sud-kivu-deux-factions-de-la-milice-twirwaneho-s'affrontent-mugeti-un; Radio Okapi, *Djugu: 4 personnes tuées et d'autres enlevées par la CODECO*, 12 July 2022, www.radiookapi.net/2022/07/13/actualite/securite/djugu-4-personnes-tuees-et-dautres-enlevees-par-la-codeco; Radio Okapi, *Ituri : attaques présumées de la CODECO, 8 morts à Djugu*, 15 June 2022, www.radiookapi.net/2022/06/15/actualite/securite/ituri-attaques-presumees-de-la-codeco-8-morts-djugu; Radio Okapi, *Ituri : au moins 3 morts après attaques de la CODECO/URDPC dans plusieurs villages*, 11 June 2022, www.radiookapi.net/2022/06/11/actualite/securite/ituri-au-moins-3-morts-apres-attaques-de-la-codecoudpc-dans-plusieurs.

⁴³ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 162. See also, ICG, *Easing the Turmoil in the Eastern DR Congo and Great Lakes*, 25 May 2022, www.ecoi.net/en/file/local/2073703/b181-dr-congo-great-lakes.pdf, p. 5.

other groups or with State forces”.⁴⁴ In March and April 2022, MONUSCO documented 1,233 violations of human rights in the DRC, with 57 per cent committed by armed groups and 89 per cent of violations occurring in conflict-affected provinces in eastern DRC.⁴⁵ In May 2022, MONUSCO documented 551 human rights violations and abuses in the DRC; armed groups summarily executed 290 persons, including 209 men, 54 women and 27 children.⁴⁶ MONUSCO documented 471 human rights violations and abuses in June 2022 and 371 in July 2022, out of which 314 occurred in conflict-affected provinces and with an increase in violations and abuses committed by Mai-Mai groups and CODECO.⁴⁷ Armed groups have also targeted health workers and facilities, stolen medicines and attacked schools,⁴⁸ and engaged in forced and child recruitment.⁴⁹

16. There were reports during 2021 that FARDC soldiers killed and forcibly displaced Lendu civilians, and that some soldiers “continued to systematically equate [Lendu civilians] with CODECO”.⁵⁰ Both the FARDC and the national police have committed violations of human rights including extrajudicial executions; despite some perpetrators being tried and convicted, “impunity [has] remained a serious problem”.⁵¹ Armed groups with records of human rights violations are reported to have received support from the FARDC while fighting against M23.⁵²

⁴⁴ UN Security Council, *Conflict-related Sexual Violence: Report of the Secretary-General*, 29 March 2022, S/2022/272, www.ecoi.net/en/file/local/2071267/N2229371.pdf, paras 27-28. See also, UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 31; UN General Assembly, *Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 10 August 2022, A/HRC/51/61, www.ecoi.net/en/file/local/2079466/A_HRC_51_61_AdvanceEditedVersion.docx, paras 40-41. “In June and July [2022], at least 82 women were victims of conflict-related sexual violence, a 23 per cent decrease compared with the previous reporting period. Armed groups were allegedly responsible for incidents affecting 74 victims, while State actors were reportedly responsible for 8, including 4 attributed to Congolese soldiers.” UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, para. 62.

⁴⁵ UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, paras 25-27. Between 1 June 2021 and 31 May 2022, MONUSCO documented 5,781 human rights violations and abuses, with 94 per cent committed in conflict-affected areas and 66 per cent committed by armed groups. UN General Assembly, *Human Rights Situation and the Activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo*, 10 August 2022, A/HRC/51/61, www.ecoi.net/en/file/local/2079466/A_HRC_51_61_AdvanceEditedVersion.docx, para. 21.

⁴⁶ MONUSCO, *Note mensuelle de la situation des violations et atteintes aux droits de l’homme durant le mois de mai 2022 sur tout le territoire de la République démocratique du Congo*, 5 July 2022, <https://monusco.unmissions.org/note-mensuelle-de-la-situation-des-violations-et-atteintes-aux-droits-de-l%E2%80%99homme-durant-le-mois-de-mai-2022>, p. 1. Between January and September 2022, 78.28% of all protection violations documented by UNHCR in the DRC occurred in North Kivu, South Kivu and Ituri. UNHCR, *Protection Monitoring*, 2022.

⁴⁷ “Les atteintes par les différents groupes Mayi-Mayi et les combattants de la CODECO ont cependant connu une augmentation significative, alors que les atteintes par les membres des ADF ont diminué au Nord Kivu mais considérablement augmenté en Ituri, par rapport au mois précédent.” MONUSCO, *Communiqué de presse du BCNUDH sur les principales tendances des violations des droits de l’homme de juillet 2022*, 5 September 2022, <https://monusco.unmissions.org/principales-tendances-des-violations-des-droits-de-l%E2%80%99homme-juillet-2022>, p. 1. See also, UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 31; UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, paras 24-25.

⁴⁸ Insecurity Insight / Safeguarding Health in Conflict, *Democratic Republic of the Congo: Violence Against Health Care in Conflict 2021*, 11 July 2022, <https://insecurityinsight.org/wp-content/uploads/2022/05/2021-DRC-SHCC-Factsheet.pdf>, p. 2-6; European Commission’s Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO), *Democratic Republic of the Congo: Conflict and Violence*, 11 July 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-conflict-and-violence-dg-echo-unecho-daily-flash-11-july-2022>; Norwegian Refugee Council (NRC), *Democratic Republic of the Congo: Attack on Jida Primary School Leaves 222 Children Without Access to Education, Displacement as a Result of the Conflict Has also Deprived Children of Access to Education*, 20 May 2022, www.nrc.no/news/2022/may/democratic-republic-of-the-congo-attack-on-jida-primary-school-leaves-222-children-without-access-to-education/; UNICEF, *Children under Attack in Escalating Conflict in Eastern DRC*, 25 June 2022, www.unicef.org/drcongo/en/press-release/children-under-attack-escalating-conflict-eastern-drc.

⁴⁹ “There were indications that FDLR, Mai-Mai groups and Nyatura factions were collaborating on the recruitment of new members to counter M23, which engages in the forcible recruitment of young people. [...] Between 17 June and 31 July, 68 children (54 boys and 14 girls) who had escaped from, been separated from or been voluntarily released by armed groups were verified as having been recruited and used. Six children were newly recruited. The Aluta M’Chingwa self-defence group, Mai-Mai Mazembe and Nyatura were alleged to be the main perpetrators of child recruitment and use among cases of verified grave violations of children’s rights.” UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 September 2022, S/2022/709, www.ecoi.net/en/file/local/2079421/N2259940.pdf, paras 18, 61.

⁵⁰ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 130, see also paras 131-133.

⁵¹ US Department of State, *2021 Country Reports on Human Rights Practices: Democratic Republic of the Congo*, 12 April 2022, www.ecoi.net/en/document/2071135.html. “FARDC soldiers deployed to North Kivu and Ituri Provinces allegedly continued to perpetrate violations of human rights and international humanitarian law, including the extrajudicial killing of 49 men and 9 women.” UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf. UNHCR has received reports that FARDC soldiers have also engaged in looting, extortion, physical assaults, arbitrary arrest and illegal detention as well as gender-based violence (GBV). UNHCR, *Protection Monitoring*, 2022.

⁵² “Between May and August 2022, the Congolese army with a coalition of Congolese militia as well as the Democratic Forces for the Liberation of Rwanda (FDLR) fought against Rwandan-backed M23 rebels in North Kivu province. At times, some Congolese army officers provided the armed groups with direct support. [...] All of these armed groups are known human rights abusers in their strongholds.” HRW, *DR Congo: Army Units Aided Abusive Armed Groups*, 18 October 2022, www.ecoi.net/en/document/2080257.html.

17. According to human rights organizations, the government has used martial law under the state of siege in North Kivu and Ituri to repress peaceful protests and to arrest, detain and harass critics and opponents.⁵³
18. Between January and September 2022, UNHCR has monitored the protection situation in North Kivu, South Kivu and Ituri, and received consistent reports of human rights violations.⁵⁴ In North Kivu, UNHCR documented 9,452 protection violations, including 2,468 cases of extortion, 1,356 physical assaults, 929 cases of gender-based violence (GBV), 1,570 cases of abduction and 678 murders.⁵⁵ In Ituri, UNHCR documented 12,190 protection violations, including 2,433 cases of looting, 2,287 cases of physical assault and 2,055 cases of extortion.⁵⁶ In South Kivu, UNHCR documented a total of 16,571 protection incidents against civilians, which was the highest among the three provinces, including 6,280 cases of extortion, 2,654 physical assaults and 1,665 arbitrary arrests or detentions.⁵⁷

Humanitarian Situation

19. In 2021, the DRC was “one of the most dangerous countries for humanitarian actors”; from January to October 2021, “260 security incidents directly affected humanitarian personnel and goods”, killing six humanitarian workers, with a further 26 injured and 23 kidnapped.⁵⁸ In February 2021, an armed group attacked a UN convoy near Goma, killing the visiting Italian ambassador and two others; other kidnappings of humanitarian personnel for ransom have occurred in North Kivu.⁵⁹ Between 1 January and 16 June 2022, four humanitarian workers were killed, 10 were kidnapped and 1 was injured.⁶⁰
20. An estimated 27 million people are in need of humanitarian assistance in 2022 in the DRC, including 2.5 million in North Kivu, 1.7 million in South Kivu and 2.9 million in Ituri.⁶¹ In 2021, it was estimated that

⁵³ “Under martial law orders, military authorities are able to search people’s homes day and night, ban publications and meetings deemed against public order, restrict people’s movements, and arrest anyone for disrupting public order. Civilians are prosecuted before military courts contrary to regional standards. Human Rights Watch has documented more than two dozen cases of arbitrary arrests, intimidation, beatings, and abusive prosecutions in Ituri and North Kivu since September. Security forces killed at least one activist during a protest. Martial law has also strained an already weak judiciary in both provinces. Military courts, which in any event should not be trying cases involving civilian defendants, are unable to cope with the number of cases.” HRW, *DR Congo: Martial Law Brings Crackdown in East*, 22 March 2022, www.hrw.org/news/2022/03/22/dr-congo-martial-law-brings-crackdown-east. See also, Amnesty International, *DRC: Stop Using Prolonged State of Siege as Excuse to Crush Protests*, 27 September 2022, www.ecoi.net/en/document/2079064.html; Amnesty International, *DRC. La justice et les libertés en état de siège au Nord-Kivu et en Ituri*, 10 May 2022, www.amnesty.org/fr/documents/afr62/5495/2022/fr/; Amnesty International, *DRC: Conviction of 12 Youth Activists Is a Shameful Act to Suppress Dissent*, 1 April 2022, www.amnesty.org/en/latest/news/2022/04/drc-conviction-of-12-youth-activists-is-a-shameful/. “L’état de siège a établi des restrictions aux droits de l’homme et libertés fondamentales, notamment ceux liés à l’espace démocratique. Il a aussi transféré les compétences des autorités civiles vers des officiers de l’armée et de la police et élargi leurs pouvoirs en matière administrative et répressive, contribuant à construire un environnement propice aux violations des droits de l’homme, au regard du comportement habituel des membres des forces de défense et de sécurité.” MONUSCO / OHCHR, *Rapport sur la torture et autres peines ou traitements cruels, inhumains ou dégradants en République démocratique du Congo du 1er avril 2019 au 30 avril 2022*, October 2022, www.ecoi.net/en/file/local/2079416/041022_Joint-report-on-torture-in-the-DRC-01042019-to-30042022.pdf, footnote 15.

⁵⁴ From January to September 2022, there were 48,813 protection violations, including extortion (26.36% of all incidents), physical assault and battering (17.33%), GBV (12.79%), looting (8.1%), arbitrary arrest and detention (8.5%) and murder (3.55%). UNHCR, *Protection Monitoring*, 2022. See also, UNHCR, *HCR EN RDC Factsheet Avril - Juin 2022*, 21 July 2022, <https://data.unhcr.org/en/documents/details/94352>, p. 2, 4; UNHCR, *HCR EN RDC Factsheet Janvier - Mars 2022*, 28 June 2022, <https://data.unhcr.org/en/documents/details/93938>, p. 3.

⁵⁵ UNHCR, *Protection Monitoring*, 2022.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, para. 192. See also, OCHA, 2022 *Aperçu des besoins humanitaires: République démocratique du Congo*, December 2021, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-aper-u-des-besoins-humanitaires-3>, p. 9.

⁵⁹ UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, 14 June 2022, S/2022/479, www.ecoi.net/en/file/local/2074508/N2233870.pdf, paras 195-199; UN Security Council, *Letter Dated 10 June 2021 from the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council*, 10 June 2021, S/2021/560, www.ecoi.net/en/file/local/2053905/S_2021_560_E.pdf, paras 75-76; The Guardian, *Italian Ambassador to DR Congo Dies in Attack on UN Convoy*, 22 February 2021, www.theguardian.com/world/2021/feb/22/italian-ambassador-to-dr-congo-dies-in-attack-un-convoy-luca-attanasio.

⁶⁰ UN Security Council, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo: Report of the Secretary-General*, 22 June 2022, S/2022/503, www.ecoi.net/en/file/local/2075053/N2237690.pdf, para. 32.

⁶¹ OCHA, *Republique démocratique du Congo - Ituri: aperçu de la situation humanitaire de janvier à juin 2022*, 15 July 2022, <https://reliefweb.int/report/democratic-republic-congo/republique-democratique-du-congo-ituri-aperçu-de-la-situation-humanitaire-janvier-juin-2022>; OCHA, *Democratic Republic of the Congo - Nord-Kivu: Overview of the Humanitarian situation*, 6 July 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-nord-kivu-overview-humanitarian-situation-june-2022>; OCHA, *Republique démocratique du Congo - Sud-Kivu: aperçu de la situation humanitaire - janvier à décembre 2021*, 15 February 2022, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-sud-kivu-aper-u-de-la-situation>.

64 per cent of persons in the DRC lived on less than \$2.15 per day.⁶² About 26 million persons, or 25 per cent of the population, are food insecure; the eastern provinces are particularly affected with 2.08 million persons acutely food insecure in North Kivu, 1.3 million persons in South Kivu and 2.9 million persons in Ituri.⁶³

21. Humanitarian assistance to displaced persons, especially in areas of active conflict, is severely constrained due to insecurity.⁶⁴ IDPs and returnees lack access to essential goods, services and family and community networks.⁶⁵ An estimated 95 per cent of displaced persons live in host families or improvised dwellings.⁶⁶ Many newly displaced persons live in temporary shelters, which “lack the infrastructure to support the new arrivals, exposing them to cholera, malaria and other diseases”.⁶⁷ During 2021, 80 per cent of displaced persons were women and children.⁶⁸ As many displaced persons settle in host communities, this strains the resources of the surrounding communities and drives up humanitarian needs.⁶⁹
22. As of 2 November 2022, the Humanitarian Response Plan for the Democratic Republic of the Congo was only 39.3 per cent funded.⁷⁰

⁶² “DRC is among the five poorest nations in the world. In 2021, nearly 64 % of Congolese, just under 60 million people, lived on less than \$2.15 a day. About one out of six people living in extreme poverty in SSA lives in DRC.” World Bank, *Democratic Republic of the Congo*, accessed 2 November 2022, www.worldbank.org/en/country/drc/overview. See also, S. Sasidharan and H. S. Dhillon, *A Snapshot of Poverty, Diseases and War – the Democratic Republic of the Congo*, 15 July 2021, www.ncbi.nlm.nih.gov/pmc/articles/PMC8438513/.

⁶³ World Food Programme (WFP), *Democratic Republic of the Congo: August Situation Report #40*, 22 September 2022, <https://api.godocs.wfp.org/api/documents/b171ebc4f8644e7da0c4a386fc2fea3c/download/>, p. 1; OCHA, *Republique démocratique du Congo – Ituri: aperçu de la situation humanitaire de janvier à juin 2022*, 15 July 2022, <https://reliefweb.int/report/democratic-republic-congo/republique-democratique-du-congo-ituri-aperçu-de-la-situation-humanitaire-janvier-juin-2022>; OCHA, *Democratic Republic of the Congo – Nord-Kivu: Overview of the Humanitarian Situation*, 6 July 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-nord-kivu-overview-humanitarian-situation-june-2022>; OCHA, *Republique démocratique du Congo – Sud-Kivu: aperçu de la situation humanitaire - janvier à décembre 2021*, 15 February 2022, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-sud-kivu-aper-u-de-la-situation>; OCHA, 2022 *Aperçu des besoins humanitaires: République démocratique du Congo*, December 2021, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-aper-u-des-besoins-humanitaires-3>, pp. 88-92. Additionally, food prices have risen: “Since March 2022, the cost of sugar and cooking oil has risen by 50 percent, bread by 20 percent and rice by 11 percent, posing a huge challenge in a country experiencing historic levels of hunger.” Al Jazeera, *DR Congo: The World's Most Neglected Displacement Crisis*, 1 June 2022, www.aljazeera.com/gallery/2022/6/1/photos-dr-congo-the-worlds-most-neglected-displacement-crisis.

⁶⁴ WFP, *Democratic Republic of the Congo: August Situation Report #40*, 22 September 2022, <https://api.godocs.wfp.org/api/documents/b171ebc4f8644e7da0c4a386fc2fea3c/download/>, p. 2; OCHA, *RD Congo : Situation humanitaire dans les territoires de Rutshuru et Nyiragongo*, 15 June 2022, <https://reliefweb.int/report/democratic-republic-congo/rd-congo-situation-humanitaire-dans-les-territoires-de-rutshuru-et-nyiragongo-15-juin-2022-rapport-de-situation-2>, p. 1; UNICEF, *Democratic Republic of the Congo Humanitarian Situation Report No. 01*, 18 April 2022, <https://reliefweb.int/report/democratic-republic-congo/unicef-dr-congo-humanitarian-situation-report-no1-reporting-period>, p. 2.

⁶⁵ “La vulnérabilité des personnes déplacées et retournées est également due au manque d'accès aux biens et services de base tels que les infrastructures d'eau potable, d'hygiène et un environnement assaini, les soins de santé, un abri décent et sûr ou l'éducation. De plus, les réseaux familiaux et communautaires, qui souvent servent de mécanismes d'autoprotection ont été affaiblis.” OCHA, 2022 *Aperçu des besoins humanitaires: République démocratique du Congo*, December 2021, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-aper-u-des-besoins-humanitaires-3>, p. 45.

⁶⁶ UNHCR information, October 2022.

⁶⁷ UNHCR, *UNHCR Deeply Concerned by Renewed Violence Displacing Thousands in North Kivu, DR Congo*, 27 May 2022, www.unhcr.org/news/briefing/2022/5/629087f94/unhcr-deeply-concerned-renewed-violence-displacing-thousands-north-kivu.html. See also, International Committee of the Red Cross (ICRC), *In Eastern Democratic Republic of the Congo (DRC), the Surge in Violence Has Driven Thousands of Displaced People to the Outskirts of Goma*, 1 June 2022, www.icrc.org/en/document/eastern-democratic-republic-congo-drc-surge-violence-has-driven-thousands-displaced-people; NRC, *DR Congo: 37,000 People Displaced in Four Days amid a Resurgence of Fighting in North Kivu*, 27 May 2022, www.nrc.no/news/2022/may/dr-congo-37000-people-displaced-in-four-days-amid-a-resurgence-of-fighting-in-north-kivu/.

⁶⁸ OCHA, 2022 *Aperçu des besoins humanitaires: République démocratique du Congo*, December 2021, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-aper-u-des-besoins-humanitaires-3>, p. 22. “In Ituri, nearly 120,000 people (including 25,560 women and 69,600 children) were newly displaced in January and February, as a result of the repeated attacks by armed groups in the territories of Djugu and Mahagi.” UNICEF, *Democratic Republic of the Congo Humanitarian Situation Report No. 01*, 18 April 2022, <https://reliefweb.int/report/democratic-republic-congo/unicef-dr-congo-humanitarian-situation-report-no1-reporting-period>, p. 2.

⁶⁹ “Large-scale and repeated displacements are overwhelming the resources of neighbouring settlements where people have sought safety.” UNHCR, *UNHCR Alarmed by Rising Violence Against Displaced Civilians in Eastern DR Congo*, 18 February 2022, www.unhcr.org/news/briefing/2022/2/620f65234/unhcr-alarmed-rising-violence-against-displaced-civilians-eastern-dr-congo.html. See also, USAID, *Democratic Republic of the Congo: Complex Emergency Fact Sheet #3*, 13 May 2022, www.usaid.gov/sites/default/files/documents/2022-05-13_USG_Democratic_Republic_of_the_Congo_Complex_Emergency_Fact_Sheet_3.pdf, p. 3; REACH, *Host Communities as Front-Liners to the Displacement Crisis in DRC*, 11 February 2021, www.reach-initiative.org/what-we-do/news/host-communities-as-front-liners-to-the-displacement-crisis-in-drc/.

⁷⁰ OCHA, *Financial Tracking Service: République Démocratique du Congo Plan de Réponse Humanitaire 2022*, accessed 2 November 2022, <https://fts.unocha.org/appeals/1093/summary>.

Internal Displacement, Refugees and Return

23. Displacement in the DRC is almost completely due to conflict and violence.⁷¹ An estimated 5.6 million Congolese are internally displaced, making it the largest internal displacement crisis in Africa, with the vast majority in North Kivu (1.8 million), South Kivu (1.3 million) and Ituri (1.8 million).⁷² An estimated 2.6 million persons were displaced between January and November 2021, and cycles of conflict-related displacement have continued into 2022.⁷³ The state of siege and the resurgence of M23 have shifted areas of conflict and created security gaps, further reducing safe areas for IDPs.⁷⁴ Additionally, attacks in Ituri against IDP sites have re-displaced thousands of people since May 2021.⁷⁵
24. In February 2022, UNHCR expressed alarm over an increase of attacks targeting displacement sites and IDPs in North Kivu, South Kivu and Ituri, including the particularly heinous attack against the Plaine Savo displacement camp on 3 February 2022.⁷⁶ Between February and June 2022, UNHCR recorded

⁷¹ "In 2022, the Democratic Republic of the Congo had recorded the largest population of internally displaced persons [in the region]. Over 90 per cent had been forced to flee violence and insecurity, including nearly 186,000 people displaced to Rutshuru and Nyiragongo Territories because of the resurgence of M23 since November 2021." UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 27. "Ongoing violence and conflict are responsible for almost all of the displacement (96.5%). Only 3% of the internal displacement in the DRC is linked to natural disasters. Ituri province is most affected and records the highest number of IDPs in proportion to its population: 1.9 million IDPs out of a total population of 5.7 million. Deadly attacks on civilians are reported on an almost daily basis." ECHO, *Democratic Republic of Congo – Insecurity and Displacement*, 12 May 2022, <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-insecurity-and-displacement-dg-echo>. "Les principaux facteurs à la base des mouvements de population (déplacements internes et retours) sont les conflits armés et les conflits intercommunautaires et fonciers, particulièrement à l'est de la RDC." OCHA, *2022 Aperçu des besoins humanitaires: République démocratique du Congo*, December 2021, <https://reliefweb.int/report/democratic-republic-congo/r-publique-d-mocratique-du-congo-aper-u-des-besoins-humanitaires-3>, p. 44. Conflict and violence are caused by, *inter alia*, ongoing tensions between the FARDC and various armed groups, conflicts over arable land, minerals and other natural resources, ethnic-related conflicts and local power struggles. See Global Conflict Tracker, *Instability in the Democratic Republic of Congo*, 3 August 2022, www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo; VOA, *Explainer: What's Behind the Rising Conflict in Eastern DRC?*, 22 July 2022, www.voanews.com/a/explainer-what-s-behind-the-rising-conflict-in-eastern-drc-6670314.html.

⁷² As of 31 August 2022, there were 1,782,938 IDPs in Ituri, 1,785,617 IDPs in North Kivu and 1,342,910 IDPs in South Kivu. UNHCR, *La RDC en bref*, 18 September 2022, <https://data.unhcr.org/en/documents/details/95690>. See also, UNHCR, *HCR EN RDC Factsheet Avril - Juin 2022*, 21 July 2022, <https://data.unhcr.org/en/documents/details/94352>; UNHCR, *Regional Bureau Southern Africa: Population of Concern in Southern Africa Region*, 31 May 2022, www.ecoi.net/en/file/local/2074917/RBSA_Population_Dashboard_202205.pdf; UNHCR, *UNHCR Deeply Concerned by Renewed Violence Displacing Thousands in North Kivu, DR Congo*, 27 May 2022, www.unhcr.org/news/briefing/2022/5/629087f94/unhcr-deeply-concerned-renewed-violence-displacing-thousands-north-kivu.html.

⁷³ "At least 170,000 civilians have been displaced, often repeatedly since an escalation of fighting in eastern DRC from November 2021. The latest wave of violence has driven tens of thousands of people from their homes in search of relative safety in different parts of the province, including Goma. Over the past week alone, some 7,000 have also reportedly crossed over to neighbouring Uganda". UNHCR, *UNHCR Deeply Concerned by Renewed Violence Displacing Thousands in North Kivu, DR Congo*, 27 May 2022, www.unhcr.org/news/briefing/2022/5/629087f94/unhcr-deeply-concerned-renewed-violence-displacing-thousands-north-kivu.html. See also, UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html; UNHCR, *UNHCR Alarmed by Rising Violence Against Displaced Civilians in Eastern DR Congo*, 18 February 2022, www.unhcr.org/news/briefing/2022/2/620f65234/unhcr-alarmed-rising-violence-against-displaced-civilians-eastern-dr-congo.html.

⁷⁴ UNHCR information, October 2022. "Since mid-2022, a surge in activity by another DRC-based armed group, the March 23 Movement (M23), has led some DRC troops and U.N. peacekeeping forces to withdraw from ADF-affected areas, deepening a security vacuum." CRS, *The Allied Democratic Forces, an Islamic State Affiliate in the Democratic Republic of Congo*, 1 September 2022, <https://crsreports.congress.gov/product/pdf/IF/IF12206>, p. 1. See also, UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 4 October 2022, S/2022/735, www.ecoi.net/en/file/local/2080453/N2261252.pdf, para. 9; INTERSOS / UNHCR, *Rapport mensuel de monitoring de protection*, August 2022, www.ecoi.net/en/file/local/2078899/Rapport+mensuel+monitoring+de+protection+Nord+Kivu+-+Aout+2022.pdf, p. 4; UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html.

⁷⁵ "According to the Protection Cluster, there have been a total of 16 attacks on camps for displaced people since May 2021, killing 185 men, women and children, and wounding another 82." NRC, *International NGOs Working in the Democratic Republic of the Congo Condemn Repeated Deadly Attacks on Displaced Civilians*, 14 June 2022, www.nrc.no/news/2022/june/international-ngos-working-in-the-democratic-republic-of-the-congo-condemn-repeated-deadly-attacks-on-displaced-civilians/. See also, UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html; HumAngle, *More Attacks, More Displacements: Inside DR Congo's Ituri Violence*, 28 February 2022, <https://humanglemedia.com/more-attacks-more-displacements-inside-dr-congos-ituri-violence/>; UNHCR, *UNHCR Alarmed by Rising Violence Against Displaced Civilians in Eastern DR Congo*, 18 February 2022, www.unhcr.org/news/briefing/2022/2/620f65234/unhcr-alarmed-rising-violence-against-displaced-civilians-eastern-dr-congo.html.

⁷⁶ "UNHCR, the UN Refugee Agency, and the International Organization for Migration (IOM) are horrified by the armed attack on the site for internally displaced people (IDPs) in Plaine Savo Djugu Territory, in the Democratic Republic of the Congo (DRC). At least 50 people, including more than a dozen children, were killed and more than 40 others injured during Tuesday's attack in Ituri Province. The agencies condemn this heinous attack in the strongest terms and remind all parties of their obligations under international law to protect and safeguard civilian lives at all times." UNHCR, *UNHCR and IOM Condemn Deadly Attack on Displacement Site in DR Congo*, 3 February 2022, www.unhcr.org/news/press/2022/2/61fbbec24/unhcr-iom-condemn-deadly-attack-displacement-site-dr-congo.html. See also, NRC, *International NGOs Working in the Democratic Republic of the Congo Condemn Repeated Deadly Attacks on Displaced Civilians*, 14 June 2022, www.nrc.no/news/2022/june/international-ngos-working-in-the-democratic-republic-of-the-congo-condemn-repeated-deadly-attacks-on-displaced-civilians/; UNHCR, *UNHCR Alarmed by Rising Violence Against Displaced Civilians in eastern DR Congo*, 18 February 2022, www.unhcr.org/news/briefing/2022/2/620f65234/unhcr-alarmed-rising-violence-against-displaced-civilians-eastern-dr-congo.html.

at least 715 persons killed by firearm attacks and machete raids in displacement sites or while in the process of returning to their homes after displacement.⁷⁷

25. As of 31 August 2022, the DRC hosted 515,899 refugees and 2,183 asylum-seekers, mostly from the Central African Republic, Rwanda, South Sudan and Burundi.⁷⁸

UNHCR Position on Returns

26. As the situation in North Kivu, South Kivu, Ituri and adjacent areas remains volatile and fluid, UNHCR considers that persons fleeing conflicts in these three provinces and adjacent areas are likely to be in need of international refugee protection in accordance with Article 1(2) of the 1969 OAU Convention.⁷⁹ In addition, many persons fleeing the DRC are likely to meet the 1951 Convention criteria for refugee status.⁸⁰ UNHCR **calls on** States to provide **access to their territory** to persons originating from the affected areas. Depending on the profile of the individual case, exclusion considerations may need to be looked into.⁸¹
27. Furthermore, UNHCR does not consider it appropriate for States to deny international protection to persons originating from the affected areas based on a presumed internal flight alternative to other parts of the DRC, unless the applicant has strong and pre-existing links to the suggested area of relocation. At a minimum, such links need to comprise an ability to speak the local language, as well as having family or other substantial connections in the area in question. The person concerned must also be able to obtain the necessary documentation to allow them to settle and to move freely in the proposed area of relocation, in order to not be exposed to a risk of arbitrary detention. Any such proposed returns would need to be assessed carefully, taking into account the individual circumstances of the case.⁸²
28. The security, rule of law and human rights situation in North Kivu, South Kivu, and Ituri challenges the feasibility of safe and dignified return for any person originating from these provinces and adjacent areas, whether or not the individual is found to be in need of international protection. UNHCR urges States not to forcibly return to the DRC persons originating from these areas until the security and human rights situation has improved sufficiently to permit a safe and dignified return of those determined not to be in need of international protection.

Voluntary Returns

29. Individual Congolese nationals who are outside the country and who are considering return to North Kivu, South Kivu or Ituri in a self-organized manner should be provided with as much detailed information on the situation in their place of origin as possible, to allow them to make a fully informed choice, taking into account the current situation as regards security, governance and livelihoods.
30. UNHCR supports the voluntary repatriation of Congolese refugees from neighbouring countries and the wider region, subject to ensuring that the individual decision is fully informed and voluntary. Prior to extending support for voluntary repatriation to Congolese nationals, UNHCR will verify and confirm the voluntariness of the decision to return to the specific location in the DRC, through individual interviews with all members of returning families.
31. Any assistance provided by UNHCR for return to the DRC aims at supporting individuals who, being fully informed of the situation in their places of origin or an alternative area of their choice, choose

⁷⁷ UNHCR, *UNHCR Gravely Concerned by Death Toll of Displaced in DR Congo's East*, 22 July 2022, www.ecoi.net/en/document/2075989.html.

⁷⁸ There are 211,953 refugees and asylum seekers from the Central African Republic, 209,864 from Rwanda, 55,652 from South Sudan and 42,232 from Burundi. UNHCR, *La RDC en bref*, 18 September 2022, <https://data.unhcr.org/en/documents/details/95690>.

⁷⁹ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.refworld.org/docid/3ae6b36018.html.

⁸⁰ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, www.unhcr.org/refworld/docid/3be01b964.html and UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, www.refworld.org/docid/3ae6b3ae4.html.

⁸¹ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.refworld.org/docid/3f5857684.html.

⁸² For detailed guidance see UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, www.refworld.org/pdfid/3f2791a44.pdf.

voluntarily to return. Any action by UNHCR to support voluntary repatriation, including efforts aimed at sustainable reintegration for returnees and IDPs in the DRC, should not be construed as an assessment by UNHCR of the safety in the DRC for individuals who have sought international protection in countries of asylum. Voluntary repatriation and forced return are processes of a fundamentally different character, engaging different responsibilities on the parts of the various actors involved.