

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	958
Land:	Den Demokratiske Republik Congo
Kilde:	Amnesty International
Titel:	Operation "Keba". Massacre by the army in the Democratic Republic of Congo's Goma City
Udgivet:	11. December 2024
Optaget på baggrundsmaterialet:	4. marts 2025



OPERATION “KEBA”

MASSACRE BY THE ARMY IN THE DEMOCRATIC REPUBLIC OF
CONGO'S GOMA CITY

AMNESTY
INTERNATIONAL



Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights.

Our vision is of a world where those in power keep their promises, respect international law and are held to account.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations.

We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

© Amnesty International 2024

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.

<https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>

For more information, please visit the permissions page on our website: www.amnesty.org

Where material is attributed to a copyright owner other than Amnesty International, this material is not subject to the Creative Commons licence.

First published in 2024

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street
London WC1X 0DW, UK

Index: AFR 62/7659/2024

Original language: English

amnesty.org



Cover photo: Screenshot from a verified video shows protesters discussing with military officials moments before they were killed in Nyabushongo district, north of Goma city, on 30 August 2023.

© Private / Amnesty International

AMNESTY
INTERNATIONAL



CONTENTS

EXECUTIVE SUMMARY	7
METHODOLOGY	11
1. BACKGROUND TO THE CARNAGE	12
1.1 ARMED CONFLICT, FOREIGN INTERVENTION AND POPULAR UPRISING	12
1.2 PLANS FOR PROTEST AND AUTHORITIES' REACTION	13
2. 30 AUGUST: THE MASSACRE	18
2.1 ASSAULT ON WAZALENDO'S RADIO STATION	19
2.2 ASSAULT ON WAZALENDO'S TEMPLE	22
2.3 DEATH TOLL AND MISSING PERSONS	30
2.4 TORTURE AND OTHER ILL-TREATMENT	34
3. INTERNATIONAL RESPONSE	35
4. FLAWED JUSTICE	37
4.1 SURVIVORS IN THE DOCK	37
4.2 PERPETRATORS' ACCOUNTABILITY	38
5. LEGAL ANALYSIS	41
5.1 LEGAL FRAMEWORK	41
5.2 CRIMES UNDER INTERNATIONAL LAW AND OTHER HUMAN RIGHTS VIOLATIONS	46
5.3 INDIVIDUAL RESPONSIBILITIES	52
6. CONCLUSION AND RECOMMENDATIONS	59
ANNEXES	62
MONUSCO'S REQUEST TO BAN PROTEST	62
GENERAL NDIMA'S RESPONSE TO MONUSCO	64
GENERAL NDIMA'S OFFICIAL MESSAGE ("TELEGRAMME")	65
34 TH MILITARY REGION'S OPERATIONAL ORDER	66
BIA'S OPERATION "KEBA"	72

COLONEL MIKOMBE'S REPORT TO SUPERIORS 76

RESPONSE TO AMNESTY FROM THE UN DEPARTMENT OF PEACE OPERATIONS 78

GENERAL NDIMA'S RESPONSE 80

COLONEL MIKOMBE'S RESPONSE 82

GLOSSARY

WORD	DESCRIPTION
BIA	“Brigade interarmes” (French for Combined Arms Brigade). A Republican Guard brigade comprising artillery, infantry and Special Forces, all placed under a unified command, and is currently deployed in North Kivu province.
DRC	The Democratic Republic of the Congo
EAST AFRICAN COMMUNITY REGIONAL FORCE (EACRF)	Armed unit comprising contingents from Kenya, Uganda, Burundi and South Sudan established by leaders of the East African Community in June 2022. The force was deployed in North Kivu and South Kivu provinces between November 2022 and December 2023 with the stated aim of “dismantling armed groups” and “restoring stability”.
FARDC	Armed Forces of the Democratic Republic of the Congo
M23	The Movement of 23 March armed group, founded in 2012 and claims to defend the rights of Congolese Tutsi ethnic group. Defeated in 2013, the armed group resumed attacks in North Kivu in November 2021 and has since occupied several localities in the province, including around the city of Goma, with support from Rwanda and Uganda, according to United Nations (UN) reports.
MILITARY REGION	A military subdivision for the DRC’s armed forces responsible for a certain area of territory (the country is divided into 10 military regions). It is different from the country’s administrative subdivision into 26 provinces. The city of Goma is administratively in North Kivu province but under the 34 th Military Region.
MONUSCO	UN Stabilization Mission in the DRC
OHCHR	Office of the UN High Commissioner for Human Rights
OPERATION “KEBA”	Operation “Keba” (“watch out” in Lingala language) was launched by the Commander of the Republican Guard’s Combined Arms Brigade in North Kivu following an official message from the governor of North Kivu to the army and police to protect UN facilities and the city of Goma ahead of the protest called by a religious and political group on 30 August 2023 in Goma.
RDF	Rwanda Defence Force
REPUBLICAN GUARD / SPECIAL FORCES	A 10,000-person unit of the Congolese army, primarily responsible for the president’s security and reporting directly to him. It is comprised of Special Forces whose members are nicknamed “hiboux” (French for “owls”) because of their balaclavas and night vision equipment they wear.
STATE OF SIEGE	A measure like a state of emergency in Ituri and North Kivu provinces in place since May 2021. This includes the transfer of political, administrative, and part of

WORD	DESCRIPTION
	judicial powers to the army and the restriction of freedoms, including freedom of assembly, with the stated justification of restoring security.
UNJHRO	UN Joint Human Rights Office in the Democratic Republic of Congo.
WAZALENDO	“Patriots” in Swahili. In this report, Wazalendo refers to the political and religious association, Natural Messianic Judaic Faith Towards the Nations – Testament to the Power of the Word (FNJMN), and to its followers, who also call themselves “Messiatha”. They differ from Congolese armed groups who have called themselves Wazalendo since 2023 and whose support the DRC government has rallied for the army’s fight against resurgent Rwandan-backed M23 armed group in North Kivu province.

EXECUTIVE SUMMARY

On 30 August 2023, Congolese soldiers brutally suppressed a demonstration by a political and religious group in Goma, eastern Democratic Republic of the Congo (DRC), killing at least 56 people according to the official count, injuring over 80 and arbitrarily arresting over 150 more. The group, Natural Messianic Judaic Faith Towards the Nations – The Power of Word (FNJMN), whose followers call themselves “Wazalendo” or “Messiatha”, had been demanding the departure of the UN Mission for the Stabilization of the DRC (MONUSCO). In the wake of the massacre, authorities played down the death toll and blamed victims for the incident, describing them as “armed, drugged, and manipulated bandits playing into the hands of M23/RDF,” in reference to the Movement of 23 March (M23) armed group, which is active in North Kivu province where the city of Goma is located, and which has been backed by the Rwanda Defence Force (RDF). Faced with a public outcry after videos of the massacre emerged on social media, and following claims that the death toll was higher than they had originally acknowledged, authorities admitted that security forces had killed several dozens of people. However, they maintained that security forces intervened to restore order, claiming that the group’s followers had sowed violence in the first place, attacking the police and stoning a police officer to death. Subsequently, six officers were arrested and tried by a military court in Goma. In early October 2023, four of them, including an army commander, were convicted of murder and attempted murder.

Between September 2023 and October 2024, Amnesty International investigated the massacre by examining the crime sites, interviewing over 70 people, including survivors, eyewitnesses and perpetrators, and analysing court records and confidential official documents. Amnesty International’s Crisis Evidence Lab verified dozens of videos and photos of the massacre as well as satellite imagery to corroborate findings. Amnesty International was able to reconstruct the exact temporal and spatial sequence of events and identified three army officers who should be individually investigated and, if there is sufficient evidence, be prosecuted for the killings and other crimes under international law committed. These include: Lieutenant-General Constant Ndima, who, as the Governor and Military Operations Commander in North Kivu at the time of the massacre, ordered the security forces to plan the operations that led to the massacre and failed to take any action against those responsible; Colonel Mike Mikombe Kalamba, Commander of the Republican Guard’s Combined Arms Brigade (BIA) in North Kivu, whose full responsibility appears not to have been established during the Goma trial; and Major Peter Kabwe Ngandu, Special Forces Battalion Commander in Goma, who appeared to personally lead the raid at the Wazalendo radio station where several members of the group were killed, injured or detained, and who was present during the mass shooting at the “temple”¹ where dozens more were killed. He also oversaw Special Forces soldiers’ loading of bodies and the wounded onto trucks.

Between July and October 2024, Amnesty International wrote to several Congolese and UN officials, including the President of the Republic, the minister of defence, the General Military Prosecutor and the UN Under-Secretary-General for Peacekeeping Operations, sharing a summary of its key findings and requesting their response or comment. Amnesty International also wrote to the three army officers named in this report for their individual responsibility. At the time of writing, Amnesty International had received and reflected, in the report, responses from the UN Under-Secretary General for Peace Operations, the former Military Governor of North Kivu, Constant Ndima, and the former BIA Commander in North Kivu, Mike Mikombe, which are annexed to this report. Other officials and the third army officer implicated, Major Peter Kabwe, did not respond to Amnesty International’s requests.

¹ “Temple” (or “hekalu”) is the term used by Wazalendo followers to refer to their place of gathering and worship – a large, corrugated iron shed, which was located in the Nyabushongo neighbourhood on the outskirts of the city of Goma.

OPERATION “KEBA”

During previous protests between June and August 2023 in Goma, which took place without notable incident, Wazalendo’s leader, Efraimu Bisimwa, announced plans for a major protest on 30 August 2023 to demand the departure of MONUSCO and other foreign forces, accusing them of “occupying the DRC against the will of Congolese ancestors”. On 19 August 2023, he wrote to the mayor of Goma to formally give notice about the planned protest, as required by Congolese law.

On 21 August 2023, the Head of MONUSCO’s Goma Office wrote to the Military Governor of North Kivu, Lieutenant-General Constant Ndima, copying the mayor of Goma, expressing the UN’s concerns about the planned protests and urging him to prohibit it “given its hateful and violent nature”. Two days later, the mayor of Goma – who, since the introduction of the “State of Siege” in May 2021, has been a serving police officer – issued a statement banning the protest, saying that the FNJMN (Wazalendo) association did not have legal status to operate, even though they had held similar protests unhindered over the previous three months. On 25 August 2023, in his capacity as the Military Operations Commander in North Kivu, the Governor issued an order to army and police units under his jurisdiction to take all necessary measures to protect MONUSCO facilities and the city. Amnesty International obtained operational plans developed by the police and army in response to the governor’s instructions. One of these plans, code-named Operation “Keba” (“Watch Out”, in Lingala language), was established by the Commander of the Republican Guard’s Combined Arms Brigade, which includes the Special Forces. It was this force that would be at the heart of the massacre.

KILLING SPREE

On 30 August, around 3am, a commando unit, which appears to have been led by Major Peter Kabwe Ngandu, Special Forces Battalion Commander in Goma, raided the FNJMN radio station in Kyeshero district, north-west of Goma. Soldiers broke into the radio station, where they arrested 12 people, including the Wazalendo leader, and confiscated transmitters and other equipment. They tied up those arrested and escorted them to the street, where army pickup trucks were parked. There, they opened fire on a group that comprised the 12 people who had been in the radio station and others who had gathered after hearing about the raid, killing six and injuring at least 10. Those killed included 44-year-old journalist Tabita Fabiola and one of the security guards who had been arrested inside the radio station building. The Wazalendo leader, Efraimu Bisimwa and five other detainees who survived the shooting were taken to the Republican Guard headquarters at Goma airport, where they were subjected to torture and other ill-treatment.

In the meantime, two blocks away, a police patrol had shot at Wazalendo followers who were headed to the radio station, killing one. Some of the followers captured an officer after he ran out of ammunition and took him back to their temple. At around 6am, the police shot at another group of Wazalendo followers as they left the temple, killing one of Efraimu Bisimwa’s sons, Uwezo Milele. After this incident, a group of Wazalendo followers stoned the captured police officer.

Congolese soldiers, mainly from the Republican Guard’s Special Forces, deployed massively around the temple at 7am, as hundreds of Wazalendo followers gathered on a street near the temple. For about half an hour, two officers from the 34th Military Region tried to persuade the group to halt their march. At around 7.30am, the Republican Guard’s BIA Commander in North Kivu, Colonel Mike Mikombe Kalamba, cut short the talks and, according to five witnesses, including the two officers from the 34th Military Region, ordered his soldiers to open fire. Images verified by Amnesty International show bursts likely from bullets being fired towards the crowd, soldiers collecting bodies, dragging them and loading them onto army trucks. According to witnesses, officers stayed in the area for hours, cleaning puddles of blood and body parts and arresting Wazalendo followers, bystanders and residents. Before leaving the area, they looted the temple and burned it to ashes.

UNCERTAIN TOLL, ABUSED BODIES

Authorities say 56 civilians were killed. It is not clear whether this number includes those who died from injuries in the following days. Amnesty International received consistent reports of at least 10 people last seen at the Wazalendo temple on 30 August and whose whereabouts are since unknown, including one woman and her four-year-old child. A confidential UN report, seen by Amnesty International, put the death toll at 102, including 90 men, eight women and four boys, and 80 more injured. No soldier was killed or wounded. Amnesty International found no evidence that the Wazalendo followers were armed, and neither did military courts, which handed down two judgments in relation to the massacre.

For a fortnight, the authorities denied families access to the bodies to identify them or bury them with dignity. The bodies remained piled up in Goma’s military hospital, some in the open air. When buried three weeks later, they were in an advanced state of decomposition. No ballistics investigations or autopsies were carried

out as part of investigations promised by the authorities. No DNA samples were taken for identification of 27 officially unidentified bodies. A man who identified the decomposing body of his slain nephew said: "It is as if they had killed him for a second time."

FLAWED JUSTICE

Between 1 September and 10 October, the authorities organized two separate trials before military courts in Goma: that of 116 Wazalendo followers and other related persons accused of the murder of the police officer and insurrection; and that of six Republican Guard members, including two high-ranking officers, accused of killing and wounding the Wazalendo followers. Although one officer and three soldiers were convicted in connection with these murders, Amnesty International found the investigation rushed and incomplete. The trial of the Wazalendo followers, including their collective prosecution for the murder of the police officer, also fell far short of fair trial standards.

This report reveals that the 30 August massacre resulted from a series of deliberate actions by the authorities, following an explicit request made to them by MONUSCO to "prohibit" the protest. The massacre was not the result of a blunder on the part of a few soldiers who intervened unexpectedly following the lynching of a police officer by the Wazalendo followers, as claimed by the authorities.

By reconstructing the events of 29 and 30 August 2023, the report shows that soldiers carried out the first raid targeting Wazalendo followers at around 3am at their radio station, killing at least six people and arresting others, including the Wazalendo leader. It was this raid that triggered the capture of a police officer at around 4am by a group of Wazalendo followers, and his stoning at around 6am.

The operation against protesters took place against the backdrop of unwarranted claims that FNJMN (Wazalendo) was not a registered organization and that their activities should, therefore, be restricted. The authorities cited this as grounds for pre-emptively banning the protest in defiance of peaceful assembly standards.

Congolese security and defence forces should not have been deployed to police the protest as such roles should be reserved for law enforcement officials trained in policing assemblies. Firearms can only be justified as a last resort in the face of an imminent threat to life or severe injury. The soldiers deliberately killed dozens of people, both in the hours preceding the protest and during it, in violation of international human rights standards, including those governing the use of firearms.

These killings should be viewed in the context of widespread and/or systematic attacks against the civilian population of North Kivu and other parts of eastern DRC by both government forces and armed groups. They may, therefore, constitute crimes against humanity of murder. The situation in DRC is the subject of an investigation by the Office of the Prosecutor of the International Criminal Court (OTP),² within which the OTP recently decided to give "priority" focus to "any alleged Rome Statute crimes occurring in North Kivu since January 2022".³

KEY CALLS

As this report shows, the massacre in Goma on 30 August 2023 was a well-prepared operation carried out mainly by the Republican Guard, following a request from MONUSCO for a "firm intervention to prevent any threats against MONUSCO bases and staff" and to prohibit the protest "given its hateful and violent nature". The right to peaceful protest is guaranteed by Congolese law and several international instruments ratified by the DRC. Similarly, the right to life, freedom from torture and all other rights violated in the context of the 30 August massacre in and around Goma are protected under international law. Victims of these heinous crimes have a right to truth and justice. They should not be collectively punished.

Amnesty International is calling on President Tshisekedi to immediately suspend General Ndimba and Major Peter Kabwe from the army pending investigation. Colonel Mike Mikombe, who was the Republican Guard's Commander in North Kivu at the time and who was convicted in connection with the killings, should also be further investigated and, if there is sufficient evidence against him, prosecuted for his other actions, including torture and other ill-treatment against the Wazalendo as well as his possible liability as a superior. The DRC authorities must reopen investigations into this massacre, in line with regional and international standards, to establish the truth and hold all of those involved accountable. President Tshisekedi should further take urgent steps to specify the exceptional circumstances under which the Republican Guard can

² ICC Office of the Prosecutor (OTP), press release, "The office of the Prosecutor of the ICC opens its first investigation", 23 June 2004, [icc-cpi.int/news/icc-office-prosecutor-international-criminal-court-opens-its-first-investigation](https://www.icc-cpi.int/news/icc-office-prosecutor-international-criminal-court-opens-its-first-investigation); ICC web page on the DRC situation, <https://www.icc-cpi.int/drc>

³ OTP, press release, "Statement of ICC Prosecutor Karim A.A. Khan KC on the Situation in the Democratic Republic of the Congo and renewed investigations", 14 October 2024, [icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-situation-democratic-republic-congo-and-renewed](https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-situation-democratic-republic-congo-and-renewed)

participate in law-enforcement activities, in line with international standards. Lastly, the president must lift the “State of siege” in North Kivu and Ituri provinces and, together with parliament, take urgent steps to limit the involvement of the army in law enforcement missions. As for the Office of the Prosecutor of the International Criminal Court, it should consider examining the 30 August 2023 killings in Goma as part of the ongoing investigation into the situation in eastern DRC.

MONUSCO’s request to the Congolese authorities to prohibit the Wazalendo protest failed to give appropriate emphasis either to the presumption that assemblies should be considered peaceful (in the absence of compelling evidence to the contrary) or to the State’s obligations to facilitate and protect the assembly. This request provided the immediate context for the violation by the Congolese authorities of the right to peaceful assembly as protected under international human rights law. MONUSCO’s statement in the immediate aftermath of the massacre was also deficient as it appeared to justify the response of the authorities to the demonstration and to place blame on the protest’s organizers. It stated that the protest had not been authorized – which is not required under the DRC law – adding that “[i]n accordance with their primary responsibility for security in the country, the Congolese defence and security forces attempted to prevent the demonstration that was going to be violent, according to its organisers”. Amnesty International calls on the UN Department for Peace Operations to promptly investigate the role played by MONUSCO and its leadership in the events that led to the massacre.

METHODOLOGY

This report is based on an in-depth investigation by Amnesty International between September 2023 and October 2024, which included over 70 interviews, reconstructing the sequence of events with dozens of photos, videos and documents analysed, including confidential government and UN files, and court records.

From 30 August, Amnesty International's Crisis Evidence Lab verified at least 80 photos and videos of the massacre and surrounding events. Combined with satellite imagery, field visits and eyewitness testimonies, these images made it possible to reconstruct the temporal and spatial sequence of events.

Amnesty International travelled to Goma between 22 September and 1 October 2023, conducting on-site research and 59 interviews, including 42 individually and others in focus groups. A further 12 interviews were conducted by a Goma-based research partner and by voice call between 30 August and 30 November 2023. Survivors, eyewitnesses, victims' relatives, medical professionals, defence and victims' lawyers, military prosecutors, UN officials, mortuary and cemetery personnel, journalists, military experts, and other persons of interest were interviewed, mainly in Kiswahili and French. 11 interviewees were women.

Amnesty International analysed around 100 pages of court records, official documents, as well as confidential reports from the Congolese authorities and MONUSCO. Researchers also analysed audio and video recordings of hearings in the first instance trials of the Wazalendo before the Goma Garrison Court, as well as that of four rank-and-file soldiers and two officers of the Republican Guard before the North Kivu Military Court. The appeal trials, which were pending at the time of publication, lie outside the scope of this report.

In July 2024, Amnesty International wrote to several Congolese and UN officials, including the President of the Republic, the minister of defence, the minister of interior, the minister of justice, the General Military Prosecutor as well as the UN Under-Secretary-General for Peace Operations, sharing a summary of its key findings and requesting their response or comment. Amnesty International also wrote to the three army officers named in this report for their individual responsibility. At the time of publication, Amnesty International had received responses from the UN Under-Secretary-General for Peace Operations, from the former Military Governor of North Kivu, Constant Ndimba, and from the former Commander of the Republican Guard in North Kivu, Mike Mikombe. Amnesty International reviewed their responses, which are annexed to this report, and updated its findings accordingly.

1. BACKGROUND TO THE CARNAGE

1.1 ARMED CONFLICT, FOREIGN INTERVENTION AND POPULAR UPRISING

The UN Stabilization Mission in the DRC, MONUSCO, deployed since 1999,⁴ has often been unable to protect civilians from attacks by armed groups, including M23, and sometimes by the Congolese army itself.⁵

When he came to power in 2019, DRC's President Félix Tshisekedi pledged to improve security and civilian protection in eastern DRC.⁶ Opting for an essentially militaristic approach, he gave a more prominent role to the Congolese army and sought military interventions from countries in the region, while criticizing MONUSCO and pushing for its withdrawal.⁷ He declared a "State of siege" (similar to a state of emergency) in Ituri and North Kivu provinces in May 2021, granting extraordinary powers to the army and the police, claiming it was a means to rapidly restore security.⁸ The measure was continually extended and used by the army and police to undermine human rights.⁹ Later that year, the Tshisekedi administration authorized the intervention of the Ugandan army in parts of North Kivu and Ituri,¹⁰ and, in June 2022, that of the East African Community Regional Force (EACRF).¹¹ In May 2023, after criticizing the failure of the EACRF,¹² he

⁴ The mission was initially named MONUC (UN Mission in the DRC). It was renamed MONUSCO in July 2010. For a detailed background, see: MONUSCO, "Background", monusco.unmissions.org/en/background (accessed on 10 November 2023).

⁵ For a detailed background on armed conflict in eastern DRC, see: Jason K. Stearns, *The War That Doesn't Say Its Name: The Unending Conflict in the Congo*, Oxford and Princeton, 2021.

⁶ See for example: Deutsche Welle, "Félix Tshisekedi promet la fin des violences dans l'est", 2 July 2019, [dw.com/fr/rdc-f%C3%A9lix-tshisekedi-promet-la-fin-des-violences-dans-lest/a-49448130](https://www.dw.com/fr/rdc-f%C3%A9lix-tshisekedi-promet-la-fin-des-violences-dans-lest/a-49448130)

⁷ The Congolese government repeated calls for the UN mission's withdrawal date back to the 2010s, under the Kabila administration, see for example: Al Jazeera, "Kabila wants MONUC out of DRC", 4 January 2010, [aljazeera.com/news/2010/1/4/kabila-wants-monuc-out-of-drc](https://www.aljazeera.com/news/2010/1/4/kabila-wants-monuc-out-of-drc); African Quarters, "Kabila says MONUSCO inactive, call for withdrawal from DR Congo", 28 September 2018, africanquarters.com/kabila-says-monusco-inactive-call-for-withdrawal-from-dr-congo/; Congo's Kabila tells UN to withdraw troops, 27 September 2018, rfi.fr/en/africa/20180926-Congo-Joseph-Kabila-UN-withdraw-troops-elections;

The pressure continued and even increased after Tshisekedi took power over in January 2019; See also: UN, Report of the Secretary-General, S/2020/1150, 30 November 2020, press.un.org/en/2020/sc14374.doc.htm; See also: Joshua Walker and Jason Stearns' blog, "Peacekeeping on shifting political sands", in New York University's Center on International Cooperation, cic.nyu.edu/resources/what-will-come-after-monusco/

⁸ Amnesty International, *Democratic Republic of the Congo: Justice and Freedoms Under Siege in North-Kivu and Ituri* (Index: AFR 62/5495/2022), 10 May 2022, [amnesty.org/en/documents/afr62/5495/2022/en/](https://www.amnesty.org/en/documents/afr62/5495/2022/en/)

⁹ Amnesty International, "DRC: Authorities Must Lift 'State of Siege' Now", 3 May 2023, [amnesty.org/en/latest/news/2023/05/drc-authorities-must-end-state-of-siege/](https://www.amnesty.org/en/latest/news/2023/05/drc-authorities-must-end-state-of-siege/)

¹⁰ See for example: Congo Research Group and Ebuteli, "Uganda's Operation Shujaa in the DRC: Fighting the ADF or Securing Economic Interests?", 14 June 2022, cic.nyu.edu/resources/ugandas-operation-shujaa-in-the-democratic-republic-of-congo-fighting-the-adf-or-securing-economic-interests/

¹¹ Voice of America, "East African Community Agrees to Deploy Troops to Stabilize DRC", 21 June 2022, [voanews.com/a/east-african-community-agrees-to-deploy-troops-to-stabilize-drc/6626718.html](https://www.voanews.com/a/east-african-community-agrees-to-deploy-troops-to-stabilize-drc/6626718.html)

¹² Africa Intelligence, "DRC: Disillusioned with EAC Regional Force, Kinshasa turns to SADC" 3 May 2023, africaintelligence.com/central-africa/2023/05/03/disillusioned-with-eac-regional-force-kinshasa-turns-to-sadc.109951317-art; Bloomberg, "Southern Africa Bloc Agrees to Send Troops to eastern Congo", 8 May 2023, [bloomberg.com/news/articles/2023-05-08/southern-africa-bloc-agrees-to-send-troops-to-eastern-congo?leadSource=uverify%20wall](https://www.bloomberg.com/news/articles/2023-05-08/southern-africa-bloc-agrees-to-send-troops-to-eastern-congo?leadSource=uverify%20wall)

requested the intervention of the Southern African Development Community (SADC), which was deployed to North Kivu in December 2023.¹³

The DRC government has openly mobilized local armed groups¹⁴ and resorted to private military companies¹⁵ to support the army since 2023, amid persistent war rhetoric between the DRC and Rwanda. Congolese authorities accuse Rwanda of aggression and sponsoring M23 rebels.¹⁶ The M23 rebels have occupied parts of North Kivu province since November 2021, despite regional and international efforts for disarmament.¹⁷

Faced with persistent insecurity despite interventions by the UN and regional forces, the population has regularly protested against the presence of these forces. During anti-MONUSCO protests in Goma and other towns in July 2022, security forces killed at least 32 people, while four UN peacekeepers were killed by protesters, according to the government.¹⁸

This is the context in which FNJMN emerged in early 2023. Although the political and religious group's statements and actions began to be widely publicized around June 2023, it had been legally registered as a non-profit association and operating in Goma since 2019, according to official registration documents seen by Amnesty International and testimonies from members of the group.¹⁹ It advocates a return to traditional Congolese and African spiritual practices and "rejection of imperialism in all its guises".²⁰ Followers of this group are called Wazalendo, which means "patriots" in Swahili.²¹ Before its protest planned for 30 August 2023, the group held three peaceful protests in Goma on 30 June, 30 July and 2 August 2023.²² These protests, at least two of which were at MONUSCO's headquarters, took place without violence.²³

1.2 PLANS FOR PROTEST AND AUTHORITIES' REACTION

During previous protests in June and July, Efraimu Bisimwa, Wazalendo's leader, announced a "major protest for 30 August" to demand MONUSCO's departure. For weeks, he repeated this call via local radio stations, social media, and during the group's worship services, mobilizing his followers and the public to participate.²⁴ On 19 August, he wrote to the Mayor of Goma to formally give notice about the planned protest

¹³ Southern Africa Development Community (SADC), "Deployment of the SADC Mission in the Democratic Republic of Congo", 4 January 2024, sadc.int/latest-news/deployment-sadc-mission-democratic-republic-congo

¹⁴ In March 2023, the government introduced a draft bill establishing an "Armed Defence Reserve", which would include, among others, "civilian volunteers willing to defend the country against aggression", see: actualite.cd/2023/04/21/loi-instituant-la-reserve-armee-de-la-defense-en-rdc-pour-claude-lubaya-ce-texte-va; Since then, several government and army officials have publicly acknowledged that the Congolese army was working with these so-called self-defence groups, in particular, to counter the M23 and the Rwandan army in North Kivu. See for example: Muhisa Kahangavale, "North Kivu/Wazalendo/FARDC: Muhindo Nzangi échange avec la presse à Goma", 6 March 2023, youtube.com/watch?v=4OZsHTRdrVA, minute 00-2:00. In a report to the Security Council in April 2023, the UN Secretary-General expressed concerns about these developments, see: Politico.cd, "RDC: l'ONU craint que le phénomène Wazalendo contribue à un nouveau cycle de violences", 15 August 2023, politico.cd/la-rdc-a-la-une/2023/08/15/rdc-lonu-craint-que-le-phenomene-wazalendo-contribue-a-un-nouveau-cycle-de-violences.html/138108/.

¹⁵ See, for example: Africa Intelligence, "Foreign Private Military Contractors Flood into North Kivu", 6 January 2023, africaintelligence.com/central-africa/2023/01/06/foreign-private-military-contractors-flood-into-north-kivu.109879278-eve

¹⁶ See, for example: International Crisis Group, "A Dangerous Escalation in the Great Lakes", 27 January 2023, crisisgroup.org/africa/great-lakes/democratic-republic-congo-rwanda/dangerous-escalation-great-lakes. The M23 is one of the most prominent of these armed groups. The group claims to defend the rights of the Congolese Tutsi community, who have faced discrimination and other challenges in the DRC, especially following the 1994 genocide in Rwanda and the influx of millions of Rwandan Hutu refugees into the former Zaïre. It has accused DRC authorities of failing to implement previous peace agreements, which provided for, among other things, dismantling Rwandan Hutu rebels in eastern DRC and ensuring the safe return of Congolese Tutsi from neighbouring countries, including Rwanda. M23 resumed its attacks in North Kivu in November 2021, with support from Rwanda, according to several UN reports. It has since taken control of several towns around Goma.

¹⁷ See, for example: UN News, "DR Congo: Guterres Urges M23 Rebels to Respect Tuesday Ceasefire Agreement", 6 March 2023, news.un.org/en/story/2023/03/1134242

¹⁸ La Croix, "RDC: 36 morts, nouveau bilan officiel des manifestations anti-ONU dans l'est", 2 August 2022, la-croix.com/RDC-36-morts-nouveau-bilan-officiel-manifestations-anti-ONU-est-2022-08-02-1301227343

¹⁹ Ministry of Justice, Acknowledgment of Receipt F.92/42.219 of 9 April 2021 issued following Provincial Decree 01/427/CAB/GP-NK/2019 of 21 June 2019 providing provisional authorization for the operation of a non-profit association named "The Messianic Judaic Natural Faith towards the Nations", FNJMN in French acronym, on file with Amnesty International.

²⁰ Interview in person with Efraimu Bisimwa, Wazalendo leader, 8 October 2023, Goma.

²¹ Different from armed groups with a similar name (see Glossary and section 1.1 above).

²² Interviews conducted separately in person with two journalists who covered the previous peaceful protests by Wazalendo followers, 23-24 September 2023, Goma. Interview in person with a group of Wazalendo followers, 24 September 2023, Goma.

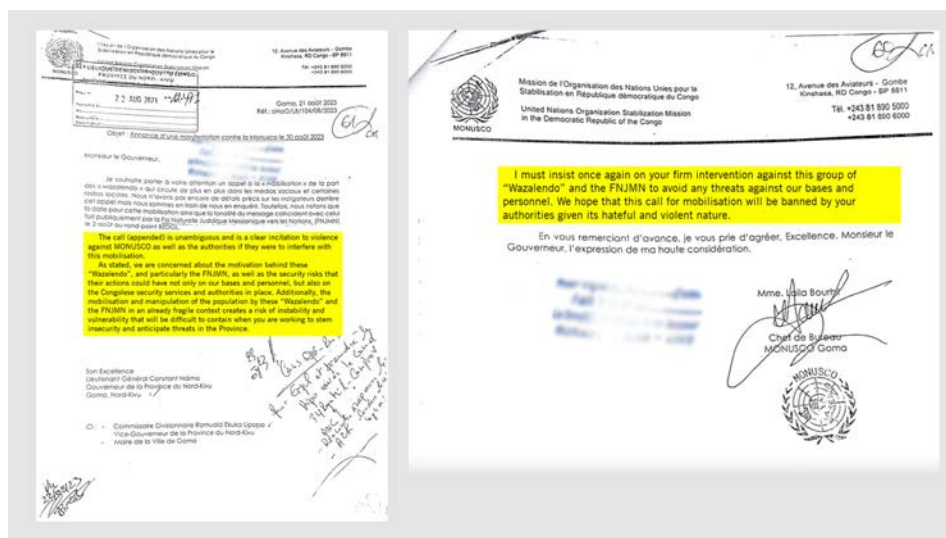
²³ Interviews conducted separately in person with two journalists who covered the previous peaceful protests by Wazalendo followers, 23-24 September 2023, Goma. Interview in person with a group of Wazalendo followers, 24 September 2023, Goma.

²⁴ See for example: mc3310jeremie, TikTok post: "Réaction marche de Wazalendo" ["Wazalendo march reaction"], 29 August 2023, tiktok.com/@mc3310jeremie/video/7272746986988637446?_r=1&t=8hay8ZGMbZ7

as required by Congolese law.²⁵ He said: “As usual, it will be a silent and peaceful march. We will depart from our temple and head to the MONUSCO headquarters. Our ancestors will protect us from anyone who might be tempted to attack us.”²⁶

MONUSCO'S REQUEST TO PROHIBIT PROTEST

On 21 August, the Head of MONUSCO's Goma Office wrote to the North Kivu Governor Lieutenant-General Constant Ndima, expressing concerns about the planned protest and urging him to prevent it from taking place.²⁷ The letter stated: “the [Wazalendo's] call is “a clear incitement to violence against MONUSCO and also against the authorities if they were to interfere with this mobilization. [...] We remain concerned about the motivations of these ‘Wazalendo’ and the FNJMN in particular, as well as the security risks that their actions could pose not only to our bases and staff but also to the Congolese security services and the established authorities.”²⁸ In what appears to be an implicit reference to the conflict with M23 and DRC's tensions with Rwanda, she went on to reference “a manipulation” which could “create instability and vulnerability that will be difficult to contain at a time when your own efforts are aimed at containing insecurity and anticipating threats in the province.”²⁹ The letter requested the governor's “firm intervention” with the Wazalendo “to prevent any threats against MONUSCO bases and staff”, and urged him to prohibit the protest “given its hateful and violent nature”.³⁰



←  A letter sent by the head of MONUSCO's Goma office to the governor of North Kivu on 21 August 2023. Highlights and translations added by Amnesty International.

On 28 August, the governor wrote back to MONUSCO's Head of Goma Office, reassuring her that he had instructed the security forces “to make the necessary arrangements” regarding her request.³¹

In response to Amnesty International's findings and questions, the UN Under-Secretary-General for Peace Operations, said that MONUSCO's request to the authorities to prohibit the protest followed exchanges of information with the authorities which indicated that “the actions planned for 30 August posed significant risks to both peacekeepers and residents in Goma”.³² He stressed that “the Mission's communications emphasized the need for the Congolese authorities to proactively address these concerns to prevent any loss of life and were delivered within the framework of regular dialogue, stressing the importance of respecting human rights while avoiding undue restrictions on the

²⁵ Efraïmu Bisimwa's, Wazalendo leader, Goma, letter to the mayor of Goma on “the continuation of the struggle for the total independence of the Kongo and Africa and the effective departure of some UN missions operating in the DRC”, 19 August 2023, on file with Amnesty International. Under current Congolese law, there is no fixed period of written notice for peaceful protests. However, in practice, notice must be provided three days in advance based on a 1999 decree. The decree became obsolete with the adoption of the current Constitution in February 2006 but has still not been replaced.

²⁶ Efraïmu Bisimwa, Wazalendo leader, statement on the 30 August protest in Goma, 23 August 2023, video record on file with Amnesty International.

²⁷ Leila Bourhil, Head of MONUSCO's Goma Office, letter to North Kivu Governor, protest, 21 August 2023, on file with Amnesty International.

²⁸ Leila Bourhil, Head of MONUSCO's Goma Office, letter to North Kivu Governor, 21 August 2023, annexed.

²⁹ Leila Bourhil, Head of MONUSCO's Goma Office, letter to North Kivu Governor, 21 August 2023 (previously cited).

³⁰ Leila Bourhil, Head of MONUSCO's Goma Office, letter to North Kivu Governor, 21 August 2023 (previously cited).

³¹ Nord Kivu Governor, letter to the Head of MONUSCO's Goma Office (01/1282/CAB/GP-NK/2023), 28 August 2023, annexed.

³² UN Under-Secretary-General for Peace Operations (DPO), New York, letter to Amnesty International, 15 August 2024, annexed.

freedoms of expression and peaceful assembly.”³³ He stated: “Notable examples include: a letter dated 30 June from Mr. Bisimwa, leader of the Faith Natural Judaic Messianic towards the Nations (FNJMN), addressed to President Félix Tshisekedi, inciting violence against MONUSCO and other United Nations agencies; a public communication from FNJMN on 18 July to the Mayor of Goma reiterating their intention to erect a statue of Patrice Lumumba on the land occupied by the Mission’s logistics base in Goma; protests organized by FNJMN on 30 and 31 July in front of the Mission’s logistics base; the broadcast of hostile messages targeting MONUSCO disseminated on 2 August on FNJMN’s community radio, Uwezo wa Neno; as well as messages affiliated with Wazalendo and FNJMN circulated on social media, calling for a widespread campaign against MONUSCO starting on 30 August.”³⁴ Amnesty International reviewed most of FNJMN’s statements and messages in the lead-up to 30 August 2023, including Bisimwa’s 30 June letter to President Tshisekedi, his 18 July letter to the Mayor of Goma, as well as several social media posts, but could not find evidence of incitement to violence. On 11 October 2024, Amnesty International sent a follow up letter to the UN Under-Secretary-General for Peace Operations, requesting additional information to support his claims.³⁵ The letter reiterated unanswered questions regarding the assessments undertaken by MONUSCO, if any, to determine whether and how the risks identified might have been mitigated without resorting to an outright prohibition of the planned protest, and in relation to the possible consequences of requesting the Congolese authorities to prohibit the protest. Amnesty International further reiterated its question about the reasons why the UN did not publish the findings of its own investigations into these events. At the time of publication, the UN had not responded to our follow up requests.

PREEMPTIVE BAN

On 23 August, the Mayor of Goma released a statement announcing that the 30 August protest planned by the Wazalendo was banned because of the group’s registration status.³⁶ Several letters followed between him and the Wazalendo leader, with copies sent to other authorities, including the governor. In his letters, the mayor claimed that the protest was banned because Wazalendo was not legally registered as a non-profit association and because of the “State of siege”.³⁷ However, Efraimu Bisimwa provided evidence that FNJMN had been legally registered as a non-profit association since 2019 and insisted that the protest go on as planned.³⁸ In any event, authorities were not justified in banning the protest on the basis of Wazalendo’s registration status.³⁹

In an interview with Amnesty International, Efraimu Bisimwa stated that they reached a compromise after a police official went to see them and urged them to call off the protest.⁴⁰ He said:

“On the evening of 28 August, Colonel Thierry arrived at our temple at around 4pm. He had reached us thanks to our follower, Mama Deborah, who is close to him. We had a three-hour meeting with him as he tried to convince us not to hold the protest on 30 August. I told him that the followers were largely mobilized and that it was downright difficult for nothing to be done on that day. In the end, I suggested that, as a police commander, he sends a few police officers to escort a small delegation of ours that would go and deliver our message to the authorities on 30 August. That was our final compromise. Colonel Thierry even sat down with us around the fire as we left the temple. He took part in some of our rituals, saying that he was also the son of a traditional chief. He even drank the Kasiksi [a local beer made from bananas] with us, which is a sign of the covenant. For us, this meant that the agreement had been reached and sealed by all parties.”⁴¹

OPERATIONAL PLAN

Meanwhile, at the request of the governor, the army was in the process of planning and mounting an operation against the Wazalendo. In an official message (“télégramme”) sent to the army and police units under his jurisdiction on 25 August, in his capacity as Military Operations Commander, Governor Lieutenant-General Ndima characterized the Wazalendo as “a pressure group which supports M23 and the Rwanda Defence Force terrorists”, and whose aim was to “sow unrest in the town in order to facilitate enemy

³³ UN Under-Secretary-General for DPO, letter to Amnesty International (previously cited).

³⁴ UN Under-Secretary-General for DPO, letter to Amnesty International (previously cited).

³⁵ Amnesty International, letter to the UN Under-Secretary-General for Peace Operations, 11 October 2024, on file with Amnesty International.

³⁶ Goma Mayor’s press release 3072/33/JO38/M-G/2023, 23 August 2023, on file with Amnesty International.

³⁷ Kapend Kamand Faustin (Senior Principal Commissioner of Police), Acting Goma Mayor, letters to FNJMN leader Efraimu Bisimwa, 25 and 28 August 2023, on file with Amnesty International.

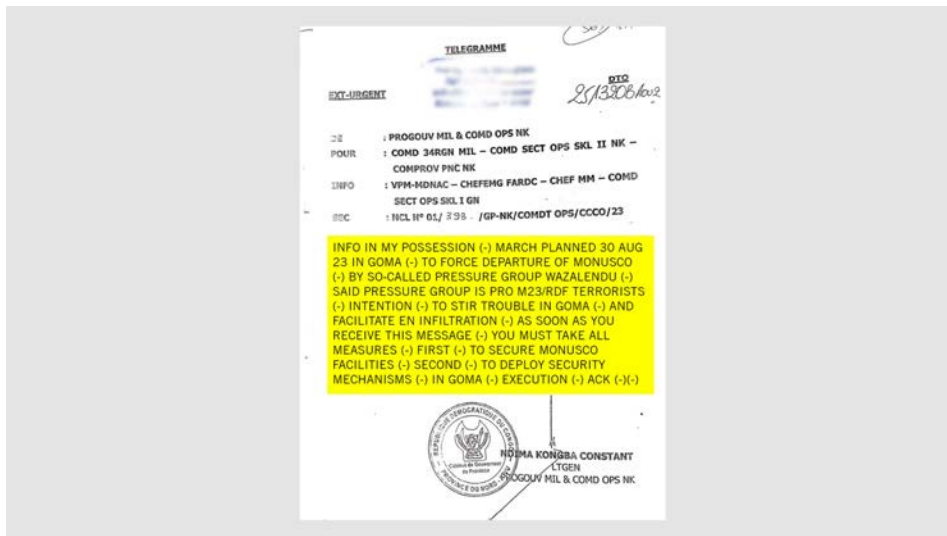
³⁸ Efraimu Bisimwa, Wazalendo leader, letter response to the Mayor of Goma, 25 August 2023, on file with Amnesty International.

³⁹ African Commission on Human and Peoples’ Rights (ACHPR), Guidelines on Freedom of Association and Assembly in Africa, 21 September 2017, paras. 11 and 67, [achpr.org/index.php/en/soft-law/guidelines-freedom-association-and-assembly-africa](https://www.achpr.org/index.php/en/soft-law/guidelines-freedom-association-and-assembly-africa).

⁴⁰ Interview in person with Efraimu Bisimwa, Wazalendo leader, 8 October 2023, Goma.

⁴¹ Interview in person with Efraimu Bisimwa, Wazalendo leader, 8 October 2023, Goma.

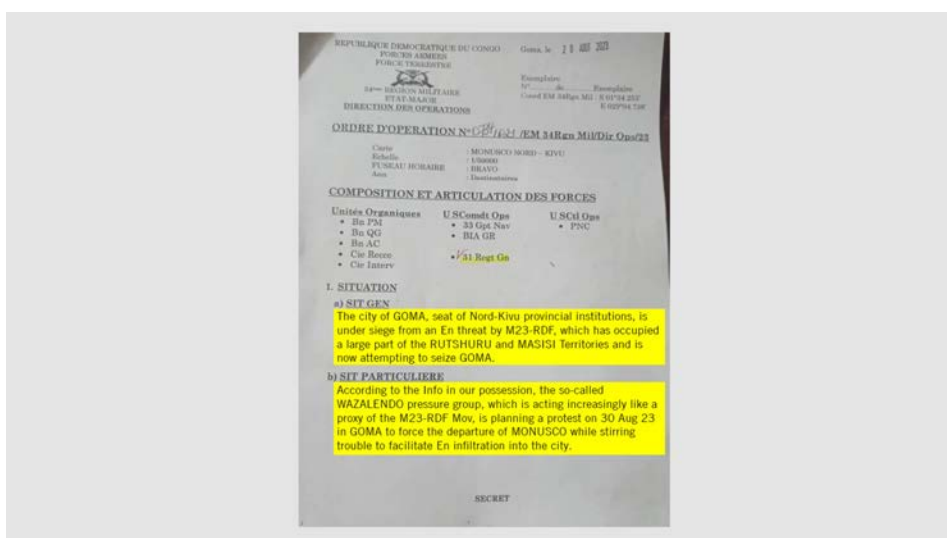
infiltration.”⁴² He ordered them to take all necessary steps to protect MONUSCO facilities and Goma.⁴³ Among those copied in the message were the defence minister, the army chief of staff and the head of the President’s military household.



← (i) A message signed by the governor of Nord-Kivu addressed to the 34th Military Region. Highlights and translations added by Amnesty International.

Following the governor’s message, the 34th Military Region issued an operational order on 28 August to all army units in Goma, including the Republican Guard’s Combined Armed Brigade (BIA).⁴⁴ The order stated that “according to information in our possession, the so-called Wazalendo pressure group, which is increasingly acting as an auxiliary of the M23-RDF movement, is planning a march on 30 August 2023 in the town of Goma to demand the departure of MONUSCO, while sowing unrest in order to facilitate enemy infiltration into the town” (emphasis added).⁴⁵

The operational order characterized the Wazalendo as a pressure group engaging in a march. The instructions were to “secure and permanently defend the city of Goma by reinforcing the CltZ [military area control] apparatus, protect MONUSCO facilities and disperse protesters”.⁴⁶ While the order recalled that rules of engagement and behaviour are strict, including the ban on the use of firearms “except in self-defence”,⁴⁷ its instructions did not recognize or refer to the right of peaceful assembly or reflect the obligation of law enforcement authorities to protect and facilitate the exercise of this right.



← (i) A document containing orders of operation for the 34th Military Region. Highlights and translations added by Amnesty International.

⁴² North Kivu Governor’s official message (previously cited).

⁴³ North Kivu Governor’s official message (previously cited).

⁴⁴ 34th Military Region’s Operations Department, “Operation Order 0734/029/EM 34 Rgn Mil/Dir Ops/23”, 28 August 2023, annexed.

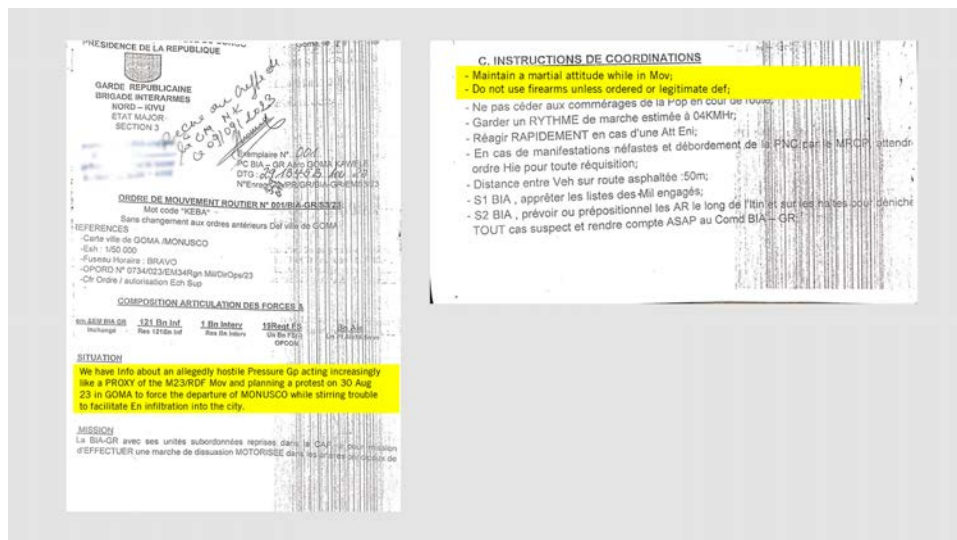
⁴⁵ 34th Military Region’s Operations Department, “Operational Order” (previously cited).

⁴⁶ 34th Military Region’s Operations Department, “Operational Order” (previously cited).

⁴⁷ 34th Military Region’s Operations Department, “Operational Order” (previously cited).

In the order's annex, each unit involved, including the Republican Guard/BIA, is given precise instructions in three phases corresponding to the response on 28, 29 and 30 August.⁴⁸ In the final phase (30 August), their mission was to: "pursue the enemy", "destroy isolated enemy elements", "consolidate the area", and "reorganize".⁴⁹

In response to the operational order, on 29 August, the Commander of the Republican Guard's Combined Arms Brigade, Colonel Mike Kalamba Mikombe, issued a detailed "Motorised Deterrence Patrol Order" code-named "Keba",⁵⁰ to units under his direct command, including the elite Special Forces (FS)⁵¹ The document set out the same allegation of collusion between the Wazalendo and the M23 and the Rwanda Defence Force and specified that it had been drawn up on the "orders/authorisation of the higher level."⁵² BIA's objective, as stated in the document, was to "carry out a motorised deterrence patrol in the main roads around the city of Goma" on 30 August between 4am and 11.30am and to "nip in the bud the attempt [to sow chaos] by the Messianic pressure group." While the order recalled the ban on the use of firearms, it included broader exceptions: "except upon order or in case of self-defence."⁵³



← A document containing orders of operation for the Republican Guard. Highlights and translations added by Amnesty International.

On 28 August, the police also drew up a detailed "service order"⁵⁴ for their own units, but according to the Mayor of Goma (who, since the "State of siege", is also a police officer), the service order was not implemented "because the army had taken the lead".⁵⁵

⁴⁸ Phase 1: 28 August ("Strengthening day and night patrols"); Phase 2: 28-29 August ("Locate Enemy, Occupy Hot Spots and Strategic Areas", etc.); Phase 3: 30 August ("Take on Enemy, Destroy Isolated Enemy Elements", etc.).

⁴⁹ 34th Military Region's Operations Department, "Operational Order" (previously cited).

⁵⁰ Republican Guard/BIA's Motorised Deterrence Patrol Order 319 019/PR/GR/BIA-GR/EMS8/23 of 29 August 2023, on file with Amnesty International. "Keba" is Lingala for "watch out", "be careful" or "warning". "Keba" is the code name for the plan drawn up by the Republican Guard/BIA Commander in North Kivu, Colonel Mike Kalamba Mikombe, with the stated objective of "nipping in the bud" the protest called by the Wazalendo on 30 August 2023 in Goma, according to confidential files obtained by Amnesty International.

⁵¹ Africa Intelligence, "DRC: Beni Tal Security trains and equips Tshisekedi's Republican Guard", 27 July 2023, africaintelligence.com/central-africa/2023/07/27/beni-tal-security-trains-and-equipments-tshisekedi-s-republican-guard_110007947-art

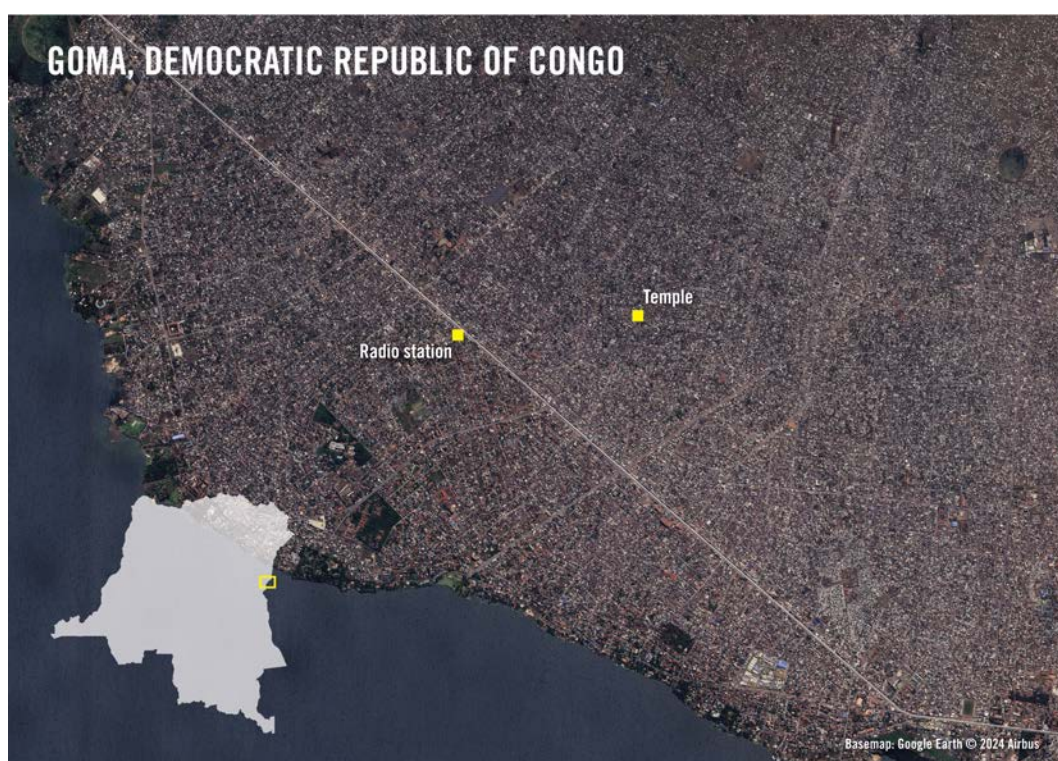
⁵² Republican Guard/BIA's Motorised Deterrence Patrol Order 319 019/PR/GR/BIA-GR/EMS8/23 of 29 August 2023, on file with Amnesty International.

⁵³ Republican Guard/BIA's Motorised Deterrence Patrol Order (previously cited).

⁵⁴ North Kivu Provincial Police Station, Service Order 103/351/049/PNC/CP NK/COORD POL ADM/DSP/2023, on file with Amnesty.

⁵⁵ Public hearing of the Mayor of Goma before the North Kivu Military Court, 12 September 2023, recording on file with Amnesty.

2. 30 AUGUST: THE MASSACRE



Satellite image shows the location of the Wazalendo radio station and temple within the city of Goma.

2.1 ASSAULT ON WAZALENDO'S RADIO STATION

“We were not much concerned after we realized that they were Congolese army soldiers. We thought they might want to arrest us, but the last thing we would have thought of is that they had come to kill.”

A survivor of the attack on the Wazalendo's *Uwezo wa Neno* radio station.

Wazalendo members hosted radio programmes on the first floor of a small, corrugated iron building along a main avenue in Kyeshero district. Their leader, Efraimu Bisimwa, one of his assistants, the radio director, a radio technician, a journalist and four female guests spent the night before the planned protest at the radio station. Three civilian guards provided security outside the building.

3.30AM: UNLAWFUL KILLINGS

In the middle of the night, five Special Forces soldiers arrested the Wazalendo's security guards, broke down the doors and entered the building, arresting everyone and tying their arms behind their backs with a loincloth. The soldiers took equipment, money and other items from the radio station before escorting those arrested outside.⁵⁶

The radio director told Amnesty International how the raid unfolded:

“I was on the first floor, working from my office. The five ladies were in the studio, while the visionary [Efraimu Bisimwa] was resting in his room on the ground floor waiting for his own programme, which was due to start at 4am. I heard doors being broken. We thought we were attacked by thieves as is common in Goma. I called the ladies into my office. The four girls came, while the journalist, Tabita, stayed in the studio trying to alert the radio listeners about the attack. They hid behind my office door. Soon, the assailants entered the newsroom. That is when we realized they were Congolese soldiers. They went to the studio, where they arrested Tabita and took her to the newsroom just outside my office. They then took the four girls out of my office. They tore one of Tabita's loincloths into strips, which they then used to tie up the four women's arms behind their backs. One of the soldiers, who seemed to be their leader, came to my office, pointing his pistol at me. Unlike the others, he did not wear a balaclava, and he carried only a pistol. He said: 'If you move, I will shoot you.' He asked me, in Swahili: 'where is the radio transmitter?' I did not say anything. He repeated the question. He then told the soldiers in Lingala: 'Mokonzi alobi tozua nionso tokozua awa' ('the chief says that we take everything we find here with us'). He slapped me hard in the face and violently tore my shirt. They beat me like a pig. From the room where the transmitters were located, one soldier who had kept searching around shouted to the others: 'radio mobimba eza awa' ('all radio [equipment] is here', in Lingala). They took me too, and, after tearing my shirt, they tied my arms up behind my back. Then they shoved the six of us down the narrow staircase to the ground floor, where Efraimu, stripped of his shirt and tied up with his arms behind him as well, was waiting, guarded by four other soldiers. The three guards were tied as well and held outside the building. I found out later that, in the meantime, the radio technician who was in the transmitter room had escaped through the window before they could arrest him.”⁵⁷

He said soldiers then disconnected the cables and carried the radio transmitter downstairs.⁵⁸ “They also took a brand-new TV transmitter, which was yet to be installed, as well as other equipment,” he said. “They literally collected everything, including our phones, a large sum of money, and documents, including copies

⁵⁶ Interviews conducted separately in person with four survivors, 24 September and 8 October 2023, Goma.

⁵⁷ Interview in person with “Busara” (name changed for security reasons), a survivor, 24 September 2023, Goma.

⁵⁸ Interview in person with “Busara”, a survivor, 24 September 2023, Goma.

lying around on tables or in the printer.”⁵⁹ Amnesty International separately interviewed two of the four women,⁶⁰ as well as Efraimu Bisimwa.⁶¹ All of them corroborated this version of events.



The ransacked interior of the radio station. © Amnesty International

Meanwhile, Wazalendo followers gathered at their temple, 2km away, ahead of the planned demonstration. After hearing about the attack on the radio station, some rushed there to try to prevent their leader's arrest. About two blocks away from the radio station, they were intercepted by the police.⁶² One member of the group said: “We were around 70 Wazalendo followers. We had left the temple where we were holding a vigil after learning that our radio station had been invaded by assailants. When we reached Pancarte Sida⁶³ we came across six police officers. They shouted: ‘Bango wana’ (‘here they come!’ in Lingala), and immediately they started shooting at us, killing one of us, Jean-Claude Rusina, on the spot. The group split into smaller groups, and one group, of which I was a part, carried Jean-Claude to the CBCA Hospital. There, we were shot at by Special Forces soldiers, killing the person who was carrying Jean-Claude and injuring two others.”⁶⁴

Jean-Claude's uncle told Amnesty International: “At around 5am, Jean Claude's wife called to inform me that her husband had been injured in the shootings against the Wazalendo, according to one of his friends. I immediately rushed to find Jean-Claude's friends. They told me that Jean-Claude was not wounded but dead. They said that the soldiers took his body and brought it to an unknown destination.”⁶⁵

After being intercepted by the police, Wazalendo members split into smaller groups. One group abducted a police officer and took him to their temple.⁶⁶ Another group arrived at the radio station as Special Forces

⁵⁹ Interview in person with “Busara”, a survivor, 24 September 2023, Goma.

⁶⁰ Interviews conducted separately in person with “Mapendo” and “Furaha” (names changed for security reasons), two women who survived the killing at the radio station, on 24 September 2023, Goma.

⁶¹ Interview in person with Efraimu Bisimwa, Wazalendo leader, 8 October 2023, Goma.

⁶² Interviews conducted separately in person and by voice call with two Wazalendo followers, 30 September and 7 October 2023, Goma.

⁶³ Pancarte Sida is a road junction along the RN2 road (locally known as the Goma-Sake road).

⁶⁴ Interview by voice call with Mugugu, a Wazalendo follower who escaped the shooting at Pancarte Sida junction, 10 November 2023.

⁶⁵ Interview in person with “Paul” (name changed for security reasons), relative of the victim, 28 September 2023, Goma.

⁶⁶ Interview by voice call with Mugugu, a Wazalendo follower who escaped the shooting at Pancarte Sida junction, 10 November 2023. This is the police officer who would later be stoned to death (see section 2.2 “Assault on Wazalendo's Temple”).

soldiers were taking those arrested outside the compound.⁶⁷ “Some young people tried to untie me as the soldiers escorted us out of the building,” Efraimu Bisimwa recalled. “I asked them to calm down and let the soldiers do their job, they obeyed.”⁶⁸

Six survivors, including four who had been in the building during the raid, told Amnesty International that as they were about to cross the street to board the vehicles, shots were suddenly fired. Six people were killed and 10 more injured.⁶⁹

“I don’t know what happened, but as we were crossing the street, the soldiers behind us started firing bursts,” one of the survivors recalled. “Tabita, who was right next to me, was the first to fall. I fell next to her, in her blood. I heard a voice say, in French: ‘Arrêtez de tirer!’ (‘Stop shooting!’). The bursts stopped.”⁷⁰

Those killed included 44-year-old journalist Tabita Fabiola, one of the security guards, and four of the Wazalendo followers who had rushed to the radio station.⁷¹ According to survivors, at least three military pickup trucks were parked outside the radio station at the time of the shooting: one on the left side (westbound), and two others opposite, about four meters from the gate.⁷² Amnesty International observed what appeared to be bullet impacts on the gate to the radio station and on the metal doors of nearby shops.

Pointing to fresh scars on his neck and ribs from his hospital bed, one Wazalendo follower who suffered serious injuries from the shooting recounted: “I was hit by three bullets: one in the neck, one on my right rib, and another one in the back.”⁷³ He had rushed from the temple following the alert about the attack. “It was by the grace of God and ancestors that I escaped”, he said.⁷⁴

Efraimu Bisimwa said that he and five other Wazalendo followers were pushed into two pickup trucks across the street, which immediately drove away, leaving behind the Republican Guard to pick up the dead and the injured.⁷⁵

Five eyewitnesses, including four survivors, told Amnesty International that after all the soldiers left, residents helped the injured to reach a hospital located 100 meters away and gathered six bodies in one place near the radio station.⁷⁶ At around 5am, a group of soldiers arrived in an army vehicle, collected the bodies and took them to Goma Military Hospital.⁷⁷ A Congo Protection official told Amnesty International that the two pickup trucks which took Efraimu Bisimwa and five other Wazalendo followers from the radio station were from their joint patrol with 34th Military Region soldiers. “Our soldiers, who were part of a joint patrol with the 34th Military Region, arrived at the radio station shortly before the shooting. When the shooting started, Special Forces loaded six detainees onto the joint patrol’s pickup trucks. The patrol drove away and went to wait at the ULPGI roundabout [about 1km south of the radio station]. Soon after, the Republican Guard arrived with their own pickup and Efraimu Bisimwa and his fellow Wazalendo were handed over to them.”⁷⁸

PERPETRATORS

Five survivors and two eyewitnesses who live near the radio station described soldiers who carried out the attack as “Hiboux” (French for “owl”), a colloquial term for Republican Guard Special Forces soldiers. A neighbour who recounted seeing soldiers walking on the roofs of houses to reach the radio station said: “It was around 3am. I was woken up by footsteps on the rooftops in the neighbourhood. At first, I thought it was a cat or a dog that had climbed onto the roof. But the weight seemed to be considerable, causing the roof frame and the whole house to move. I decided to get up and see what it was. Looking out of the window, I saw a soldier jump from the roof and roll to the ground, then another, then a third [...] in all, I counted four. They were in their military fatigues with whitish boots.”⁷⁹

⁶⁷ Interview in person with “Mapendo” and “Furaha” (names changed for security reasons), survivors, 24 September 2023, Goma.

⁶⁸ Interview in person with Efraimu Bisimwa, Wazalendo leader, 8 October 2023, Goma.

⁶⁹ Interviews conducted separately in person with six survivors of the shooting at the Wazalendo radio station, 24-25 September 2023, Goma.

⁷⁰ Interview in person with “Busara”, a survivor, 24 September 2023, Goma.

⁷¹ Interviews conducted separately in person with six survivors of the shooting at the Wazalendo radio station, 24-25 September 2023, Goma.

⁷² Interviews conducted separately in person with six survivors of the shooting at the Wazalendo radio station, 24-25 September 2023, Goma.

⁷³ Interview in person with “Ismaël” (name changed for security reasons), a survivor, 8 October 2023, Goma.

⁷⁴ Interview in person with “Ismaël”, a survivor, 8 October 2023, Goma.

⁷⁵ Interview in person with Efraimu Bisimwa, Wazalendo leader, 8 October 2023, Goma.

⁷⁶ Interview conducted separately in person with five eyewitnesses, 24 September 2023, Goma.

⁷⁷ Interview conducted separately in person with five eyewitnesses, 24 September 2023, Goma.

⁷⁸ Interview in person with an official from Congo Protection, a private military company, 1 October 2023, Goma.

⁷⁹ Interview by voice call with “Jeanne” (name changed for security reasons), 6 September 2023, Goma. Special Forces soldiers typically wear cream-coloured boots, which can be mistaken for white especially in contrast to the usual black leather boots of ordinary Congolese army and police units.

A survivor recounted: “I saw them very well. They wore green fatigues and light-coloured boots. They also wore helmets with a communication system like Hiboux’s ones and had sophisticated weapons.”⁸⁰ Another survivor said: “Their heads were completely covered [with balaclavas], except one of them who seemed to be their commander as he was giving orders to the others. The latter also had a pistol and was using a walkie-talkie.”⁸¹ Three more survivors corroborated this description.⁸²

One Congo Protection staffer who arrived at the radio station that night as part of what he characterized as “a joint patrol with soldiers from the 34th Military Region and police officers”⁸³ said members of Congo Protection spoke with Special Forces soldiers operating there:

“As usual, the team leader, who is an officer in the Congolese army, took orders from the 34th Military Region headquarters. That night, at around 3am, the order was given for the joint patrol convoy to head to the CBCA Hospital [located about 100 meters from the radio station], not knowing what was going on there. When they got there, they found Special Forces in operation in a plot not far from the hospital. What they were doing there is none of our business, but they were there. They left after the shooting started; they did not want to be involved in the mess.”⁸⁴

2.2 ASSAULT ON WAZALENDO’S TEMPLE

“There were dozens of dead bodies on the street right in front of our house. Men, women, children. I don't think I'll ever recover from what my eyes saw that day.”

“‘Bora’ (name changed), 22, survivor and eyewitness.”

30 August marks the end of a three-month period – from June to August – dubbed Thelathini-Thelathini, when Wazalendo intermittently fast and pray “for real independence”. Ahead of the celebration and other activities planned for the day, hundreds of Wazalendo followers from all over the region gathered in Goma and held a night vigil at their temple.

6AM: SHOOTING AND STONING AT THE TEMPLE

Efraimu Bisimwa's eldest son, 19-year-old Uwezo Milele, was at the vigil that night. After hearing about events at the radio station, he decided to head there with other Wazalendo followers. But as the group was leaving the temple, they were attacked by the police, according to four eyewitnesses.⁸⁵

“We came across local police officers from a nearby police station. They started shooting at us without any explanation,” one of the witnesses said. “Uwezo was shot in the head and fell. People came running from the temple and the neighbourhood to see what had happened, as the police officers ran away. When we realized Uwezo was still breathing, we lifted him up and carried him back to the temple, as we looked for means to take him to the hospital. But he died in our hands.”⁸⁶

Five eyewitnesses from the area around the temple said that the crowd picked the police officer from where he had been held following his abduction earlier and took him next to Uwezo’s body. There, people in the crowd started kicking and stoning him.⁸⁷

Amnesty International's Crisis Evidence Lab verified the time and location of two videos that are consistent with eyewitness accounts about the sequence of events: the first video⁸⁸, filmed at around 6am on a street next to the temple, shows Uwezo lying on the ground, still breathing, but with a gunshot to the head. A

⁸⁰ Interview in person with “Mapendo”, (name changed for security reasons), a survivor, 24 September 2023, Goma.

⁸¹ Interview in person with “Busara”, a survivor, 24 September 2023, Goma.

⁸² Interviews conducted separately in person with the survivors of the raid at the Wazalendo radio station, 24-28 September 2023, Goma.

⁸³ Interview by voice call with a staffer of Congo Protection private military company, 1 October 2023, Goma.

⁸⁴ Interview in person with an official from the private military company Congo Protection, 1 October 2023, Goma.

⁸⁵ Interviews conducted separately in person with four eyewitnesses, 24-25 September 2023, Goma.

⁸⁶ Interviews conducted separately in person with four eyewitnesses, 24-25 September 2023, Goma.

⁸⁷ Interviews in person with a group of Wazalendo followers, 24 September 2023, Goma.

⁸⁸ Video provided over an encrypted messaging app, on file with Amnesty International.

crowd then surrounds him and carries him away. A second video⁸⁹, filmed outside the temple soon after the first one, shows Uwezo lying on the ground, unresponsive. Next to him, a man wearing navy blue pants and a white t-shirt is also on the ground. He is surrounded by a crowd that kicks and throws stones at him.



Videos verified by Amnesty International showed Wazalendo followers carrying the body of Uwezo Milele (left) and throwing stones at a police officer who had been taken hostage (right).

7AM: SOLDIERS ARRIVE AT THE PROTEST

Colonel Yves Rubenga, 34th Military Region's General Staff Commander, and Colonel Franck Mutunda, Chief of Military Intelligence, told the North Kivu Military Court that they arrived at Wazalendo temple at around 7am, accompanied by their escorts.⁹⁰ Shortly after, they were joined by Republican Guard's Special Forces soldiers. Colonel Mike Mikombe Kalamba said that his units were called there by Colonel Mutunda, since the area was "not part of the itinerary of Republican Guard's deterrence patrol".⁹¹

Eyewitnesses told Amnesty International that the army completely besieged the neighbourhood.⁹² "It was very impressive. It was like in the movies. They came with combat vehicles, binoculars, helmets, and snipers with weapons we never saw before. They took up positions all around the temple, in the streets, on top of their vehicles, and some even on rooftops. They were flying drones in the sky," one witness said.⁹³ On the street about 80m from the temple, Wazalendo followers who had started to march, found themselves face to face with dozens of soldiers. One Wazalendo member who was present told Amnesty International: "We were stopped by soldiers in the street, not far from the temple, as we started marching peacefully. An officer picked up stones, arranged them in a horizontal line in front of us, and told us that it was the red line not to be crossed. He asked us to delegate four people to talk with them, which we did."⁹⁴

Two videos⁹⁵ verified by Amnesty International show Wazalendo delegates holding a discussion with the 34th Military Region's General Staff Commander, Colonel Yves Rubenga, and Chief of Military Intelligence, Colonel Franck Mutunda. Major Peter Kabwe was observing in the background. From the discussions heard, the delegates seemed to think that the men in tactical gear were East African Community (EAC) or MONUSCO troops. The officials reassured them by saying that they were Congolese soldiers. One Wazalendo follower points out that their group has no weapons, while the soldiers are heavily armed. The video ends with the

⁸⁹ Video published on the platform X on 1 September 2023, at 8:31 GMT, on file with Amnesty International.

⁹⁰ North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, hearing on 8 September 2023, recordings on file with Amnesty International.

⁹¹ Interview in person with Colonel Mike Mikombe, Republican Guard's BIA Commander in North Kivu, 1 October 2023, Goma.

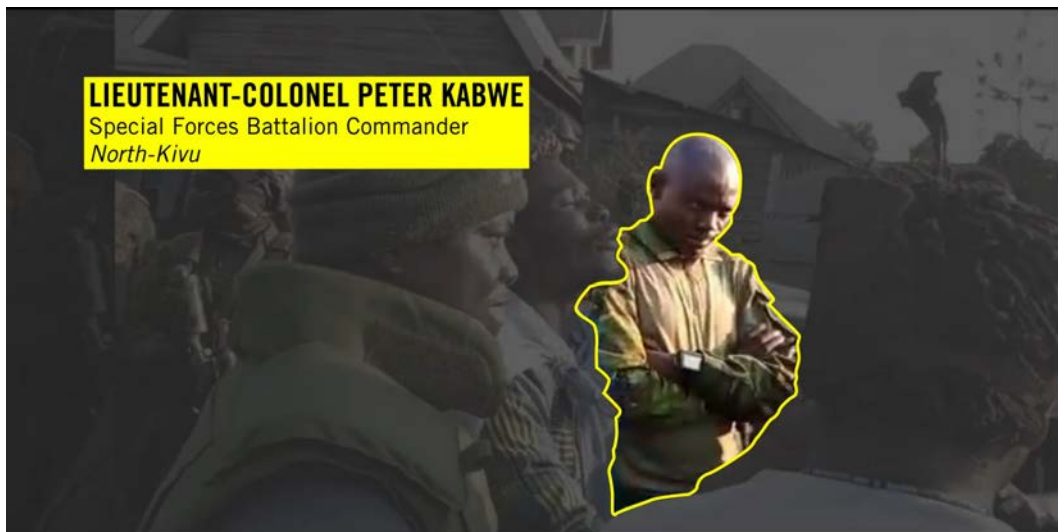
⁹² Interview in person with "Mado" (name changed for security reasons), an eyewitness, 24 September 2023, Goma.

⁹³ Interview with eyewitness, 24 September 2023, Goma.

⁹⁴ Interview by voice call with Amani Bwinja, a Wazalendo follower, 7 November 2023.

⁹⁵ Videos provided over an encrypted messaging app, on file with Amnesty International.

Republican Guard Commander in North Kivu, Colonel Mike Kalamba Mikombe, interrupting the conversation.



Another video⁹⁶ verified by Amnesty International's Crisis Evidence Lab, appears to show the moment following the discussion. Three of the officers identified in the previous video are seen in front of the protesters, along with the Wazalendo delegates who are addressing the crowd. The officers and Wazalendo delegates are surrounded by members of the Republican Guard wearing red berets, members of the Republican Guard's Special Forces wearing helmets and tactical gear, and members of the 34th Military Region wearing green berets.

⁹⁶ Video provided over an encrypted messaging app, on file with Amnesty International.



7.30AM: MASS SHOOTING

In separate interviews with Amnesty International, four eyewitnesses, including three neighbours with no connection to the Wazalendo, detailed the events that followed. One described: “Discussions between the Wazalendo and the army officers were continuing. I was next to our house like many other people, watching.

Suddenly, the commander of the Republican Guard arrived. He chased the other officers away, then ordered his soldiers to open fire. The bullets started blowing. I ran and hid inside the house.”⁹⁷

Colonel Yves Rubenga and Colonel Franck Mutunda told the North Kivu Military Court that Colonel Mike Mikombe Kalamba chased them away from the place where they were talking to the Wazalendo followers, then ordered soldiers under his command to shoot.⁹⁸ “He ordered to shoot, and his soldiers began firing bursts into the crowd”, Colonel Rubenga told the court.⁹⁹ Colonel Mikombe denied ordering the shooting.¹⁰⁰

In addition to his rebuttals in court, Colonel Mikombe told Amnesty International: “It is true that I got impatient. I told Franck and Yves, ‘let’s get out of here’, because they were the ones who had called me there. For me, it was a waste of time, especially since it wasn’t in the BIA’s itinerary. I wanted to continue the deference of the march as planned. Franck did not want to listen to me, so I decided to go back to my car. As I was moving away, I heard the bursts. I spontaneously raised my hands, shouting ‘stop shooting, stop shooting!’ I did not give the order to shoot. I don’t know who gave the order.”¹⁰¹

One video, verified by Amnesty International, captured the mass shooting at the exact location where, moments before, unarmed Wazalendo delegates stood alongside military officials engaging in discussions with other protesters. The sound of gunshots indicates that several weapons were fired simultaneously.



As established by the videos analysed by Amnesty International and corroborated by interviews, Special Forces soldiers started shooting at the crowd at a time when protesters did not carry any items intended for use as weapons and did not constitute any danger to the soldiers or the lives of other people. When asked by the court whether the Wazalendo were armed, or whether the soldiers may have fired in self-defence, the three commanders confirmed that the Wazalendo were unarmed and nonviolent,¹⁰² “at least at that particular time”.¹⁰³

One survivor told Amnesty International: “Our delegates were the first to be shot in the back. We lay down on the ground, thinking that the soldiers would stop shooting. But we realized that they were still aiming at us. I got up and started running to save my life. Many were killed or wounded trying to escape. I was lucky, I still don’t know how I got away.”¹⁰⁴

⁹⁷ Interview in person with “Bora” (name changed for security reasons), an eyewitness with no connection with the Wazalendo, 24 September 2023, Goma.

⁹⁸ North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, Colonel Mutunda and Colonel Rubenga’s testimonies, 9 September 2023, audio recording on file with Amnesty International.

⁹⁹ North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, Colonel Rubenga’s testimonies, 9 and 12 September 2023, recordings on file with Amnesty International.

¹⁰⁰ North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, Colonel Mike Mikombe’s testimony before the North Kivu Military Court, public hearing on 12 September 2023, recording on file with Amnesty International.

¹⁰¹ Interview with Mike Kalamba Mikombe, Goma, 1 October 2023.

¹⁰² North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, testimonies of Colonel Rubenga, Colonel Franck Mutunda and Colonel Mike Mikombe, 9 and 12 September 2023, recordings on file with Amnesty International.

¹⁰³ Colonel Franck’s testimony before the Goma Military Court Goma, 9 September 2023, on file with Amnesty International.

¹⁰⁴ Interview by voice call with Amani Bwinja, 7 November 2023.

Eyewitnesses described a horrific scene with the whistle of bullets, soldiers following victims into houses, pools of blood and pieces of flesh lying in the street and on the walls.¹⁰⁵

Bora (not her real name), 22, a resident who was near the scene of the shooting, recounted:

“There were dead bodies everywhere. Some wounded were calling for help, but there was nobody to help. A young man was lying in front of our balcony, shot in the head. My five-year-old cousin had been shot in the pelvis while hiding in a corridor next to the room where I was hiding. In our house, I was the only person unharmed.”¹⁰⁶

“Our house is just on the street where these Wazalendo were facing the soldiers,” said another witness. “My husband and I were watching through the window. When the soldiers started shooting, we lay down on the ground. Luckily, nobody in our house was killed or wounded. Afterwards, we saw that there were dozens of dead bodies in the street right in front of our house. Men, women, children. I’m a war survivor, and I’ve experienced so much. But I’ve never seen anything like this. I don’t think I’ll ever recover from what my eyes saw that day.”¹⁰⁷

In one of the houses along the street where the shooting took place, most of which are made of planks, Amnesty International counted 23 bullet impacts in a single wall. Some of those killed, wounded, and arrested were neighbours and passers-by with no connection with the Wazalendo.¹⁰⁸

Another eyewitness said: “I do not even know how I could describe the scene. The pungent smell of body parts and decomposing blood lingered throughout the neighbourhood for several days.”¹⁰⁹

After the shooting, videos¹¹⁰ verified by Amnesty International, show soldiers picking up bodies and some of the wounded, dragging them along the road and loading them onto military trucks.



¹⁰⁵ Interviews conducted separately and in person with four eyewitnesses, 24 and 26 September 2023, Goma.

¹⁰⁶ Interview in person with “Bora” (name changed for security reasons), 24 September 2023, Goma.

¹⁰⁷ Interview with [name withheld], 24 September 2023, Goma.

¹⁰⁸ Interview conducted separately and in person with two eyewitnesses, 24 September 2023, Goma.

¹⁰⁹ Interview in person with “Zaina” (name changed for security reasons), an eyewitness and resident of the street where the mass shooting took place, 24 September 2024, Goma.

¹¹⁰ Videos, X post, 31 August 2023, at 7:55 GMT and 10:02 GMT; 1 September 2023, at 10:19 GMT and 12:15 GMT, respectively, twitter.com/StanysBujakera/status/1697156188092113119; twitter.com/krusanga/status/1697188158956290114; twitter.com/StanysBujakera/status/1697554807177834883; twitter.com/kivuresidence/status/1697584023604691453



Eyewitnesses said soldiers summoned them to help carry the bodies:

“A woman and a child who had taken refuge in our house were shot. There were dozens of dead bodies here in the street. Women, children, men. The young man had died on the spot, but the lady, though her bowels were out, was still breathing. When the bullets seemed to subside, I went out to one of the soldiers on the street and told him that there were two people who had been hit in our house. He asked me to go and show him. He then forced me to help him lift them. First, we lifted the young man's body and threw it onto the pile of other bodies in the street. Then we went back to get the woman. I told the soldier, ‘I think she is still alive’. He said, ‘lift up and shut up’. We threw her next to the pile of bodies on the street as well. When I got back to the house, I noticed that my five-year-old nephew had also been hit by a bullet and was lying in his blood on the ground. He was still breathing. I decided to take him to the hospital. But as the road was filled with soldiers and dead bodies, I decided to jump the stone fence and sneak through the houses to the hospital. I eventually reached the CBCA hospital. On my way, I saw the body of a man with dreadlocks who had been killed as well. My nephew is still in hospital, but I hope he will survive.”¹¹¹

9AM: TAKING BODIES AND DETAINEES AWAY

After loading bodies and detainees onto trucks, officers were filmed driving 1km west of the Wazalendo temple. A video¹¹² verified by Amnesty International, shows a military pickup carrying soldiers from the regular army, recognizable by their green fatigues and berets.¹¹³ The pickup is followed by two military trucks: the first one carrying dozens of detainees sitting side by side under the sight of six Republican Guard soldiers,¹¹⁴ and the second carrying bodies watched by six or seven more Republican Guard soldiers. As the convoy passes by, one person says in Swahili: “Hey, look at the bodies, look at the bodies.” Another voice adds: “Look, there are so many bodies!”¹¹⁵

¹¹¹ Interview in person with “Bora” (name changed for security reasons), 24 September 2023, Goma.

¹¹² Video provided over an encrypted messaging app, on file with Amnesty International.

¹¹³ Testifying before the North Kivu Military Court on 14 September, Colonel Yves Rubenga, commander of the 34th Military Region's General Staff, said that this was indeed his vehicle with him and his escorts on board. He said that he had to escort the Republican Guard trucks to open the way for them as they transported the bodies from the Nyabushongo area, as angry young people were throwing stones and trying to block the roads. Recording of testimony on file with Amnesty International.

¹¹⁴ Recognizable by their red berets, as opposed to soldiers of the regular Congolese army who wear green berets.

¹¹⁵ Video provided over an encrypted messaging app, on file with Amnesty International.



10AM: LOOTING AND BURNING OF THE TEMPLE

Back at the location of the shooting, officers appear to have taken away the belongings of Wazalendo members before setting their temple on fire. In one video¹¹⁶ verified by Amnesty International, Special Forces soldiers were filmed carrying musical instruments and a goat. In another video¹¹⁷, officers are filmed searching a group of men sitting next to the temple. In the same video, a male voice says in Lingala: “This church must be destroyed.”¹¹⁸ A person behind the camera adds: “We are here at the Wazalendo church with the Mayor of Goma.”¹¹⁹

By 10am, the Wazalendo temple was engulfed in flames, according to a video¹²⁰ verified by Amnesty International. Satellite imagery captured at 10.30am also suggests a fire at the location.

Appearing as a witness before the North Kivu Military Court in the trial of six Republican Guard soldiers, the Police Commissioner and interim Goma Mayor, Faustin Kapend Kamand, first denied having set foot at the

¹¹⁶ Video posted on Facebook on 6 September 2023, at 16:29 GMT, on file with Amnesty International, <https://fb.watch/ocXWgWdPSH/>

¹¹⁷ Video provided over an encrypted messaging app, on file with Amnesty International.

¹¹⁸ Video provided over an encrypted messaging app, on file with Amnesty International.

¹¹⁹ Video provided over an encrypted messaging app, on file with Amnesty International.

¹²⁰ Video provided over an encrypted messaging app, on file with Amnesty International.

Wazalendo temple.¹²¹ Later, when the video mentioned above was shown in court, he admitted that he was at the temple at around 10am on 30 August and that he was the person heard saying that the church should be destroyed. The mayor denied ordering that the temple be set on fire, though.¹²²



A video verified by Amnesty International showed residents watching as the Wazalendo temple was engulfed by flames.

2.3 DEATH TOLL AND MISSING PERSONS

“My brother-in-law was there. He can be seen in the videos peacefully engaging with soldiers. But we could not find him among those detained, nor among the wounded in hospitals, nor even among the dead.”

“Riziki” (name changed for security reasons), 36, sister-in-law of a person missing since the massacre.

The official death toll evolved over time. On the morning of 30 August, the governor’s office issued a press release stating that one police officer had been stoned to death and six Wazalendo followers had been killed, “some wounded, and 158 more arrested.”¹²³ On 31 August, an internal army report cited by Agence France Presse gave a much higher toll: 48 protesters “neutralized” (meaning “killed” in security jargon), a police officer “lynched”, 75 protesters injured, and “around 168 people arrested.”¹²⁴ A few hours after this report was leaked to the press, the Congolese government issued a press release stating that 43 people had died, 56 persons were injured, and 158 were arrested. According to military court records, as of 18 September, when the official burial took place, 56 people had been counted dead in connection with the 30 August events, not including the police officer,¹²⁵ and their bodies had been held in three hospitals as follows:

- 43 bodies at the Goma military hospital, including 29 formally identified and 14 unidentified;

¹²¹ North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, testimony of interim Goma Mayor, Faustin Kapend Kamand, 9 September 2023, on file with Amnesty International.

¹²² North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, testimony of interim Goma Mayor, Faustin Kapend Kamand, 11 September 2023, on file with Amnesty International.

¹²³ North Kivu Province, Statement by the spokesperson of the governor, “Communiqué officiel N° 01/0024/CAB/PP/23”, 30 August 2023, on file with Amnesty International.

¹²⁴ The East African, “48 Killed In East DR Congo Anti-UN Rally Crackdown”, 31 August 2023, theeastafrican.co.ke/tea/news/east-africa/48-killed-in-east-dr-congo-anti-un-rally-crackdown-4354724.

¹²⁵ North Kivu Military Court, *Military Prosecutor v. Mikombe and others*, summary judgment, 16 September 2023, recording of the judgment on file with Amnesty International.

- four bodies at Heal Africa Hospital;
- nine bodies at CBCA Ndoshu Hospital.

At the official burial site, however, Amnesty International only observed 54 graves.¹²⁶ Asked about this discrepancy in an interview with Amnesty International, the military prosecutor said that he had information that some bodies had been directly handed to families by hospitals, and that he was investigating this.¹²⁷

A confidential UN Joint Human Rights Office (UNJRO) report, seen by Amnesty International, put the death toll at 102 dead, including 90 men, eight women and four boys, as of 11 October.¹²⁸

WHAT THE WOUNDS TELL ABOUT THE MASS SHOOTINGS

Amnesty International reviewed medical reports from three Goma hospitals about these events, covering 84 cases of gunshot wounds, including 28 with brief descriptions of the wounds.¹²⁹ They suggest that soldiers aimed for vital parts of victims' bodies, hitting them in the head, arms, abdomen, thorax and back. Heal Africa, a local hospital specializing in the treatment of serious injuries, admitted seven of the most seriously wounded who were transferred from the Goma Military Hospital.¹³⁰ Its report mentions the case of Mathene Busala, a pregnant woman of an undetermined age who was admitted with multiple firearm wounds, including a haemothorax (accumulation of blood within the pleural cavity), open injury to the abdomen, and fracture of the pelvis. "She just passed away during the writing of this report," the report says.¹³¹ Another case was that of Muhindo Buroko, a 53-year-old man admitted to intensive care at Heal Africa Hospital with "open trauma to the chest by firearm with massive haemothorax."¹³² By the evening of 1 September, hospitals had confirmed nine deaths due to injuries and had three victims in intensive care.¹³³

MISSING PERSONS

Amnesty International also spoke with relatives of five out of ten people who were reportedly unaccounted for since 30 August, in connection with these events.¹³⁴ Among them is Antoinette (family name withheld for security reasons) aged 38, along with her four-year-old daughter Francine. Antoinette's sister-in-law told Amnesty International: "On the morning of 29 August, [Antoinette] arrived in Goma with her baby by boat from the village of Buhozi, to attend the Wazalendo celebration that was scheduled for 30 August 2023. I personally went to see her at the port because she had told me by phone that she had a parcel of food from the village for me. After handing me the parcel, she left for the temple, promising to come and visit my family after their feast day. She never came back and never returned to the village. We went around morgues, detention centres and hospitals, but never found her."¹³⁵ Wamba is Antoinette's older brother. He said: "She was the mother of four, and her husband died not long ago. Until now I don't know what to tell my little nephews. The family doesn't know how to mourn. The authorities won't tell us anything."¹³⁶

Another relative of a missing person said:

"My 20-year-old brother-in-law Rodrigue Busimwa lived with me. He was a fervent member of the Wazalendo and even sang in one of their choirs. He had been spending the night at their temple for four days to prepare for their big celebration on 30 August. But since then, he has never returned home. We could not find him among those detained, or among the wounded in hospitals, or even among the dead."¹³⁷ 28-year-old Shabantu Kasisi was one of the Wazalendo followers delegated to talk with army officers, and who, according to several witnesses, was among the first to be shot dead in the mass

¹²⁶ Amnesty International site visit, Makao cemetery, 29 September 2023.

¹²⁷ Interview in person with Michel Kachil, Superior Military Prosecutor for North Kivu, 30 September 2023, Goma.

¹²⁸ UNJHRO, "Note on the preliminary findings of the UNJHRO investigation on the 30 August incidents in Goma", last updated on 11 October 2023, on file with Amnesty International.

¹²⁹ Heal Africa, "Rapport d'expertise médico-légale: réquisition numéro: AMS/NK/0403/2023" ("Forensic Expert Report"), 1 September 2023, on file with Amnesty International; Goma Regional Military Hospital, "Blessés post ballistiques des événements du 30/08/2023" ("Post Ballistic Injuries from the Events of 30 August 2023"), 31 August 2023, on file with Amnesty International; Centre Hospitalier Bethesda, "Liste des blessés par balles en date du 30/08/2023" ("List of Persons Injured by Gunfire as of 30 August 2023"), 1 September 2023, on file with Amnesty International.

¹³⁰ Interview in person with Michel Kachil, Superior Military Prosecutor for North Kivu, Goma, 30 September 2023.

¹³¹ Heal Africa, "Rapport d'expertise médico-légale: réquisition numéro: AMS/NK/0403/2023" ("Forensic Expert Report") (previously cited).

¹³² Heal Africa, "Rapport d'expertise médico-légale: réquisition numéro: AMS/NK/0403/2023" ("Forensic Expert Report") (previously cited).

¹³³ Amnesty International's compilation based on the previously cited medical reports from Heal Africa, Centre Hospitalier Bethesda and Goma Regional Military Hospital.

¹³⁴ Interviews in person, conducted separately with relatives of five missing persons, 28 September and 10 November 2023, Goma.

¹³⁵ Interview in person with Nabintu (family name withheld for security reasons), next of kin of a missing person, 27 September 2023, Goma.

¹³⁶ Interview in person with Wamba (family name withheld for security reasons), next of kin of a missing person, 28 September 2023, Goma.

¹³⁷ Interview with [name withheld], 29 September 2023, Goma.

shooting. His sister and two eyewitnesses unequivocally identified him in one video linked to the shooting at the Wazalendo temple.¹³⁸ Pointing to a man wearing a black t-shirt and peacefully engaging with soldiers, the sister told Amnesty International: “It is him. You can see how he was calming other protesters. Why did they kill him? What happened to his body? I have so many questions, but will anybody ever answer them? Up to now, our mother has refused to accept that Shabantu is dead until she sees his body with her own eyes. I am afraid she could die of anguish.”¹³⁹



 ↑ *Relatives identified Shabantu Kasiri talking to security officers in videos filmed on the day of the massacre. He is missing since then.*
© Amnesty International

The wife of another missing person said that she saw her husband’s body being dragged by soldiers in the street after the shooting in one of the videos. She explained that they visited all morgues in Goma trying to find his body, to no avail.¹⁴⁰ According to one of their lawyers, authorities did little to nothing to address claims about missing persons and bodies during the soldiers’ trial.¹⁴¹

BODIES LEFT TO ROT

According to the North Kivu Military Court, 43 victims’ bodies were taken to the military hospital morgue on 30 August. Eyewitnesses told Amnesty International that at least 42 bodies were stacked and wrapped in tarpaulins, where they remained for at least two weeks, regardless of whether it was sunny or raining.¹⁴²

One morgue employee said:

“The hospital's morgue has a capacity of only 15 people, and it was already full. All we could do was to embalm them regularly with formaldehyde and hope that they would be buried quickly.”¹⁴³

At first, military authorities prevented relatives of those killed from seeing the bodies and trying to identify their loved ones, and they were not permitted to take them for mourning and family burial. One man who managed to see the bodies on 30 August thanks to a family acquaintance in the army described the situation:

“The bodies were piled one on top of the other on a tarpaulin, like garbage bags. Two morgue employees helped remove the bodies from above and placed them on the side. I recognized my nephew by the red t-shirt and the blue jeans he was wearing. A bullet had pierced his back and exploded his

¹³⁸ Interviews in person, conducted separately with the sister of the victim and two Wazalendo followers who were present before and during the mass shooting, 27 and 28 September 2023, Goma.

¹³⁹ Interview in person with “Nsimire” (name changed for security reasons), sister of a missing person, 28 September 2023, Goma.

¹⁴⁰ Interview in person with “Feza”, a victim’s relative, 29 September 2023, Goma.

¹⁴¹ Interview with victims’ lawyer, 29 September 2023, Goma.

¹⁴² Interview in person and by voice call with three relatives and two lawyers for the victims who managed to see the bodies at the Goma Military Hospital, 24-30 September 2023.

¹⁴³ Interview in person with two morgue employees, 29 September 2023, Goma Military Hospital.

chest. His face was wrinkled but intact. I thanked them and left to inform the family so that we could start the mourning".¹⁴⁴

Nearly two weeks after the massacre, authorities finally allowed families to identify their loved ones.¹⁴⁵ By then, it was too late, as they were in putrefaction because they had not been properly preserved. Four people who saw the bodies told Amnesty International that the smell was unbearable and identification almost impossible.

One lawyer who had accompanied one of his clients for identification said: "They had bloated; the skin had turned white, just getting close to it was unbearable."¹⁴⁶

The man who had been fortunate enough to see his nephew's body on 30 August had to return and try to identify his nephew because his body had not been tagged. He said:

"This time, the bodies were wrapped in individual mortuary bags and placed in rows on the tarpaulins. Morgue employees took people around, opening one bag after another until you identified your relative. The smell was unbearable, but I plucked up the courage and took it in stride. Jean-Claude was no longer the same. I only recognized him by the trim of his beard and his belt. The rest was totally unrecognizable. I broke down in tears."¹⁴⁷

Many relatives of those killed were denied the right to identify and bury their loved ones with dignity and according to their faith. Bodies of those killed were dragged on the ground, unceremoniously piled onto a truck, and then left to rot in a hospital yard for three weeks, much to the chagrin of their families.

UNDIGNIFIED BURIALS

Several attempts by the Wazalendo and civil society groups in Goma to hold public mourning ceremonies were banned or violently dispersed. For example, on 1 September, the police dispersed a public mourning ceremony held near Stade de l'Unité by beating mourners with sticks and firing tear gas, injuring at least two participants, and arbitrarily arresting activist Josué Kabanza.¹⁴⁸ He was released without charge on 4 September, following protests by other activists.¹⁴⁹

The government decided to proceed with a burial on 18 September for the 56 people whose deaths had been officially recorded.¹⁵⁰ Six victims' relatives told Amnesty International that they were not consulted or informed in advance. One man whose brother was among those killed and identified said: "On Sunday evening, I listened to a communiqué from the Mayor of Goma on the radio, asking families to go to the military hospital the next day in the morning for the burial of the Wazalendo. They did not even dare to call or send us an SMS. There are family members who had wished to attend but could not because they did not have the information in advance."¹⁵¹ Those detained were not given a chance to mourn their loved ones, despite their request through their lawyers.¹⁵²

Efraimu Bisimwa, whose son and daughter were killed in the massacre,¹⁵³ said: "They would not even allow us to hold the funeral according to our own rites, in accordance with our beliefs."¹⁵⁴ For him, the funeral was "an insult" to the faith of most of the victims, who were FNJMN members.¹⁵⁵ "Is there a worse torment than to be prevented from burying your own children by the very people who killed them," he asked.¹⁵⁶

¹⁴⁴ Interview in person with "Paul" (name changed for security reasons), relative of a victim, 28 September 2023, Goma.

¹⁴⁵ From early September, the government delegation that visited Goma in the aftermath of the massacre issued a statement encouraging people to go and help identify their relatives and friends. However, it is only on 12 September the Goma military court took a formal decision authorizing families' access to bodies.

¹⁴⁶ Interview in person with a lawyer for the victims, 23 September 2023, Goma.

¹⁴⁷ Interview in person with "Paul" (name changed for security reasons), a victim's relative, 28 September 2023, Goma.

¹⁴⁸ Interview by voice call with Josué Kabanza, an activist, 12 October 2023.

¹⁴⁹ Interview by voice call with Josué Kabanza, 12 October 2023.

¹⁵⁰ 7 Sur 7, "Goma : le gouvernement force pour inhumer les victimes du carnage du 30 août, les familles et avocats s'opposent", 18 September 2023, 7sur7.cd/2023/09/18/goma-le-gouvernement-force-pour-inhumer-les-victimes-du-carnage-du-30-aout-les-familles

¹⁵¹ Interview in person with Martin Cubaka, brother of a victim, 27 September 2023, Goma.

¹⁵² Sud Express Media, "Les avocats des parties civiles s'opposent à l'enterrement des victimes du 30 août", 18 September 2023, sudexpressmedia.com/index.php/securite/2023/09/18/les-avocats-des-parties-civiles-sopposent-lenterrement-des-victimes-du-30-aout

¹⁵³ In addition to Uwezo Milele, who died of his gunshot wounds, Efraimu Bisimwa's 22-year-old daughter, Aiméranche Bisimwa, was among those killed by Special Forces soldiers during the mass shooting in the street near the temple.

¹⁵⁴ Interview in person with Efraimu Bisimwa, 8 October 2023, Goma.

¹⁵⁵ Interview in person with Efraimu Bisimwa, 8 October 2023, Goma.

¹⁵⁶ Interview in person with Efraimu Bisimwa, 8 October 2023, Goma.

One woman whose husband and son were killed and who could not mourn them or attend their funeral said: “No words can describe how I have been feeling. I would rather die too”.¹⁵⁷ In a statement, victims' lawyers denounced a “crying lack of consideration for the dead and their families.”¹⁵⁸

2.4 TORTURE AND OTHER ILL-TREATMENT

“Soldiers repeatedly lifted us as high as they could and then dropped us to the ground, while our arms were tied up behind the back.”

Efraimu Bisimwa, Wazalendo leader, 8 October 2023.

At least 11 people were subjected to physical torture before and in the aftermath of the killings at the Wazalendo radio station.¹⁵⁹ Many more were subjected to torture or other cruel, inhuman, and degrading treatment at and around the Wazalendo temple.

Habamungu Rwihimba “Kimbangu” (his Wazalendo name), aged 34, was detained by Special Forces/Republican Guard soldiers at their Goma airport base after being taken from the radio station along with five other people. He recounted: “When we got there, they laid us on the ground and poured water over us several times. I had grown hair; a soldier cut it off in bunches with a military knife. ‘You must know a lot of things,’ he repeated while pulling my hair with one hand and cutting it off with the other. They said I should tell them everything I know about the US\$750 each of us would have received from Rwanda, or they would kill me. I told them that we had not received any money.”¹⁶⁰

Efraimu Bisimwa was also arrested at the radio station by Special Forces/Republican Guard soldiers, who apparently were initially unaware that he was the group’s leader. He described how the soldiers beat and humiliated them at their Goma airport base: “Soldiers repeatedly lifted us as high as they could and then dropped us to the ground, while our arms were tied up behind the back. They took turns to ask everyone where our leader was. The others replied that the boss was not with us, for fear that something bad would happen to me. When the torture became unbearable, I told them it was me.”¹⁶¹

Videos¹⁶² verified by Amnesty International, show how soldiers brutalized and humiliated Wazalendo followers and other people they arrested in and around the temple after the mass shooting. Dozens of men stripped of their shirts and shoes, children evidently frightened, women carrying babies and elderly people, are seen surrounded by Special Forces soldiers who are shouting at them and pushing them around. In one of the videos, a soldier grabs one of the bare-chested detainees by the belt and calls out to the other soldiers. He pulls a ritual object – seemingly a piece of wood or leather – from the top of his trousers and waves it around, asking the visibly stunned follower: “Is this supposed to be bulletproof? Should I shoot you and see what happens?”¹⁶³

¹⁵⁷ Interview in person with “Shukuru” (name changed for security reasons), a Wazalendo detainee, 29 October 2023, Goma.

¹⁵⁸ Victim’s Lawyers’ Collective, “The Civil Parties in the case concerning the Goma massacres (RP173/023) express their outrage”, 18 September 2023, on file with Amnesty International.

¹⁵⁹ Interviews in person, conducted separately with victims, 24–29 September 2023, Goma.

¹⁶⁰ Interview in person with Habamungu Rwihimba “Kimbangu”, a victim, 26 September 2023, Goma.

¹⁶¹ Interview in person with Efraimu Bisimwa, 8 October 2023, Goma.

¹⁶² Videos provided over encrypted messaging app, on file with Amnesty International.

¹⁶³ Video provided over encrypted messaging app, on file with Amnesty International.

3. INTERNATIONAL RESPONSE

The massacre prompted a series of reactions from international actors, including MONUSCO, the OHCHR, the East African Community, the European Union (EU), and the US Embassy in Kinshasa.

In a statement on 31 August 2023, the Special Representative of the UN Secretary-General in the DRC and Head of MONUSCO expressed her deep regrets that “the banned demonstration resulted in the deaths of civilians, police officers and members of the Congolese armed forces, as well as injuries to many others.”¹⁶⁴ Seeming to justify the intervention and use of force by the army and police, MONUSCO’s statement insisted that the Congolese defence and security forces had acted “in line with their primary responsibility” and “had attempted to prevent the demonstration that was going to be violent, according to its organisers”.¹⁶⁵ The US government through its embassy in Kinshasa seemed to echo MONUSCO’s watered-down reaction, expressing regrets for “the loss of human life resulting from the recent clashes in Goma” and welcoming the DRC government’s response.¹⁶⁶ OHCHR’s response was much stronger from a human rights perspective. Warning that the death toll could be higher, OHCHR urged the authorities to ensure a “thorough, effective and impartial investigation.”¹⁶⁷ “Such an investigation must also comprehensively examine the use of force by the security forces”, the statement emphasized, adding that “those responsible for violations must be held to account, regardless of their affiliation.”¹⁶⁸

The EAC Secretary-General “deplored” the deaths of civilians “amidst unrest”, and urged the Congolese government to conduct an independent enquiry into the incident.¹⁶⁹ The European Union also reacted, condemning “the excessive and disproportionate use of force that led to the deaths of around fifty people and to many being wounded” and expressing its expectation that the investigation launched by the Congolese authorities would lead to the perpetrators being identified and held accountable.¹⁷⁰

In early September 2023, the UNJHRO, which reports to both MONUSCO and OHCHR, conducted its own investigation into these events, according to a confidential report seen by Amnesty International in mid-October. UNJHRO’s preliminary findings gave a far higher toll than the official one: “The mission established that during the FARDC-PNC [Congolese National Police] operation, 102 people (90 men, eight women and

¹⁶⁴ MONUSCO, Press Statement, “La MONUSCO déplore qu’une manifestation non autorisée à Goma occasionne de lourdes pertes en vies humaines” [“MONUSCO Deplores Unauthorised Protest in Goma Resulting in Heavy Loss of Life”], 31 August 2023, https://monusco.unmissions.org/sites/default/files/cp-la_monusco_deplore_quune_manifestation_non_autorisee_a_goma_occasionne_des_pertes_en_vies_humaines.pdf (in French)

¹⁶⁵ MONUSCO, Press Statement, previously cited.

¹⁶⁶ US Embassy Kinshasa, X post: “L’ambassade des États-Unis regrette les pertes en vies humaines résultant des récents affrontements à Goma. Nous saluons le soutien du gouvernement de la RDC à l’ouverture d’une enquête sur ces événements et son appel au calme” [“The US Embassy regrets the loss of human life resulting from the recent clashes in Goma. We welcome the DRC government’s support for the opening of an enquiry into these events and its call for calm”], 1 September 2023, <https://twitter.com/usembkinshasa/status/1697568540851626262?s=46> (in French)

¹⁶⁷ OHCHR, “DRC: killings in a demonstration in Goma”, 1 September 2023, <https://www.ohchr.org/en/press-briefing-notes/2023/09/drc-killings-demonstration-goma>

¹⁶⁸ OHCHR, “DRC: killings in a demonstration in Goma”, previously cited.

¹⁶⁹ EAC, Office of the Secretary General, “The East African Community Secretary General’s Statement on Loss of Lives Amidst Unrest in Goma, Democratic Republic of Congo on 30 August 2023”, 3 September 2023, <https://www.eac.int/statements/2866-statement-on-loss-of-lives-amidst-unrest-in-goma,-democratic-republic-of-congo-on-30-august-2023>

¹⁷⁰ European Union, European External Action Service, “République Démocratique du Congo: Déclaration de la Porte-Parole concernant l’usage excessif de la force lors d’une manifestation à Goma” [“Democratic Republic of Congo: Statement by the Spokesperson concerning the excessive use of force during a demonstration in Goma”], 1 September 2023, https://www.eeas.europa.eu/eeas/r%C3%A9publique-d%C3%A9mocratique-du-congo-d%C3%A9claration-de-la-porte-parole-concernant-lusage-excessif-de-la_und_en (in French)

four boys) were victims of extrajudicial executions, and 80 other people (66 men, nine women, four boys and one girl) were wounded.”¹⁷¹ The UN investigation also found that several defence and security units, including “a unit of the Republican Guard”, were involved in the operation. At the time of writing, the UNJHRO had still not made its findings public.

¹⁷¹ UNJHRO, “Note on the preliminary findings of the UNJHRO investigation on the 30 August incidents in Goma”, previously cited.

4. FLAWED JUSTICE

Justice... What justice! All this was nothing but a PR stunt to dissipate pressure and to be able to tell anyone who brings up the topic: the officer responsible was punished, and justice was served.”

A lawyer for the victims.

4.1 SURVIVORS IN THE DOCK

On 30 August, as authorities congratulated themselves on “foiling a plot against Goma”, they announced the arrest of 158 people whom they described as “armed bandits, drugged, in the pay of M23 and Rwandan terrorists.”¹⁷² Two days later, 13 of them were released, while 145 others, including 29 children, were brought before the Garrison Military Court of Goma and charged with “participation in an insurrectional movement”, “criminal conspiracy”, and “murder.”¹⁷³

The 29 children were transferred to the juvenile justice system, which dropped charges and released them in mid-September. Meanwhile, 116 adults, including 102 men and 14 women, remained in detention as they were brought to trial.¹⁷⁴ On 9 October, the Garrison Military Court of Goma found 64 of them guilty of “participation in insurrectional movement”, “murder” and “attempted murder” of police officers. The court sentenced Efraimu Bisimwa and three other Wazalendo leaders to death, while 60 followers were sentenced to 10 to 20 years in prison.¹⁷⁵ The court acquitted 52 people who were subsequently freed from prison.¹⁷⁶

The court prosecuted the 116 Wazalendo followers, 64 of whom it convicted of “participation in insurrectional movement” solely because they belonged to the religious and political group or because they planned or participated in the 30 August protest, which was meant to be peaceful. The court ruled that spending the night at the Wazalendo temple when the 30 August protest had been banned by the mayor of Goma was proof of participation in an insurrectional movement.¹⁷⁷ Yet, in the separate trial of the officers and soldiers for killing the protesters, the North Kivu Military Court dismissed the officers' claims that the Wazalendo were armed or used the gun they took from a police officer, thereby rejecting that there was any armed resistance or actions that could constitute insurrection.¹⁷⁸

Regarding the charges of “criminal participation” in the murder of a police officer, the Garrison Court of Goma's judgment did not show how each of the 64 convicts participated in the stoning of the police officer

¹⁷² North Kivu government's spokesperson, press conference of 30 August 2023 in Goma, available at [youtube.com/watch?v=0lsfF6emDIQ](https://www.youtube.com/watch?v=0lsfF6emDIQ)

¹⁷³ Interview with Paul Amisi, Goma Military Garrison Prosecutor, 27 September 2023, Goma.

¹⁷⁴ Interview by voice call with a lawyer for the Wazalendo, 11 October 2023.

¹⁷⁵ Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment, 9 October 2023, on file with Amnesty International.

¹⁷⁶ Interview by voice call with a lawyer for the Wazalendo, Goma, 11 October 2023.

¹⁷⁷ Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment (previously cited), p. 53.

¹⁷⁸ North Kivu Military Court, *Military Prosecutor v. Mike Mikombe and others* (previously cited), judgment, Folios 18-19.

nor provided any evidence whatsoever in this regard.¹⁷⁹ Not all these people, if any, could have individually participated in the stoning of the police officer. Therefore, for at least some of these people, their sole crime was to be or to be perceived to be members of the Wazalendo, to have participated in the protest and/or to have found themselves in the path of soldiers during the crackdown. A resident of Nyabushongo who witnessed intimidation and arbitrary arrests by Special Forces soldiers in his neighbourhood after the massacre told Amnesty International: “After the mass shooting, the Hiboux [Special Forces soldiers] went into the shops and houses in the neighbourhood, confiscating smartphones and arresting people, especially men. It was as if, for them, everyone in the neighbourhood was Wazalendo, and that was a crime.¹⁸⁰ I saw them arrest four young men in a shop. They released three of them, but they took the fourth away, and he is still in prison.”¹⁸¹ This was corroborated by the Garrison Military Court of Goma, which found that at least 52 out of the 116 people it prosecuted had been arrested by soldiers outside of any protest. This included cases where individuals were apprehended in their homes and shops.¹⁸² Despite this, the court alleged that while many may not have directly participated in the stoning of the police officer, they must have encouraged and approved of it by their presence at the crime scene and were, therefore, guilty.¹⁸³ As for the “attempted murder” conviction, the court relied solely on the testimonies of three police officers who claimed that they had been attacked and wounded by a group of Wazalendo followers while on foot patrol, in the incident in which their colleague was kidnapped, taken to the Wazalendo temple, and later stoned to death.¹⁸⁴ They identified two Wazalendo followers whom they said were part of the group which attacked them.¹⁸⁵ No further evidence was adduced to support these claims and, above all, to determine the individual responsibility of each of the accused.

Amnesty International is of the view that the Garrison Military Court of Goma failed to sufficiently demonstrate that the 64 convicts had individually participated in the murder of police officer Kipapa Safari or were even present when he was stoned. In addition, civilians should never be tried by military courts.¹⁸⁶ They should either be immediately released or retried in conformity with fair trial standards before competent civilian courts and without the recourse to the death penalty.

These proceedings against the survivors of the 30 August massacre largely appear to be an attempt by the military justice system to primarily hold the Wazalendo leader and followers responsible for the violence that took place on 30 August in Goma and its consequences, rather than an attempt to genuinely investigate and prosecute those responsible for the stoning of the police officer.

One of their lawyers summed up what their prosecution meant to them:

“These are survivors of carnage. About half of them were bystanders, neighbours, and other people unrelated to the Wazalendo. Many were tortured during or after their arrest. One woman was completely undressed. Those injured were not treated. Many lost a family member in the massacre. Bisimwa himself lost two of his children. Yet they were the ones who were brought to justice, called terrorists, and humiliated. Worse, they are being judged by the army that attacked them, and with the assistance of MONUSCO, against whom they were about to protest. Do you think this qualifies as justice?”¹⁸⁷

Those convicted appealed, and their case before the North Kivu Military Court started on 29 December 2023. At the time of writing, the appeal trial was still ongoing.

4.2 PERPETRATORS’ ACCOUNTABILITY

As the Wazalendo were on trial, many people denounced the authorities’ eagerness to arrest and prosecute survivors of the massacre rather than holding the military accountable.¹⁸⁸ It was not until five days after the

¹⁷⁹ Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment (previously cited).

¹⁸⁰ Swahili singular for Wazalendo.

¹⁸¹ Interview in person with Régis Bahati, an eyewitness, 26 September 2023, Goma.

¹⁸² Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment (previously cited), pp. 58-59.

¹⁸³ Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment (previously cited), p. 55.

¹⁸⁴ Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment (previously cited), p. 45.

¹⁸⁵ Garrison Military Court of Goma, *Military Prosecutor v. Bisimwa and others*, judgment (previously cited), p. 56.

¹⁸⁶ ACHPR, Principles and Guidelines on the Rights to a Fair Trial and Legal Assistance in Africa, 2003, Principle G.

¹⁸⁷ Interview by voice call with a lawyer for the Wazalendo, Goma, 11 October 2023.

¹⁸⁸ Many people on the ground and on social media harshly denounced the authorities’ eagerness to arrest and prosecute those who had just survived a massacre, while no effort seemed to be being made to hold the military accountable. See for example: Jean-Baptiste Kasekwa (MP for Goma), “Carnage du 30/8/2023 à Goma: Question écrite à Monsieur le Premier ministre, Chef du Gouvernement” (AN/JBK/10/023), 2 September 2023, on file with Amnesty International; La Prunelle RDC, “Tuerie des civils non armés à Goma: à son tour

massacre and because of mounting public pressure that authorities took some steps towards justice and accountability. On 3 September, the government¹⁸⁹ announced that six Republican Guards, including the Republican Guard commander for North Kivu and his deputy, had been arrested and would be brought to trial.¹⁹⁰ In addition, the government announced that the governor and operations commander for North Kivu, Lieutenant-General Constant Ndima, had been “immediately recalled to Kinshasa for consultations” and that two police officials in Goma were suspended from their duties and also recalled to Kinshasa.¹⁹¹



In a press release published after the killings in Goma, MONUSCO said it “remains concerned by the threats of violence made prior to the demonstration.”

The trial of the two officers and four Republican Guard soldiers was held before the North Kivu Military Court in Goma from 4 September to 3 October 2023. They were charged with crimes against humanity by murder and violating orders.¹⁹² On 2 October, the court handed down its judgment. The commander of the Republican Guard in North Kivu, Colonel Mike Kalamba Mikombe, was found guilty and sentenced to death for “murder”, “attempted murder”, and “destruction of armaments.” He was also dismissed from the armed forces.¹⁹³ The Special Forces Regiment Commander and one soldier were acquitted, while three other soldiers were sentenced to 10 years in prison for “murder” and “attempted murder.”¹⁹⁴ In addition, the court recognized 109 people as victims and ordered Mike Mikombe and the three soldiers to pay them the equivalent of 100,000 US dollars for reparations¹⁹⁵ (917 US dollars per person on average). However, the court did not recognize the FNJMN/Wazalendo as a legal entity capable of bringing claims before a court of law, and as a victim.¹⁹⁶ The court also rejected Efraimu Bisimwa's claim for reparations on the grounds of “immorality.”¹⁹⁷

The investigations carried out by the authorities on both the murder of the police officer and the unlawful killings of the Wazalendo followers were marred by serious shortcomings.¹⁹⁸

la LUCHA exige des poursuites judiciaires contre le Constant Ndima", 1 September 2023, laprunellerdc.cd/tuerie-des-civils-non-armes-a-goma-a-son-tour-la-lucha-exige-des-poursuites-judiciaires-contre-le-constant-ndima/; RFI, "RDC: la colère ne retombe pas à Goma, 4 jours après la répression sanglante d'une manifestation", 3 September 2023, rfi.fr/fr/afrique/20230903-rdc-chape-de-col-c3%A8re-c3%A0-goma-quatre-jours-apr%C3%A8s-la-r%C3%A9pression-sanglante-d-une-manifestation

¹⁸⁹ Via the high-level government delegation deployed to Goma from 2-4 September, comprising the Interior Minister (head of delegation), the Minister of Defence, the Minister for Human Rights, the Vice-Minister of Justice, and the Senior Auditor General of the Armed Forces.

¹⁹⁰ Statement by the Head of the High-Level Government delegation to Goma, Peter Kazadi, 3 September 2023, on file with Amnesty International.

¹⁹¹ Statement by the Head of the High-Level Government delegation to Goma, Peter Kazadi, 3 September 2023, on file with Amnesty International.

¹⁹² On 18 September 2023, President Tshisekedi appointed Major-General Peter Chirimwami as the acting governor for North Kivu, *de facto* replacing Constant Ndima. However, to Amnesty International's knowledge, he has not yet been criminally or disciplinarily investigated or prosecuted in connection to the 30 August massacre in Goma.

¹⁹³ Mike Kalamba appealed the sentence. According to his lawyers, he was transferred from Goma prison to another prison in the capital Kinshasa in mid-October pending his appeal trial.

¹⁹⁴ North Kivu Military Court, *Military Prosecutor v. Mike Mikombe and others*, judgment, (previously cited).

¹⁹⁵ The sum in Congolese francs: 272 million. Calculation of US dollar equivalence based on an exchange rate of 1 US dollar to 2,680 Congolese francs on 30 November 2023, XE currency converter.

¹⁹⁶ North Kivu Military Court, *Military Prosecutor v. Mike Mikombe and others*, judgment, (previously cited).

¹⁹⁷ North Kivu Military Court, *Military Prosecutor v. Mike Mikombe and others*, judgment, (previously cited).

¹⁹⁸ See also Section 3.1 “Legal Framework”.

- No investigators were sent to the shooting scenes to collect evidence.¹⁹⁹ By the military prosecutor's own admission, there were no ballistic investigations or autopsies (while the DRC has limited capabilities in this area, a UN official told Amnesty International that they expressed readiness to provide technical assistance, but the authorities did not seem interested in the offer).²⁰⁰ The military prosecutor said: "We did not request UN assistance for autopsies, but we did for ballistic investigation. I think they sent an expert from Kinshasa – I caught a glimpse of him here – but unfortunately, I had a lot of setbacks, and we ended up not meeting."²⁰¹ Amnesty International believes the investigation failed to identify all those who should have been investigated for their possible responsibility.
- The investigation also failed to identify the names, ages, genders, addresses and family members of all 56 officially recognized dead. Moreover, some victims are still missing. These gaps in the investigation prevented several families from participating in the trial to get justice for their relatives or to request reparations.
- Throughout the trial of the Republican Guard officers and soldiers, only six victims were called to testify, compared to 33 requested by victims' lawyers.²⁰² One lawyer representing the victims stated that "each witness would potentially bring some new information or a new perspective in the interests of truth and justice, but after hearing from only six witnesses, the court said it was 'sufficiently enlightened' and refused to call any more witnesses".²⁰³
- While victims appealed the court's judgment in the case of six members of the Republican Guard, they were not able to effectively exercise their appeal rights due to the remoteness of the appeal court (the Superior Military Court), which sits 2000km away, in the capital Kinshasa.²⁰⁴ Victims and their lead counsel told Amnesty International that they may not be able to travel to Kinshasa to participate in the appeal trial and expressed concerns that the injustices they have experienced may never be addressed.²⁰⁵ On 25 October 2023, the victims' committee wrote to the president of the military appeals court, formally requesting that the court hold the appeal hearings in Goma on an exceptional basis to ensure their effectiveness.²⁰⁶ They were yet to receive a response at the time of writing,²⁰⁷ while the appeal trial continued in Kinshasa.
- Restriction on defence rights in the trial of the army officers and soldiers: of the 12 witnesses called by the defence, only three appeared before the court.²⁰⁸ At least three times, the court rejected requests from the victims' and defence lawyers to summon Governor Constant Ndimba to testify before the court, even as a witness.²⁰⁹ One defence counsel in the Wazalendo lawsuit commented: "Justice... What justice! All this was nothing but a PR stunt to dissipate pressure and to be able to tell anyone who brings up the topic: the officer responsible was punished, and justice served. In the meantime, many families still don't know the whereabouts of their loved ones, a critical radio station has been silenced, a church has been reduced to ashes, and dozens of innocent people are languishing in prison."²¹⁰

¹⁹⁹ Interview in person with Michel Kachil, Superior Military Prosecutor for North Kivu, 30 September 2023, Goma.

²⁰⁰ Interview with a Goma-based UN official, 26 September 2023, Goma.

²⁰¹ Interview in person with Michel Kachil, Superior Military Prosecutor for North Kivu, 30 September 2023, Goma.

²⁰² Amnesty International observed that military judicial authorities took some steps to guarantee identity protection, at least during public hearings, to victims who wished so.

²⁰³ Interview by voice call with a lawyer for the victims, 8 November 2023.

²⁰⁴ Most of the victims come from low-income families. A round-trip flight to Kinshasa alone costs around 400US\$ per person, and flying is the only viable way to make the journey.

²⁰⁵ Interviews conducted separately in person with a lawyer for the victims, and with a group of families of the victims, 28 September 2023, Goma.

²⁰⁶ Victims of the 30 August Massacre in Goma (Coordination Committee), letter to the President of the High Military Court, 25 October 2023, on file with Amnesty International.

²⁰⁷ Interviews conducted separately by voice call with three members of the Victims' Coordination Committee, 6 December 2023.

²⁰⁸ Interview in person with a defence lawyer for Mike Kalamba and others, 30 September 2023, Goma.

²⁰⁹ Interview in person a lawyer for the victims, 30 September 2023, Goma.

²¹⁰ Interview by voice call with "Evariste" (name changed for security reasons), human rights defender and defence lawyer, 24 October 2023.

5. LEGAL ANALYSIS

5.1 LEGAL FRAMEWORK

“People have a right to express themselves freely and to assemble peacefully, even if in protest at the United Nations and other actors. Authorities must facilitate the right to peaceful assembly.”

Spokesperson for the UN High Commissioner for Human Rights, Ravina Shamdasani, commenting on the army and police massacre on 30 August 2023 in Goma – 1 September 2023.

Congolese authorities must respect, protect and fulfil human rights at all times, whether during an armed conflict or in peacetime. Notwithstanding the public declaration of a so-called “State of Siege”, introduced in North Kivu and Ituri provinces in May 2021, States Parties are only permitted to derogate from certain provisions of the International Covenant on Civil and Political Rights if the proclamation of the state of emergency meets certain requirements, including that the circumstances are notified in writing to the UN Secretary-General²¹¹ – a formal requirement which the DRC authorities have not complied with.

The “State of siege” has been extended in disregard of international human rights law and standards, as Amnesty International has demonstrated.²¹² It gives excessive powers to the army, including restriction of civil liberties and the trial of civilians by military courts.²¹³ As highlighted by the UN Human Rights Committee (HRC), even if the “State of Siege” had been validly proclaimed, “the measures adopted by the authorities would still themselves need to be limited to the extent strictly required by the exigencies of the situation, giving weight to the principle of proportionality.”²¹⁴ In addition, many of the rights that were violated, as shown in this report, including the right to life and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, are rights that cannot be derogated from under international law²¹⁵ as well as under DRC’s constitution.²¹⁶ The DRC is also a State Party to the African

²¹¹ ICCPR, Article 4. UN Human Rights Committee, General Comment No. 29 on article 4 (states of emergency).

²¹² Amnesty International, *Democratic Republic of the Congo: Justice and freedoms under siege in North-Kivu and Ituri* (previously cited), pp. 8-12; Amnesty International, “DRC: Authorities Must Lift ‘State of Siege’ Now”, 8 May 2023, [amnesty.org/en/latest/news/2023/05/drc-authorities-must-end-state-of-siege/](https://www.amnesty.org/en/latest/news/2023/05/drc-authorities-must-end-state-of-siege/)

²¹³ Amnesty International, *Democratic Republic of the Congo: Justice and freedoms under siege in North-Kivu and Ituri* (previously cited).

²¹⁴ UN Human Rights Committee (HRC), General Comment 29: States of Emergency (Article 4), 24 July 2001, UN Doc.

CCPR/C/21/Rev.1/Add.11, paras 2-4; HRC, General Comment 37: The Right of Peaceful Assembly, 17 September 2020, UN Doc. CCPR/C/GC/37, para. 96.

²¹⁵ For example: ICCPR, Article 4.2: “No derogation from articles 6 [right to life], 7 [prohibition of torture or to cruel, inhuman or degrading treatment or punishment] ... may be made under this provision.” Article 2.2 of the Convention against Torture provides: “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

²¹⁶ DRC, Constitution de la République démocratique du Congo [Constitution of the Democratic Republic of the Congo], 2006, Article 61 (as amended in January 2011) (an unofficial English translation is available at constituteproject.org/constitution/Democratic_Republic_of_the_Congo_2011)

Charter on Human and Peoples' Rights (ACHPR), which does not allow derogation from the rights enshrined therein.

The Congolese authorities have obligations under international human rights law, including under the International Covenant on Civil and Political Rights (ICCPR)²¹⁷ and its Optional Protocols,²¹⁸ the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture),²¹⁹ and the African Charter of Human and Peoples' Rights (ACHPR).²²⁰ These instruments guarantee the following human rights, among others:

Right to Life – Article 6.1 of the ICCPR provides: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”²²¹ Article 4 of the ACHPR reads, “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”²²² The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions²²³ and the Revised UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions (the Minnesota Protocol),²²⁴ further expand on the obligations of States in that regard.

Right to dignity and freedom from torture and other cruel, inhuman or degrading treatment – Torture means “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”²²⁵ The prohibition of torture is central to the Convention against Torture, it is also included in Article 7 of the ICCPR and Article 5 of the ACHPR and is a *jus cogens* principle of customary international law. The Convention against Torture underlines that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” The UN Code of Conduct for Law Enforcement Officials further emphasizes: “No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.”²²⁶ Linked to the prohibition of torture or other ill-treatment, Article 5 of the ACHPR emphasizes that “every individual shall have the right to the respect of the dignity inherent in a human being.”²²⁷ The right to dignity and to be “treated with humanity” is also recognized under Article 10 of the ICCPR.²²⁸

Death penalty – Amnesty International opposes the death penalty in all cases, on the grounds that it is the ultimate cruel, inhuman or degrading punishment and violates the right to life. The African Commission in its resolution CHPR/Res.544 (LXXIII) also urges States to “take steps towards abolishing the death penalty,” including ratification of the second Optional Protocol of the ICCPR aiming at the abolition of the death penalty.²²⁹ After two decades of hiatus on the execution of the death penalty, in March 2024 the Congolese government reinstated executions for a series of offences and crimes, including “criminal association” and “insurrectional movement”. Amnesty International has called on authorities to immediately halt any plans to

²¹⁷ International Covenant on Civil and Political Rights (ICCPR), ratified by the DRC in 1976.

²¹⁸ First Optional Protocol to the International Covenant on Civil and Political Rights, establishing the UN Human Rights Committee, ratified by the DRC in 1976. The DRC has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

²¹⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), ratified by the DRC in 1996.

²²⁰ African Charter on Human and Peoples' Rights (ACHPR), ratified by the DRC in 1987.

²²¹ ICCPR, Article 6.1.

²²² ACHPR, Article 4.

²²³ UN Economic and Social Council, Resolution 1989/65 (previously cited).

²²⁴ OHCHR, The Revised UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions (the Minnesota Protocol), 2016, <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>

²²⁵ Convention against Torture (previously cited), Article 1.1.

²²⁶ UN Code of Conduct for Law Enforcement Officials, Article 5.

²²⁷ ACHPR, Article 5.

²²⁸ ICCPR, Article 10.

²²⁹ ACHPR, Resolution CHPR/Res.544 (LXXIII): Resolution on *the Death Penalty and the prohibition of Torture and cruel, inhuman or degrading punishment or treatment*, adopted on 12 December 2022, [achpr.au.int/en/adopted-resolutions/544-resolution-death-penalty-and-prohibition-torture-and-cruel](https://www.achpr.org/en/adopted-resolutions/544-resolution-death-penalty-and-prohibition-torture-and-cruel)

resume executions and establish an official moratorium on executions with a view to permanently abolishing the death penalty.²³⁰

Prohibition of enforced disappearances – In 2007, the DRC signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). This obligates DRC to refrain from acts that would defeat the object and purpose of the treaty until such time as it indicates its intention not to ratify it.²³¹ Indeed, the DRC has accepted recommendations to ratify the ICPPED,²³² but has not yet done so. Article 2 of the ICPPED defines enforced disappearance as “... the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.” Article 12(2) ICPPED states that: “Where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, the authorities referred to in paragraph 1 of this article shall undertake an investigation, even if there has been no formal complaint.”

Freedoms of thought, conscience and religion,²³³ freedom of opinion and expression,²³⁴ and freedom of association²³⁵ and peaceful assembly²³⁶ – States are obligated to protect the rights to freedom of thought, conscience and religion (indeed, Article 18 of the ICCPR is listed as a non-derogable right under Article 4(2) of the ICCPR) and to freedom of expression – even expression that many people may find deeply offensive.²³⁷ The African Commission on Human and Peoples’ Rights has declared: “Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.”²³⁸ The right to freedom of association with others (under Article 22 of the ICCPR and Article 10 of the ACHPR) protects the voluntary grouping of persons with a common interest to form or join an association. Associations, in turn, must be able to freely determine their purposes and activities, and informal associations must “not be punished or criminalized under the law or in practice on the basis of their lack of formal ... status.”²³⁹ The right to freedom of peaceful assembly (recognized by Article 21 of the ICCPR and Article 11 of the ACHPR) is an individual right exercised collectively that protects the non-violent gathering by persons for specific purposes.²⁴⁰ Assemblies may, for example, express or convey a contentious message, affirm group identity, and/or have cultural or religious objectives.²⁴¹ Moreover, the term “peaceful” must be interpreted to include conduct that annoys or offends others, as well as conduct that hinders, impedes or obstructs the activities of third parties. Isolated acts of violence do not render an assembly non-peaceful in its entirety.²⁴² States have obligations to refrain from unwarranted interference with these rights and to protect and facilitate their exercise.

Right to liberty and security of person – Article 9 of the ICCPR states: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Article 6 of the ACHPR also protects the right to liberty and security of one’s person. The UN Human Rights Committee has emphasized that the notion of “arbitrariness” is not to be equated with “against the law” but must instead “be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.”²⁴³

²³⁰ Amnesty International, “DRC: Reinstating executions shows a callous disregard for human rights”, 15 March 2024, [amnesty.org/en/latest/news/2024/03/drc-reinstating-executions-shows-a-callous-disregard-for-human-rights/](https://www.amnesty.org/en/latest/news/2024/03/drc-reinstating-executions-shows-a-callous-disregard-for-human-rights/)

²³¹ Vienna Convention on the Law of Treaties, Article 18.

²³² *Report of the Working Group on the Universal Periodic Review: Democratic Republic of the Congo* (April 29, 2014), U.N. Doc. A/HRC/27/5, paras 133.2 and 133.3 [ohchr.org/en/hr-bodies/upr/cd-index](https://www.ohchr.org/en/hr-bodies/upr/cd-index)

²³³ ACHPR, Article 8; ICCPR, Article 18.

²³⁴ ACHPR, Article 9; ICCPR, Article 19.

²³⁵ ACHPR, Article 10; ICCPR, Article 22.

²³⁶ ACHPR, Article 11; ICCPR, Article 21.

²³⁷ UN Human Rights Committee, General Comment No. 34, para 11.

²³⁸ African Commission on Human and Peoples’ Rights, Declaration of Principles on Freedom of Expression in Africa, Resolution ACHPR/Res.62(XXXII)/02 adopted on 22 October 2023, XIII(2).

²³⁹ ACHPR, *Guidelines on Freedom of Association and Assembly in Africa*, 21 September 2017, paras. 1 and 11.

²⁴⁰ HRC, General Comment 37: The Right of Peaceful Assembly, 17 September 2020, UN Doc. CCPR/C/GC/37, para. 4.

²⁴¹ HRC, General Comment 37: The Right of Peaceful Assembly, 17 September 2020, UN Doc. CCPR/C/GC/37, paras 7 and 12.

²⁴² ACHPR, *Guidelines on Freedom of Association and Assembly in Africa*, 21 September 2017, para. 70; HRC, General Comment 37: The Right of Peaceful Assembly, 17 September 2020, UN Doc. CCPR/C/GC/37, paras. 15-20.

²⁴³ HRC, General Comment 35: Liberty and Security of Person, 16 December 2014, UN Doc. CCPR/C/GC/35, Article 9.

Right to truth, justice and reparations – A person whose human rights have been violated has a right to be provided with truth, justice, and effective reparation, which includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Article 7 of the ACHPR states that “every individual shall have the right to have his cause heard.” With regards to victims of gross violations of international human rights law such as those documented in this report, the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation develop what are the obligations of States in this regard, which encompasses their obligation to “investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible.”²⁴⁴ “Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.”²⁴⁵

Fair trial rights – The right to equality before the courts and tribunals and to a fair trial is enshrined, *inter alia*, in the ICCPR (Articles 14-15) and the ACHPR (Article 7). Article 14 of the ICCPR provides: “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”²⁴⁶ Both the UN and the African Commission on Human and Peoples’ Rights (the African Commission) have developed standards pertaining to free trial rights.²⁴⁷ The African Commission stresses: “Military courts should not in any circumstances whatsoever have jurisdiction over civilians.”²⁴⁸

KEY INTERNATIONAL STANDARDS ON POLICING ASSEMBLIES AND THE USE OF FORCE BY LAW ENFORCEMENT OFFICIALS

State authorities must protect and facilitate peaceful assemblies. The authorities should presume that an assembly will be peaceful unless there is credible and compelling evidence to the contrary. If any law enforcement intervention may be required, the policing of an assembly should be planned and conducted with the objective of enabling the assembly to take place as intended by its organizers, also with a view to minimizing the potential for injury. As the UN Human Rights Committee has emphasized:

“The plan should detail the instructions and equipment for and the deployment of all relevant officials and units. ... Generic contingency plans and training protocols should also be developed by relevant law enforcement agencies. Clear command structures must exist to underpin accountability, as must protocols for recording and documenting events, ensuring the identification of officers and reporting any use of force. Law enforcement officials should seek to de-escalate situations that might result in violence. They are obliged to exhaust non-violent means and to give prior warning if it becomes absolutely necessary to use force, unless doing either would be manifestly ineffective. Any use of force must comply with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination ..., and those using force must be accountable for each use of force.”²⁴⁹

²⁴⁴ UN General Assembly, Resolution 60/147: Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles on the Right to a Remedy and Reparation), adopted on 15 December 2005, UN Doc. A/RES/60/147, Principle II(3)(b). The Minnesota Protocol further states: “Persons whose rights have been violated have the right to a full and effective remedy. Family members of victims of unlawful death have the right to equal and effective access to justice; to adequate, effective and prompt reparation; to recognition of their status before the law; and to have access to relevant information concerning the violations and relevant accountability mechanisms” (The Minnesota Protocol (previously cited), para. 10).

²⁴⁵ UN Basic Principles on the Right to a Remedy and Reparation (previously cited), Principle VI(10). For the purposes of the UN Basic Principles, ‘victims’ are defined under Principle V(8).

²⁴⁶ ICCPR, Article 14(1).

²⁴⁷ HRC, General Comment 32: Right to equality before courts and tribunals and to a fair trial, 23 August 2007, UN Doc. CCPR/C/GC/32, Article 14; OHCHR, *Basic Principles on the Independence of the Judiciary*, ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary; African Commission on Human and Peoples’ Rights (the African Commission), *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*, adopted on 29 May 2003, achpr.au.int/en/node/879/.

²⁴⁸ ACHPR, *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa* (previously cited), Section L(c).

²⁴⁹ UN Human Rights Committee, General Comment No. 37, paras 76-78. Also, Amnesty International, *Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, August 2015, [amnesty.nl/content/uploads/2017/07/guidelines_use_of_force_eng.pdf?x97316](https://www.amnesty.nl/content/uploads/2017/07/guidelines_use_of_force_eng.pdf?x97316), pp. 17-20.

Numerous international and regional instruments elaborate on standards governing the use of force in relation to the policing of assemblies, including the reports of relevant UN Special Procedures.²⁵⁰ Relevant standards include the *UN Code of Conduct for Law Enforcement Officials* (1979),²⁵¹ the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990),²⁵² the *UN Guidance on Less-Lethal Weapons in Law Enforcement* (2020),²⁵³ UNICEF's *Free and Safe to Protest: Policing Assemblies Involving Children* (2023),²⁵⁴ and the ACHPR's *Guidelines on Policing Assemblies in Africa* (2017).²⁵⁵

The HRC has outlined key principles to ensure full enjoyment of the right to freedom of peaceful assembly. They include:

- The presumption that assemblies will be peaceful, and a recognition that “isolated acts of violence by some participants should not be attributed to others, to the organizers or to the assembly as such.”²⁵⁶
- The right to hold a peaceful assembly without having to apply for permission or being subjected to a burdensome notification process:²⁵⁷ “Having to apply for permission from the authorities undercuts the idea that peaceful assembly is a basic right. Notification systems requiring that those who intend to organize a peaceful assembly must inform the authorities in advance and provide certain salient details are permissible to the extent necessary to assist the authorities in facilitating the smooth conduct of peaceful assemblies and protecting the rights of others.”²⁵⁸
- On law enforcement during assemblies: ²⁵⁹ “Only law enforcement officials trained in the policing of assemblies, including on the relevant human rights standards, should be deployed for that purpose [...]. The military should not be used to police assemblies, but if, in exceptional circumstances and on a temporary basis, they are deployed in support, they must have received appropriate human rights training and must comply with the same international rules and standards as law enforcement officials.”²⁶⁰

These key standards should be incorporated and fully reflected in DRC's national legislation and policies.²⁶¹ As the HRC has stressed, “States parties [to the ICCPR] are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials, including soldiers charged with law enforcement missions. These measures include putting in place appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life, mandatory reporting, review and investigation of lethal incidents and other life-threatening incidents, and supplying forces responsible for public order situations with effective, less-lethal means and adequate protective equipment in order to obviate their need to resort to lethal force.”²⁶²

Moreover, the military should not be used to handle assemblies. The ACHPR Guidelines underscore that:

“As a general rule, the military should not be used to police assemblies and must only be used in exceptional circumstances and only if absolutely necessary. Military personnel deployed to assembly operations must be subordinate to, and under the command of, the police authorities; be fully trained,

²⁵⁰ See for example: UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Report: *Best practices related to the rights to freedom of peaceful*, 21 May 2012, UN Doc. A/HRC/20/27; UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Report: *Protecting the Right to Life in Law Enforcement: The Need for Domestic Law Reform*, 1 April 2014, UN Doc. A/HRC/26/36; UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Joint Report: *Proper Management of Assemblies*, 4 February 2016, UN Doc. A/HRC/31/66.

²⁵¹ UN General Assembly, Resolution 34/169: *Code of Conduct for Law Enforcement Officials*, adopted on 17 December 1979, A/RES/34/169.

²⁵² OHCHR, *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, adopted on 7 September 1990, [ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement](https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement)

²⁵³ *UN Guidance on Less-Lethal Weapons in Law Enforcement*, 2020, [ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-guidance-less-lethal-weapons](https://www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-guidance-less-lethal-weapons)

²⁵⁴ UNICEF, *Free and Safe to Protest: Policing Assemblies Involving Children*, August 2023, [unicef.org/reports/free-and-safe-protest](https://www.unicef.org/reports/free-and-safe-protest)

²⁵⁵ ACHPR, *Policing Assemblies in Africa*, adopted on 4 March 2017, [achpr.org/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa](https://www.achpr.org/en/soft-law/guidelines-policing-assemblies-law-enforcement-officials-africa)

²⁵⁶ HRC, General Comment 37 (previously cited), para. 17.

²⁵⁷ HRC, General Comment 37 (previously cited), paras 70-73.

²⁵⁸ HRC, General Comment 37 (previously cited), para. 70.

²⁵⁹ HRC, General Comment 37, paras 80-81.

²⁶⁰ HRC, General Comment 37, para. 80.

²⁶¹ HRC, General Comment 37, para. 78. See also: Amnesty International, *DRC: Legal Analysis of DRC Legislation on the Right to Freedom of Peaceful Assembly* (previously cited).

²⁶² HRC, General Comment 36: Right to Life, 3 September 2019, UN Doc. CCPR/C/GC/36, Article 6, para. 13.

in and be bound by, regional and international human rights standards, as well as any national law enforcement policy, guidelines and ethics; and be provided with all necessary instructions.”²⁶³

5.2 CRIMES UNDER INTERNATIONAL LAW AND OTHER HUMAN RIGHTS VIOLATIONS

CRIMES AGAINST HUMANITY

Amnesty International considers that this massacre must be viewed in the context of the ongoing armed conflict in eastern DRC since the 1990s. Within that armed conflict, there have been many violations of international humanitarian and human rights law committed by all parties to the conflict, reflecting attacks against the civilian population, especially in the eastern regions of Ituri, North Kivu, and South Kivu. This prompted the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) to open an investigation focusing on “alleged war crimes and crimes against humanity committed mainly in eastern DRC, in the Ituri region and the North and South Kivu Provinces since 1 July 2002” (although the office acknowledged that alleged crimes were reported since the 1990s but that the Court’s jurisdiction started on 1 July 2002).²⁶⁴ Since then, several members of armed groups have been prosecuted by the ICC for war crimes and crimes against humanity, with three convicted. However, the ICC is yet to prosecute crimes committed by the army. More recently, the OTP announced its decision to “renew investigative efforts in the DRC”.²⁶⁵ The OTP stated: “[...] the latest episodes of violence in North Kivu since 2022 are interconnected with patterns of violence and hostilities that have plagued the region since at least 1 July 2002, the start of the Court’s jurisdiction in the DRC.”²⁶⁶

Amnesty International considers that the 30 August massacre may amount to a crime against humanity, as part of the military’s ongoing widespread or systematic attack against civilians in eastern DRC.

The massacre was mainly perpetrated by the Republican Guard, a unit of the Congolese army. The Congolese military court²⁶⁷ itself charged some officers and soldiers with crimes against humanity. Although they were not convicted of these charges, Amnesty International has already noted the deficiencies in the investigation and in the trial.

Crimes against humanity are defined under Article 7 of the Rome Statute as prohibited acts “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”²⁶⁸ Acts constituting crimes against humanity may include murder, extermination, enslavement, deportation or forcible transfer of population, torture, rape, enforced disappearance and other crimes. Crimes against humanity are “among the most serious crimes of concern to the international community as a whole [and] warrant and entail individual criminal responsibility”.²⁶⁹ The DRC has been a State Party to the Rome Statute of the International Criminal Court since 2002 and has incorporated provisions of the Statute into national legislation.²⁷⁰ Article 222 of the Ordinary Penal Code is identical to Article 7 of the Rome Statute in defining the crime against humanity and its elements.

In the following paragraphs, we will first examine the chapeau elements of the crime, which are (i) the existence of an attack against a civilian population pursuant to a state policy and (ii) the widespread or systematic nature of the attack. We will then turn to the argument that the 30 August crimes are constitutive of crimes against humanity as (iii) murders (iv) committed within the context and with knowledge of the chapeau elements (nexus and knowledge).

²⁶³ ACHPR, Policing Assemblies in Africa (previously cited), para. 3 (2); UN Human Rights Committee, General Comment No. 37, para. 80.

²⁶⁴ ICC Office of the Prosecutor (OTP), press release, “The office of the Prosecutor of the ICC opens its first investigation”, 23 June 2004, [icc-cpi.int/news/icc-office-prosecutor-international-criminal-court-opens-its-first-investigation](https://www.icc-cpi.int/news/icc-office-prosecutor-international-criminal-court-opens-its-first-investigation); ICC web page on the DRC situation, <https://www.icc-cpi.int/drc>

²⁶⁵ OTP, “Statement of ICC Prosecutor Karim A.A. Khan KC on the Situation in the Democratic Republic of the Congo and renewed investigations”, 14 October 2024, [icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-situation-democratic-republic-congo-and-renewed](https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-situation-democratic-republic-congo-and-renewed)

²⁶⁶ OTP, “Statement of ICC Prosecutor Karim A.A. Khan KC on the Situation in the Democratic Republic of the Congo...” (previously cited).

²⁶⁷ Actualité CD, Actualité CD, “Tragédie de Goma : Deux officiers supérieurs et quatre soldats comparaissent, notamment pour crime contre l’humanité par meurtre” [“Goma tragedy: Two senior officers and four soldiers tried for crimes against humanity by murder”], 5 September 2023, actualite.cd/2023/09/05/tragedie-de-goma-deux-officiers-superieurs-et-quatre-soldats-comparaissent-notamment

²⁶⁸ ICC, Rome Statute of the International Criminal Court (Rome Statute), Article 7.

²⁶⁹ ICC, Elements of crime, May 2020, [icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf](https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf), Introduction to Article 7.

²⁷⁰ First, the Rome Statute was partly incorporated into the Military Penal Code in November 2002. In 2015, the ordinary Penal Code was also revised to incorporate crimes under the Rome Statute. See Patryk Labuda, “Applying and ‘misapplying’ the Rome Statute in the Democratic Republic of Congo”, in Christian De Vos and others (editors), *Contested Justice: The Politics and Practice of International Criminal Court Interventions*, Cambridge University Press, 2015, pp. 408-431.

Chapeau elements: widespread or systematic attack against a civilian population

An attack against a civilian population, as required to qualify as a crime against humanity, is defined as a course of conduct involving the multiple commission of acts referred to in Article 7(1) of the Rome Statute, such as murders and rapes among others,²⁷¹ whose primary target is the civilian population.²⁷² The Elements of Crimes of the Rome Statute add that such an attack is understood to be conducted “pursuant to or in furtherance of a State or organizational policy to commit such attack”²⁷³ so that random or isolated acts would not be prosecuted as crimes against humanity. A crime against humanity can be committed in peacetime or during an armed conflict, and one attack can involve several incidents of crimes (among those listed in Article 7(1) of the Rome Statute) against the civilian population.

Amnesty International considers that there has been an attack *by the Congolese army and its allies pursuant to a state policy* in the eastern DRC since the 1990s. The attack is characterized by the commission of multiple killings and rapes targeted at the civilian population over the years, as documented by the UN and several civil society organizations.²⁷⁴

International courts have developed guidance on how to demonstrate the existence of a state policy. The ICC Trial Chamber in the Bemba case, for instance, explained: “[T]he ‘policy’ need not be formalized and may be inferred from a variety of factors which, taken together, establish that a policy existed. Such factors may include (i) that the attack was planned, directed or organized; (ii) a recurrent pattern of violence; (iii) the use of public or private resources to further the policy; (iv) the involvement of the State or organizational forces in the commission of crimes; (v) statements, instructions or documentation attributable to the State or the organization condoning or encouraging the commission of crimes; and/or (vi) an underlying motivation.”²⁷⁵

In the present case, indications that the attack against the civilian population is pursuant to a state policy include that the killings are recurrent and repeated over many years, they are perpetrated in a coordinated manner (through units acting together rather than by isolated individuals), often directly by State forces or by

²⁷¹ Elements of Crimes, Introduction to Article 7, Alinea 3; ICC, Trial Chamber II, *Judgment in the Katanga case*, Case No. ICC-01/04-01/07, 7 March 2014, para. 1101; ICTR, Trial Chamber II, *Judgment in the Kayishema et al. case*, Case No. ICTR-95-1-T, 21 May 1999, para. 122.

²⁷² ICC, Trial Chamber III, *Judgment in the Bemba case*, Case No. ICC-01/05-01/08-3343, 21 March 2016, para. 154; ICC, Trial Chamber II, *Judgment in the Katanga case*, Case No. ICC-01/04-01/07, 7 March 2014, paras. 1103-1105; ICTY, Appeals Chamber, *Judgment in the Kunarac et al. case*, Case No. IT-96-23 & IT-96-23/1-A, 12 June 2002, para. 91.

²⁷³ ICC, Elements of Crimes (previously cited), Introduction to Article 7(3). See also: ICC, Trial Chamber III, *Judgment in the Bemba case*, Case No. ICC-01/05-01/08-3343, 21 March 2016, para. 159: The notion of ‘policy’ is defined as “the active promotion or encouragement of an attack against a civilian population by a State or organization [however] the Statute does not envisage any requirement of demonstrating a ‘motive’ or ‘purpose’ underlying the policy to attack the civilian population.”

²⁷⁴ Thousands of killings and other mass atrocities, including by government armed forces and government-sponsored armed groups, were committed in the DRC, especially in the eastern provinces, between 1993 and 2003 as documented by OHCHR: OHCHR, “Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003”, October 2010, https://www.ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf. In November 2012, Congolese army soldiers subjected at least 76 women to rape and committed other serious crimes in the town of Minova and surrounding villages, as documented by Human Rights Watch (HRW), *Justice on Trial: Lessons from the Minova Rape Case in the Democratic Republic of Congo*, 1 October 2015 (see Chapter I “Background”), hrw.org/report/2015/10/01/justice-trial/lessons-minova-rape-case-democratic-republic-congo#_ftn7. Between 2017-2019, in Djugu territory, Ituri province, the Congolese army and several armed groups unlawfully killed at least 701 people, wounded 169 and subjected 142 more to sexual violence, which could amount to crimes against humanity, as documented by the UNJHRO: OHCHR-MONUSCO, OHCHR, “Rapport public sur les conflits en territoire de Djugu, province de l’Ituri, décembre 2017 à septembre 2019” [“Public report on conflicts in Djugu territory, Ituri province, December 2017 to September 2019”], January 2020, [ohchr.org/sites/default/files/Documents/Countries/RDC/RDCRapportpublicDjugu.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/RDC/RDCRapportpublicDjugu.pdf) (in French). In June 2011, former members of an armed group integrated into the Congolese army attacked the village of Nyakiele in South Kivu province, where they raped 121 women and subjected other residents to cruel and degrading treatment, as documented by a Joint UN Assessment Mission, UN News, “UN team confirms mass rapes occurred in remote villages in eastern DR Congo”, 1 July 2011, un.org/en/story/2011/07/380302, members of the Congolese army killed some 47 civilians, sexually abused 27 women and 22 children, and arbitrarily arrested 126 people during a military operation against the Allied Democratic Forces armed group in North Kivu’s Beni territory, as documented by the UNJHRO, which said these crimes, along with those committed by ADF fighters, could amount to crimes against humanity: OHCHR, “Human rights: Widespread attacks in DR Congo may amount to crimes against humanity”, 2 February 2021, news.un.org/en/story/2021/02/1083582. See also the many reports by the UN Group of Experts on DRC which have documented killings and rapes, among other crimes, including those committed by State forces and armed groups affiliated with them in the DRC since 2004, for example: UN Security Council (UNSC), The DRC Sanctions Committee, Group of Experts, Mid-Term Report of 30 December 2023 (UN Doc. S/2023/990), para 54 and relevant annexes; Final Report of 13 June 2023 (UN Doc. S/2023/431), paras 129-130; Final Report of 14 June 2022 (UN Doc. S/2022/479), paras. 130-140; Final Report of 10 June 2021 (UN Doc. S/2021/560), paras 113-120; Final Report of 7 June 2019 (UN Doc. S/2019/469), paras. 53 and 55.

²⁷⁵ ICC, Trial Chamber III, *Judgment in the Bemba case*, Case No. ICC-01/05-01/08-3343, 21 March 2016, para. 160. See also, ICC, Trial Chamber II, *Judgment in the Katanga case*, Case No. ICC-01/04-01/07, 7 March 2014, para. 1109: “In most cases, the existence of such a State or organisational policy can therefore be inferred by discernment of, inter alia, repeated actions occurring according to a same sequence, or the existence of preparations or collective mobilization orchestrated and coordinated by that State or organisation”; ICC, Pre-Trial Chamber II, Decision of confirmation of charges in the Bemba case, Case No. ICC-01/05-01/08-424, 15 June 2009, para. 81: The requirement of a ‘State or organizational policy’ implies that the attack follows a regular pattern. [...] The policy need not be formalised. Indeed, an attack which is planned, directed or organized – as opposed to spontaneous or isolated acts of violence – will satisfy this criterion.”; ICC, Pre-Trial Chamber I, Decision on the confirmation of charges in the Gbagbo case, Case No. ICC-02/11-01/11-656-Red, 12 June 2014, para. 215.

armed groups affiliated with or supported by State forces, and in most cases the authors of these acts have never been prosecuted.²⁷⁶ These elements show the unlikelihood of these acts being committed randomly, as isolated acts. On the contrary, the State likely condones these acts by not taking action to stop them and punishing those responsible, if not supporting, covering up or promoting these acts, such as in the case of the killings documented in this report.²⁷⁷

Second, this above-mentioned attack may be widespread and/or systematic. “Widespread” refers to “the large-scale nature of the attack and the number of victims”²⁷⁸ and “systematic” signifies “the organized nature of the acts of violence and the improbability of their random occurrence”.²⁷⁹ Although an attack against a civilian population underlying the commission of crimes against humanity must be either widespread or systematic and does not need to be both, widespread attacks composed of a series of events would often entail being systematic as well, given that they are conducted pursuant to a state or organizational policy, which in itself shows the organized (and not random) nature of the acts constitutive of the attack. It is the overall attack on the civilian population, not the individual prohibited acts, that must be widespread or systematic.

Amnesty International considers the numerous killings and rapes²⁸⁰ by State forces and their allies against civilians in eastern provinces of the DRC since the 1990s may be widespread and/or systematic. Since 1996, attacks directly targeted at the civilian population in North Kivu, South Kivu and Ituri provinces have led to dozens of thousands of people killed and hundreds of thousands more subjected to sexual violence, including rape.²⁸¹ Killings and rapes have been committed in over a thousand repeated incidents and during the course of a prolonged period of nearly 30 years. These killings were perpetrated in a similar manner, generally through directly shooting at people, indiscriminate bombing, burning, and stabbing.

Even if viewed as a single attack, without reference to the ongoing unlawful acts committed since the 1990s by State forces and their allies against civilians, the large-scale killing, torture and other ill-treatment, arbitrary detention of the Wazalendo protestors and other civilians on 30 August and for weeks thereafter can by itself be considered a widespread or systematic attack. On 30 August in Goma, the defence and security forces killed between 50 and 100 people,²⁸² in different locations within the city, all victims undoubtedly civilian,²⁸³ which by itself may satisfy the criterion of “widespread”. Moreover, the killings appear systematic, not random, with the army and police targeting the victims when they pose no threat. The torture of some protesters, the arbitrary arrest of 116 protesters, and enforced disappearances can all constitute part of the attack carried out by the State.

Underlying acts: murders committed within the context of this attack

Amnesty International documented that on 30 August in Goma, the army deliberately and unlawfully killed dozens of people. More details about these killings can be found in the section below, “Unlawful Killings”, and in the previous chapter.

²⁷⁶ See for example, Amnesty International, *Democratic Republic of the Congo: The Time for Justice is Now: New strategy needed in the Democratic Republic of the Congo* (Index: AFR 62/006/2011), 10 August 2011, [amnesty.org/en/documents/AFR62/006/2011/en/](https://www.amnesty.org/en/documents/AFR62/006/2011/en/)

²⁷⁷ The 30 August killings in Goma were carried out with State support, as demonstrated by the means and units deployed, instructions given by certain commanders, attempts to minimize the death toll, apparent disappearance of bodies, failure of authorities to undertake ballistic investigations or autopsies, and subsequent statements by authorities celebrating or denying the crimes. See section below on “Unlawful Killings”.

²⁷⁸ ICC, Pre-Trial Chamber III, *Decision to authorise the opening of an investigation in the Cote d'Ivoire situation*, Case No. ICC-02/11-14, 3 October 2011, para. 53: “The assessment is not exclusively quantitative or geographical, but must be carried out on the basis of the individual facts. Accordingly, a widespread attack may be the ‘cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary magnitude’.”. See also, ICC, Trial Chamber IX, *Judgment in the Ongwen case*, Case No. ICC-02/04-01/05, 4 February 2021, para. 2681; ICC, Trial Chamber III, *Judgment in the Bemba case*, Case No. ICC-01/05-01/08-3343, 21 March 2016, para. 163; ICC, Trial Chamber II, *Judgment in the Katanga case*, Case No. ICC-01/04-01/07, 7 March 2014, para. 1123; ICC, Pre-Trial Chamber I, *Decision of confirmation of charges in the Gbagbo case*, Case No. ICC-02/11-01/11-656-Red, 12 June 2014, para. 222; ICTY, Trial Chamber III, *Judgment in the Kordić et al. case*, Case No. IT-95-14/2-T, 26 February 2001, para. 179.

²⁷⁹ ICC, Trial Chamber IX, *Judgment in the Ongwen case*, Case No. ICC-02/04-01/05, 4 February 2021, para. 2682; ICC, Trial Chamber II, *Judgment in the Katanga case*, Case No. ICC-01/04-01/07, 7 March 2014, para. 1123; SCSL, Trial Chamber II, *Judgment in the Taylor case*, Case No. SCSL-03-01-T, 18 May 2012, para. 553; ICC, Pre-Trial Chamber III, *Decision to authorise the opening of an investigation in the Cote d'Ivoire situation*, Case No. ICC-02/11-14, 3 October 2011, para. 54; ICTY, Trial Chamber II, *Judgment in the Kunarac et al. case*, Case No. IT-96-23-T& IT-96-23/1-T, 22 February 2001, para. 429.

²⁸⁰ See footnote 269 above.

²⁸¹ Estimated figures by Amnesty International are mainly based on UN reports on attacks by the Congolese army and affiliated armed groups against civilians resulting in killings and mass rapes over the period of 1996 to 2023.

²⁸² See Section 2.2 “Assault on Wazalendo’s Temple”. Within minutes, dozens were killed and many more were injured. Some who were not killed on the spot were hunted down. Others succumbed to their wounds in hospitals. Amnesty International estimates the total number of victims to be over 100.

²⁸³ See Chapter 2 “30 August: The Massacre”. Despite authorities accusing these protesters of posing a security threat, both authorities and defence forces were aware from the preparation stage of the operation that they were civilians, as apparent from the language used in the written orders for that operation. This was confirmed during the events as they observed that the protesters were peaceful and unarmed.

Amnesty International considers that these killings of Goma were likely perpetrated *as part of* the widespread and systematic attack against the civilian population.²⁸⁴ In determining whether the requisite nexus exists, the assessment can take various factors into account, including the similarities between the acts at stake and the acts occurring within the attack, the nature of the events and circumstances surrounding the accused's acts, the temporal and geographical proximity of the acts with the attack, the aims and consequences of the acts, including the manner in which the acts are associated with the attack or the policy underlying the attack.²⁸⁵

There is indeed a clear link between these killings and the State's widespread and continuing attack against the civilian population of eastern DRC. The 30 August killings were committed in Goma, which is the main city in North Kivu province, eastern DRC, in the geographical area where the armed conflict and attack against the civilian population is ongoing. The conduct of these killings fits the pattern of the army targeting and killing civilians, who are sometimes targeted due to being perceived as hostile to the government or linked to the opposing parties to the armed conflict. Moreover, from the planning of the operation to the statements made after the killings, military commanders involved in these killings themselves make the link between these events and the ongoing armed conflict very explicitly, including by alleging on repeated occasions that the people they killed were linked to their "enemies" in the armed conflict.²⁸⁶

Amnesty International is of the view that further investigation is warranted to determine whether the crime against humanity of murder was committed on 30 August in and around Goma, taking into consideration the gravity and magnitude of what happened on that day and the weeks thereafter, and given the pattern of similar crimes committed with impunity for years by government forces in eastern DRC.

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS

Extrajudicial executions are the unlawful and deliberate killing of a person by state agents or by people acting with the authorization, support or acquiescence of state authorities. While it can sometimes be difficult to establish with certainty that the evidential threshold for extrajudicial executions has been met in relation to a specific intention to kill and/or the authorization or acquiescence of the state, the facts presented here, drawing on first-hand testimony of survivors, eyewitnesses and perpetrators, make a compelling case that these were deliberate killings carried out by soldiers acting on unambiguous orders of senior officials.

It is clear from the account presented in chapters 1 and 2 that the killings were carried out by army soldiers in the context of a detailed and pre-planned public order operation targeting Wazalendo followers or anyone perceived to be a Wazalendo follower, with the stated objective to "take all necessary steps to protect MONUSCO facilities and Goma town", including to "pursue the enemy" and "destroy isolated enemy elements." The operational plan provided for the deployment of elite Special Forces troops who appeared to be in command on the day and had military-grade weapons. Eyewitness accounts, image verification and medical reports suggest that those who were killed died from close-range shots, including to the head, back or abdomen.

There is further evidence that the killings were carried out by order of the State or, at the very least, with its acquiescence. This evidence includes the means and units deployed, instructions given, the high death toll, attempts to minimize this death toll, the apparent disappearance of bodies, and the failure of authorities to undertake ballistic investigations or autopsies. Statements by senior officials and officers further substantiate this assessment – as described in section 3.3, the governor claimed that the army had acted "professionally" to "neutralize troublemakers"; the Republican Guard Commander for North Kivu boasted that the Special Forces "operated with determination" and "managed to nip in the bud the Wazalendo's attempt [to seize Goma]"; and an officer stated that "we eliminated the enemy as described in the operational order".

Between 3.30 and 4.30am on 30 August, soldiers killed at least six people outside of the Wazalendo radio station. They shot them for no apparent or stated reason while they were proceeding to arrest those found at the radio station (see section 2.1 "3.30am: Unlawful Killings")

Around 4.00am on that same day, police officers shot at a group of Wazalendo followers who were peacefully heading to the radio station after hearing about the raid, killing 35-year-old Jean-Claude Rusina and wounding two others. A bit later, soldiers shot at the wounded and those who tried to take them to the hospital, killing at least one more person.

²⁸⁴ This criteria does not apply if the underlying acts, in the present case the 30 August killings, are considered to constitute the attack itself. There is no requirement that a separate attack against the same civilians, within which the murders were committed, should be proven. See ICTR, Trial Chamber, *Judgment in the Akayesu case*, note 29, para. 581.

²⁸⁵ ICC, Trial Chamber IX, *Judgment in the Ongwen case*, Case No. ICC-02/04-01/05, 4 February 2021, para. 2688: "When assessing such a nexus, due regard must be given to the characteristics, aims, nature and consequences of the acts concerned."; ICC, Trial Chamber VI, *Judgment in the Ntaganda case*, Case No. ICC-01/04-02/06, 8 July 2019, para. 696; ICC, Trial Chamber III, *Judgment in the Bemba case*, Case No. ICC-01/05-01/08-3343, 21 March 2016, para. 165; ICTY, Trial Chamber, *Judgment in the Tadić case*, note 29, paras. 629-633.

²⁸⁶ See Section 1.2 "Plan for Protest and Authorities' Reaction".

Around 6.00am, police officers killed 19-year-old Uwezo Milele. They shot him to death while he was peacefully walking in the street (see section 2.2 “6am: Shooting and Stoning at The Temple”).

Between 7.00 and 8.00am, when the protest was about to start, soldiers shot at the crowd. Soldiers did not need to protect themselves or others against an imminent threat of death or serious injury. Soldiers shot at people in the absence of any danger. In some instances, they also chased protesters who were running away, found them and killed them in their hiding places (see section 2.2 “7.30am: Mass Shooting”).

The soldiers unlawfully killed over 102 people, according to the UN.²⁸⁷ Many of these killings may also constitute extrajudicial executions.

These unlawful killings violate the right to life. DRC authorities have an obligation to investigate these killings and, where there is evidence, prosecute and judge those responsible in fair trials before competent, independent and impartial courts.²⁸⁸

VIOLATIONS OF THE RIGHTS TO ASSOCIATION AND PEACEFUL ASSEMBLY, INCLUDING EXCESSIVE USE OF FORCE, USE OF FIREARMS AND DEPLOYMENT OF MILITARY PERSONNEL

A significant background factor (preceding the predominantly military deployment against the protesters) was an unwarranted questioning of FNJMN’s registration status. This was subsequently cited as grounds for pre-emptively banning the protest. State authorities must not, however, compel associations to register for them to exist or operate freely. In any case, the right to freedom of peaceful assembly extends to unregistered associations,²⁸⁹ and authorities have positive obligations to protect and facilitate the exercise of the right of peaceful assembly.

This right of peaceful assembly can only be limited if necessary, and even then, only in a proportionate way, in pursuit of a legitimate aim, such as the protection of public order or public safety. A mere hypothetical risk of public disorder does not meet this threshold. As such, MONUSCO’s claims (as described in this report) that the planned protest could get out of hand, or that it would be “hateful and violent” could not, without further evidence, adequately justify their request to the Congolese authorities to outrightly prohibit it (see the Executive Summary “Operation ‘Keba’”).²⁹⁰ The possibility that a peaceful assembly may provoke hostile reactions from others does not detract from its peaceful nature.²⁹¹ Prohibiting an assembly is a measure of last resort, and authorities should always explore less intrusive measures before resorting to an outright ban.²⁹² In this regard, the authorities’ ban on the Wazalendo’s protest (see section 1.2 “Preemptive Ban”) and mourning ceremonies (see section 2.3 “Undignified Burials”) was a violation of their right to peaceful protest. Furthermore, even where the conduct of an individual places them beyond the protective scope of the right of peaceful assembly (if, for example, they engage in violent conduct), they nonetheless retain their other rights under the ACHPR and other treaties ratified by the DRC.²⁹³ The stoning to death of a police officer by some protestors could not, under any circumstances, warrant the army’s brutal crackdown on all protesters, let alone the massacre, gunshot wounds, torture and other ill-treatment by law enforcement authorities (see Section 2.2). They should have sought to disperse those members of the crowd who were attacking the police officer, using force, if necessary, in a progressive, proportionate manner, and by distinguishing between peaceful demonstrators/bystanders and those directly involved in the stoning.

MONUSCO should not have requested authorities to pre-emptively impose a ban on the protest. Rather, MONUSCO should have emphasized the presumption of peacefulness and underscored the obligations of the authorities to plan and conduct the policing operation with the objective of facilitating the assembly, de-escalating any situation that might result in violence, exhausting non-violent means and avoiding the use of force unless absolutely necessary (in compliance with the principles of legality, necessity, proportionality, precaution and non-discrimination) and not deploying the military to police assemblies.

Congolese security and defence forces should not have been deployed to police the protest since this role should be reserved for law enforcement officials trained in policing assemblies. Moreover, firearms are an inappropriate tool for policing assemblies and can only ever be justified as a last resort in the face of an imminent threat to life or serious injury – which is not demonstrated by the evidence concerning the protest as documented here.

²⁸⁷ UNJHRO, “Note on the preliminary findings of the UNJHRO investigation on the 30 August incidents in Goma” (previously cited).

²⁸⁸ On the obligation to investigate, see: OHCHR, The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, January 2016, <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>

²⁸⁹ ACHPR, *Guidelines on Freedom of Association and Assembly in Africa*, 21 September 2017, achpr.au.int/index.php/en/soft-law/guidelines-freedom-association-and-assembly-africa, paras 11 and 67.

²⁹⁰ ACHPR, *Guidelines on Freedom of Association and Assembly in Africa*, 21 September 2017, previously cited, paras. 11 and 67.

²⁹¹ HRC, General Comment 37 (previously cited), para. 27.

²⁹² HRC, General Comment 37 (previously cited), paras 37 and 52.

²⁹³ HRC, General Comment 37 (previously cited), para. 9.

TORTURE AND OTHER ILL-TREATMENT

Members of the Republican Guard subjected 12 people to torture and other ill-treatment after arresting them at the Wazalendo radio station (see section 2.4). The victims were tied up, beaten up and threatened with a weapon. Some were lifted and dropped as a punishment or to extract information from them. The soldiers also arrested and detained over 150 more people, including dozens of children, many of whom they subjected to degrading or humiliating treatment. They stripped off their shoes and men's tops and beat and humiliated them simply because they were Wazalendo followers or perceived as such.

These acts violate the prohibition of torture and other ill-treatment under international law. Congolese authorities should ensure no person arrested or detained is subjected to torture or other ill-treatment and should investigate these instances where torture was allegedly committed in view of prosecuting those responsible in fair trials.

MASS ARBITRARY ARREST AND DETENTION

Over 150 people, including at least 29 children, were arbitrarily arrested and detained in the aftermath of the army and police crackdown on the Wazalendo followers (see section 2.5 *"Survivors in the Dock"*). While some were released in the following days and weeks, including the children, 116 were prosecuted and tried on unsubstantiated charges. 64 were eventually sentenced for participating in an "insurrectional movement" simply because of their alleged membership of the political and religious group Wazalendo, as well as for the "murder" and "attempted murder" of police officers with the court failing to demonstrate their individual responsibility as required in criminal matters (see section 2.5 *"Survivors in The Dock"*).

This violates their freedom from arbitrary arrest or detention, as well as their right to a fair trial. As the appeal is ongoing in this case, the authorities should drop the charges of "participation in an insurrectional movement" against the 64 people and release all those whose individual responsibility for the stoning to death of the police officer cannot be indisputably and fairly established.

ENFORCED DISAPPEARANCES

As shown in this report (see section 2.3 *"Missing Persons"*), at least ten people appear to have been forcibly disappeared in connection with the 30 August events in and around Goma, while several dozens of bodies of people believed dead were not recovered.

Even though the DRC signed the ICPPED in 2007 but has not yet ratified it,²⁹⁴ cases of enforced disappearances documented in this report not only breach DRC's obligation not to act against the purpose of the ICPPED, but also breach a range of other state obligations under international law. Enforced disappearances violate the rights of the missing person to recognition as a person before the law, the right to liberty and security, and the right not to be subjected to torture and other ill-treatment as protected under the ICCPR, the ACHPR and CAT. They may also violate, or at least constitute a grave threat, to the right to life. DRC authorities must provide information on the fate or the whereabouts of these persons to their relatives without delay and, depending on the circumstances, investigate and prosecute those responsible.

VIOLATIONS OF THE RIGHT TO DIGNITY AND HUMANE TREATMENT

Bodies of dozens of people killed on 30 August were dragged along the ground, piled onto a truck, not appropriately cared for, and later presented to families in unimaginable conditions, often making it impossible for their relatives to identify them (see section 2.3 *"Bodies Left to Rot"*). These people had the right for their bodies to be treated with care and respect and to be properly preserved until burial. Their families should not have had to go through the inhumane experience of seeing their loved ones' dead bodies in a state of putrefaction.

Authorities organized one collective burial for all people they recognized as having been killed on 30 August. Families were prevented from organizing burials themselves, in line with their own wishes and beliefs, and some were prevented from attending the burial as they were not informed it was taking place or were detained at the time (see section 2.3 *"Undignified Burials"*). The manner in which bodies were handled, and families of the deceased were treated violated their right to dignity and humane treatment under Article 5 of the ACHPR and Article 10 of the ICCPR.

LACK OF TRUTH AND JUSTICE

While the North Kivu Military Court conducted a trial of six Republican Guard members between 4 September and 2 October, Amnesty International considers this trial insufficient to provide adequate truth and justice to all victims and survivors of the 30 August events. The truth about what happened has not

²⁹⁴ Working Group on the Universal Periodic Review, Report: *Democratic Republic of the Congo*, 29 April 2014, UN Doc. A/HRC/27/5, recommendations 133(2)-133(3).

been fully established due to incomplete and rushed investigations, which did not allow a full account of all crimes and prejudices suffered or all individual criminal responsibilities, including for those who gave the orders (see section 3.3). The trial was also conducted before a military court, which Amnesty International and ACHPR guidelines oppose for cases of crimes against civilians. Investigations should start afresh so that where evidence is sufficient, all those responsible, including superiors, are prosecuted and judged before competent, independent and impartial civilian courts.

In addition, the trial only recognized 109 victims (parties civiles). Considering the officially recorded number of the dead (56) and wounded (75), the number of victims who may want to seek redress – including direct victims and relatives of those who suffered the crimes – is much higher. Amnesty International talked to several victims who were not able to participate in the trial, be recognized as victims or receive compensation. The court dismissed Efraimu Bisimwa's claim as a victim on the grounds that he called the protest and, therefore, was responsible for what happened, despite two of his children being unlawfully killed and him suffering torture and other ill-treatment (see section 2.4). With regard to the payment of those who were awarded financial compensation by the court,²⁹⁵ this depends solely on the solvency of the four soldiers who were convicted, which raises serious concerns that they will not receive the reparations they are entitled to. Ensuring that all victims obtain adequate justice and reparations is ultimately the State's responsibility under international human rights law.

5.3 INDIVIDUAL RESPONSIBILITIES

Unlawful killings, including possible extrajudicial killings, documented in this report were perpetrated by the Republican Guard's Special Forces and police units. The raid at the Wazalendo radio station, conducted by the Republican Guard's Special Forces, led to the unlawful killing of at least six individuals, numerous injuries, and 11 cases of torture and other forms of ill-treatment (see section 2.4). They also carried out the mass shooting at the Wazalendo temple, killing at least 42 people and injuring several dozen others. They were responsible for the manhandling of bodies and the wounded. Police officers killed at least two Wazalendo followers (Jean-Claude Rusina and Uwezo Milele) and injured scores (see sections 2.3 and 3.2). Overall, according to the authorities, members of the Republican Guard and the police killed at least 56 people (at least 102 people according to the UN), injured over 80 and forcibly disappeared scores. They subjected dozens to torture and other ill-treatment and arbitrarily arrested and detained over 150 people.

The Republican Guard, a unit of the Congolese army reporting directly to the president, is tasked with the responsibility of protecting the president, his family, and presidential property.²⁹⁶ They were mobilized on 30 August because, under Congolese law, the army, including the Republican Guard, may participate in law enforcement operations along with the police.²⁹⁷ During an insurrection, a state of siege or a state of emergency, as has been the case in North Kivu since May 2021, the law gives precedence to armed forces over the police in law enforcement operations.²⁹⁸

The Congolese National Police is a public service responsible for, among other things: public security, the safety of persons and their property, and maintaining and restoring public order.²⁹⁹ In this case, the police had issued a separate "service order" for maintenance and restoration of order related to the protest planned by Wazalendo and were deployed on 30 August.³⁰⁰

²⁹⁵ The court ordered financial compensation of (100,000 US dollars) to 109 recognized victims amounting to an average of 917 US dollars per person.

²⁹⁶ DRC, Law 11-012, governing the Organisation and Functioning of the Armed Forces, 2011, clrdc.larcier.com/homedir/site/index.php?doc=3273&rev=33 (in French), Article 114; DRC, Presidential Decree 13-063 governing the Organisation and Functioning of the Republican Guard, clrdc.larcier.com/homedir/site/index.php?doc=3543&rev=36 (in French), Articles 2-3.

²⁹⁷ DRC, Law 11-012, governing the Organisation and Functioning of the Armed Forces (previously cited), Article 7, Article 4; DRC, Presidential Decree 13-063 governing the Organisation and Functioning of the Republican Guard (previously cited).

²⁹⁸ DRC, Law governing the Organisation and Functioning of Armed Forces (previously cited), Article 7; DRC, Law governing the Organisation and Functioning of the Congolese National Police, Article 81(1)-(2).

²⁹⁹ DRC, Law governing the Organization and Functioning of the Congolese National Police (Article 2(1)).

³⁰⁰ Congolese National Police (North Kivu Commissariat, Department of Public Security), Ordre de Service [Service Order] 103/351/049/PNC/CP NK/COORD POL ADM/DSP/2023, "Security coverage before, during and after Wazalendo threats against MONUSCO in the city of Goma and its surroundings", 29 August 2023, on file with Amnesty International.

LIEUTENANT-GENERAL CONSTANT NDIMA KONGBA



  Lieutenant-General Constant Ndima, Military Governor of North Kivu. © AFP via Getty

General Constant Ndima Kongba held political and administrative powers as “military governor” and commander of military operations for North Kivu.³⁰¹ Under the “State of siege, the Governor has full authority for managing policing operations and maintaining order in the province. “He decides on all matters except those that fall within the competence of the national authorities.”³⁰² In this dual capacity as governor and military operations commander for North Kivu, all police and military commanders in North Kivu, including the Republican Guard’s BIA and Special Forces commanders, are under his authority. General Constant Ndima sent an official message (“télégramme”) to military and police commanders under his authority stating that the FNJMN (Wazalendo) followers constituted a serious threat to Goma and directed them to “take all measures to secure MONUSCO facilities and to deploy a security operation in the town.”³⁰³

Following this message, the 34th Military Region on 28 August issued a detailed “operation order” and shared it with him.³⁰⁴ Subsequently, the Republican Guard’s Combined Arms Brigade (BIA) Commander in North Kivu developed and issued the Keba operation plan on 29 August 2023 to “nip in the bud” FNJMN’s planned protest through organizing a “Motorized Deterrence Patrol” on Goma’s main roads,³⁰⁵ with Governor Ndima copied in. The police issued a Service Order to all police units in and around Goma, also copying in Governor Ndima.³⁰⁶ This shows that these military and police units adopted orders to implement Ndima’s “télégramme” and kept him informed of preparations for the operation.

On 30 August, the Republican Guard’s Special Forces and other army and police units perpetrated numerous crimes while conducting the above-mentioned operations, unlawfully killing several dozens of people and injuring scores of others, subjecting some to torture or other ill-treatment, arbitrarily arresting over a hundred more, ransacking their radio station and looting and burning down their temple (see Section 2.2 “10am: Looting and Burning of the Temple”).

³⁰¹ DRC, Presidential Decree laying down measures of implementation of the State of Siege, 3 May 2021, Article 5.

³⁰² DRC, Presidential Decree laying down measures of implementation of the State of Siege, 3 May 2021, Article 5.

³⁰³ Ndima Kongba Constant (Lieutenant-General), North Kivu Governor, “Télégramme 01/393/GP-NK/COMDT OPS/CCCO/23” (previously cited).

³⁰⁴ 34th Military Region’s Operations Department, “Operational Order 0734/029/EM 34 Rgn Mil/Dir Ops/23” (previously cited).

³⁰⁵ Republican Guard/BIA, Road Movement Order 319 019/PR/GR/BIA-GR/EMS8/23, 29 August 2023 (previously cited).

³⁰⁶ Congolese National Police, Ordre de Service [Service Order], 29 August 2023 (previously cited).

Ndima knew about the commission of crimes right after they were perpetrated, perhaps even as they were ongoing. He admitted to touring the town during that morning and seeing “six bodies” of those killed in connection with these events. According to two journalists who accompanied him, his visit took place around 9am on 30 August, when the army intervention at Wazalendo temple was still ongoing.³⁰⁷ The BIA Commander in North Kivu, Colonel Mike Mikombe, and 34th Military Region’s General Staff Commander, Colonel Yves Rubenga, who were present at the Wazalendo temple before, during and after the mass shooting, told Amnesty International that they spoke with the governor on the phone straight after the mass shooting and told him that soldiers had opened fire killing 42 people.³⁰⁸ According to Mikombe, Ndima told them to “collect those bodies and take them to the Military Hospital”.³⁰⁹ A leaked confidential intelligence dispatch from the Sukola II Operational Sector, also under Ndima’s jurisdiction, reported a death toll of 48 killed and 75 wounded as early as the morning of 31 August.³¹⁰ Furthermore, the news and images of the mass shootings at the Wazalendo radio station and temple were quickly and widely shared on social media from the morning of 30 August. These elements demonstrate that Ndima was aware or should have been aware that the defence and security forces had killed dozens of people.

As the highest provincial military authority to which commanders of the operation were reporting, he had a responsibility to prevent and punish such crimes. To Amnesty International’s knowledge, he did not take any measures to prevent such crimes or stop them, nor did he attempt to investigate the killings, identify those responsible and hold them to account as soon as he was made aware of their commission. Instead, Ndima publicly justified and took credit for acts committed by security forces against Wazalendo followers, at a time when he could not have been unaware of crimes committed during the operation. A few hours after the mass shooting at the Wazalendo temple, several of his officers, including his spokesperson, Lieutenant-Colonel Guillaume Ndjike, were seen with several army officers, including those who had just carried out the massacre, presenting stripped and battered Wazalendo detainees to the press and blaming them for the violence.³¹¹ Later the same day, Ndima’s office issued a press release praising the defence and security forces for “professionally stopping these troublemakers playing into the hands of the aggressor M23/DRC.”³¹² In an interview with national radio and television on the morning of 31 August, Ndima justified the army’s intervention and its use of lethal force, falsely claiming that it was prompted by protesters who were “armed” and who “attacked the security forces in the first place.”³¹³

In response to Amnesty International’s findings, Constant Ndima stated: “Nothing has shown or proved that I gave the order to anyone to shoot on the population (my constituents), or that I gave an order or instruction for these unfortunate events to take place in my capacity as Governor and in charge of military operations in North Kivu. [...] It is not true to claim that I did not react, for in my capacity as the Provincial Authority, I immediately ordered the military justice to open investigations and arrest the presumed perpetrators of these events without distinction, which was done.”³¹⁴ He added that he immediately drew up a circumstantial report to the hierarchy as a matter of urgency, which led to the visit to Goma of a high-level government delegation on 2 September 2023.³¹⁵

He did not address several of Amnesty International’s questions, especially regarding his specific actions in the lead-up to the massacre including his official message that prompted the military operations, his knowledge of the massacre as it unfolded and justification afterwards, or his congratulatory messages to the defense and security forces despite being aware of their unlawful actions. Further, he provided no evidence to support his claims about ordering investigations and arrests in the immediate aftermath of the massacre, and Amnesty International was unable to find evidence to support these claims either. Although he indicated that he had appeared before the High Military Court in Kinshasa since May 2024 as a witness in the appeal trial of the army officers who were convicted by the North Kivu Military Court, to Amnesty International’s understanding being called to testify in court does not show that his role in the events was the subject of

³⁰⁷ Interviews by voice call conducted separately with two journalists who covered the aftermath of the massacre, 10 October 2023.

³⁰⁸ Interview in person with Colonel Mike Mikombe, BIA Commander in North Kivu, 1 October 2023, Goma; interview by voice call with Colonel Yves Rubenga, 34th Military Region’s General Staff Commander, 29 November 2023.

³⁰⁹ Interview in person with Colonel Mike Mikombe, BIA Commander in North Kivu, 1 October 2023, Goma.

³¹⁰ Sukola II Operation, daily Military Intelligence Dispatch (confidential), 31 August 2023, Goma, on file with Amnesty International. See: Barrons, “48 Killed In East DR Congo Anti-UN Rally Crackdown” (previously cited).

³¹¹ North Kivu Governor’s Office, Facebook Post, “Le Gouverneur Lieutenant-Général Constant Ndima rassure de l’acalmie et demande à la population de vaquer librement à ses occupations” [“Governor Lieutenant-General Constant Ndima reassures of the lull and asks the population to go about their business freely”], 30 August 2023, [facebook.com/share/p/UGzjdFkuNWuqeybm/?mibextid=WC7FNe](https://www.facebook.com/share/p/UGzjdFkuNWuqeybm/?mibextid=WC7FNe)

³¹² North Kivu Governor’s Office, Facebook Post, “Le Gouverneur Lieutenant-Général Constant Ndima rassure de l’acalmie et demande à la population de vaquer librement à ses occupations” [“Governor Lieutenant-General Constant Ndima reassures of the lull and asks the population to go about their business freely”], 30 August 2023, (previously cited).

³¹³ Radio Télévision Nationale Congolaise (RTNC), “Goma : le gouvernement établit le bilan des manifestations”, 31 August 2023, [youtube.com/watch?v=GJ2CHQar0Fk](https://www.youtube.com/watch?v=GJ2CHQar0Fk)

³¹⁴ Constant Ndima Kongba, right of reply to Amnesty International, 26 August 2024, annexed.

³¹⁵ Constant Ndima Kongba, right of reply to Amnesty International (previously cited).

judicial investigations or proceedings. On 11 November 2024, Amnesty International sent him a follow-up letter requesting additional information, which remained unanswered at the time of publication.

Amnesty International believes that Ndima should be investigated and, if there is sufficient evidence, be prosecuted in civilian courts without recourse to the death penalty; at minimum, he should be investigated for criminal responsibility as commander for his failure to prevent, investigate and punish crimes committed by military and police forces on 30 August in Goma.

COLONEL MIKE MIKOMBE KALAMBA



Colonel Mike Mikombe, commander of the Republican Guard. © AFP via Getty Images

Colonel Mike Mikombe Kalamba was the commander of the Combined Arms Brigade (Brigade Interarmes, or BIA) in North Kivu, with all soldiers in this elite unit, including the Republican Guard's Special Forces, reporting directly to him. In the context of the ongoing war between the Congolese army and the Rwandan-backed M23 rebels in North Kivu, he told Amnesty International that his unit's core mission was "to defend the town of Goma and its surroundings in the event of enemy infiltration or attack."³¹⁶ Following the governor's official message (Télégramme) and the Operation Order issued by the 34th Military Region, he personally devised and supervised the execution of Operation Keba.³¹⁷

According to the North Kivu Military Court records, in a text message sent at 3.02am on 30 August, Mike Mikombe shared the location of the Wazalendo radio station with the commander of the Republican Guard's 19th Regiment (under which Major Peter Kabwe's 192nd Special Forces Battalion is placed).³¹⁸ This suggests that Mikombe was at least aware of Special Forces' assault on the FNJMN radio station in which a zone people were killed, and others wounded, tortured, or arbitrarily detained, hours before the incidents at the Wazalendo temple.

When Special Forces under his authority opened fire into the crowd with tactical weapons on 30 August, Mike Mikombe was undoubtedly present, and there is strong evidence that he ordered his forces to open fire. His presence is confirmed by two videos verified by Amnesty International and several testimonies, including his own (see Chapter 2 "30 August: The Massacre"). Although there were at least two other

³¹⁶ Interview in person with Colonel Mike Mikombe, BIA's Commander in North Kivu, 1 October 2023, Goma.

³¹⁷ BIA, "Ordre de mouvement routier" ["Motorised Deterrence Patrol Order"], 29 August 2023, on file with Amnesty International.

³¹⁸ North Kivu Military Court, Military Prosecutor v. Mike Mikombe and others, previously cited, audio recording on file with Amnesty International.

officers of his rank (Colonel) on-site, he behaved *de facto* as the highest officer in charge and was regarded as such. For example, in one video verified by Amnesty International, he was seen shouting at the other Colonels and ordering them to end the talks, which they did.³¹⁹ Several individuals have testified that he gave the order to open fire, including four during the trial,³²⁰ as well as three eyewitnesses interviewed by Amnesty International.³²¹ Special Forces proceeded to fire at protesters and to pursue them as they were running away, killing several dozens of unarmed protesters and injuring scores, most likely with the acquiescence of their commander Mikombe, who was in the vicinity as he admitted.³²²

The next day, in a report to the overall Republican Guard Commander about these events, Mikombe took credit for the Special Forces' actions, boasting that they had "firmly defended the town of Goma" and "succeeded in nipping in the bud all the odious attempts of Wazalendo followers."³²³ He added: "No incident was observed during the [BIA's deterrence] march except for some material and human damage committed by the followers of the mystical-religious sect."³²⁴

Special Forces under Mikombe's authority also committed crimes at other moments of the day, including unlawful killings during the raid at Wazalendo radio station and committing acts of torture against those they detained (see section 2.4).

Colonel Mikombe was prosecuted for some of these crimes before the North Kivu Military Court. On 2 October, the North Kivu Military Court found Colonel Mikombe guilty of "murder" and "attempted murder" (as the authority who had effective command of troops during the mass killing at the Wazalendo temple), as well as "destruction of armaments".³²⁵ Colonel Mikombe was sentenced to death, which Amnesty International opposes in all cases. He appealed the verdict.

In response to Amnesty International's findings, through his lawyer, Mike Mikombe said that the goal of Operation "Keba", under his command, was not to nip the Wazalendo protest in the bud, but "to dissuade any hostile forces from attempting any kind of infiltration or aggression" into the city of Goma.³²⁶ He referred to the mission as "protecting the town of Goma" and undertaking "a dissuasive patrol through the town (...) to deter any enemy incursion". He stated that he had found himself at the shrine of the Wazalendo followers "by pure coincidence" after being stopped by another Colonel and asked to accompany him to a location where Wazalendo followers were allegedly kidnapping a police officer. As this investigation has shown, the kidnapping and stoning of the police officer took place following Republican Guard's actions, notably their overnight assault on the FNJMN radio station, and not the other way around. Regarding the order to open fire, he claimed that his first reaction to hearing weapons being fired was to "Who fired, who fired? Stop firing, stop firing!" a claim Amnesty International has not been able to verify.³²⁷ He further stated: "In its ruling, at the end of the investigation, the North Kivu Military Court shared our opinion that Colonel Mike KALAMBA MIKOMBE did not give an order to fire and, moreover, did not fire."³²⁸ This is partly incorrect. Indeed, the North Kivu Military Court did not find that Mike Mikombe fired, however the court did establish that Mike Mikombe was the person who gave the order to fire, which is consistent with what Amnesty International documented.³²⁹

Amnesty International believes that in the first instance, the trial against Mikombe was inadequate to establish the truth about the full scope of crimes committed for which Mikombe may be held responsible, whether on the basis that he ordered them and/or for his command responsibility. His trial on appeal, or subsequent investigations and proceedings, should ensure that he is investigated for all killings and disappearances which were committed at the protest and possibly for his command responsibility for crimes committed by his troops at the Wazalendo radio station, including the unlawful killings, torture, and ill-treatment. He should be tried by a civilian, competent and impartial court, which should uphold his defence rights and exclude the death penalty.

³¹⁹ Video received by encrypted message, on file with Amnesty International. According to court records and eyewitnesses, he also ordered Republican Guard soldiers to disarm the Chief of Military Intelligence at the 34th Military Region, also an army Colonel, to remove and keep him away from the protest area, further showing his *de facto* status.

³²⁰ North Kivu Military Court, Military Prosecutor v. Colonel Mike Mikombe and others, testimonies of Colonel Yves Rubenga, Colonel Franck Mutunda, and two anonymized survivors, (previously cited).

³²¹ Interviews in person conducted separately with three Nyabushongo residents present at the scene before the mass shooting, 24-28 September 2023.

³²² Interview in person with Colonel Mike Mikombe, 1 October 2023, Goma.

³²³ BIA, "Rapport circonstancié" ["Circumstantial Report"], 31 August 2023, on file with Amnesty International.

³²⁴ BIA, "Rapport circonstancié" ["Circumstantial Report"], (previously cited).

³²⁵ North Kivu Military Court, *The Senior Military Prosecutor v. Mike Mikombe and others*, Application RP N°173/023, Judgment, 2 October 2023, on file with Amnesty International.

³²⁶ Léon Mbiya Malanza, lead lawyer for Colonel Mike Mikombe, right of reply to Amnesty International's findings, 20 August 2024, annexed.

³²⁷ Léon Mbiya Malanza, lead lawyer for Colonel Mike Mikombe, right of reply to Amnesty International, previously cited.

³²⁸ North Kivu Military Court, *Military Prosecutor v. Mike Mikombe and others* (previously cited), Sheet 13/26.

MAJOR PETER KABWE NGANDU



Major Peter Kabwe, commander of the Special Forces Battalion in Goma, seen in a frame of a video verified by Amnesty International.

Major Peter Kabwe Ngandu is the Special Forces Battalion Commander in Goma. He supervised one battalion of Special Forces in Goma and reported to the Special Forces' Regiment Commander, who reported to Colonel Mikombe.

Amnesty International found strong evidence that Major Peter Kabwe, Special Forces Battalion Commander in Goma, participated, in person, in the raid which he appeared to lead. Analysis of footage of the assault on Wazalendo temple (see Section 2.2 *"Assault on Wazalendo's Temple"*) shows one officer who appeared to be commanding the Special Forces. The individual did not wear a balaclava and was seen carrying a pistol, which is consistent with witness testimony. Through additional interviews, including with three experts knowledgeable about the Republican Guard and its chain of command, as well as open-source intelligence, Amnesty International established that that was Peter Kabwe, a Major and Commander of the 192nd Special Forces Battalion of the Republican Guard/Combined Arms Brigade in Goma.³²⁹ Three eyewitnesses identified him from the footage.³³⁰ One of them said: "This is the man with a pistol who found me where I was hiding in one of the rooms and took me where the other people arrested were sitting. He told us in Swahili: 'Here you are! You claim that you do not die, that is what we shall see today.'"³³¹ Another said: "We spent quite a long time with him and his men before they took us outside. He slapped me as he interrogated us. I have absolutely no doubt it is him."³³²

An official from a different private military company working with the Congolese army told Amnesty International that a Special Forces commander claimed responsibility for the raid on the radio station: "He told me: 'we eliminated the enemy as described in the Operational Order', he was all proud as if he had saved Goma."³³³ There is strong evidence that he appeared to lead the Special Forces' raid at the Wazalendo radio station around 3.00am on 30 August, where at least six people were unlawfully killed, scores injured (see Section 2.1 *"Assault on Wazalendo's Radio Station"*) and 11 people arbitrarily arrested and subjected to torture or other ill-treatment. Eyewitnesses from the Wazalendo radio station said he was giving orders to other soldiers and appeared to be reporting to someone via a military communication device (see Section 2.1 *"Assault on Wazalendo's Radio Station"*). Through additional interviews, including with three experts

³²⁹ Interviews by voice call conducted separately with two Congolese army officers, two journalists, two UN officials, and one official from a private military company, 24-26 October 2023.

³³⁰ Interviews conducted separately in person with three eyewitnesses, 7 November 2023, Goma.

³³¹ Interview in person with an eyewitness, 7 November 2023, Goma.

³³² Interview in person with an eyewitness, 7 November 2023, Goma.

³³³ Interview in person with an official from a private military company (name withheld for security reasons), 27 September 2023, Goma.

knowledgeable about the Republican Guard and their chain of command,³³⁴ as well as open-source intelligence, Amnesty International established that this was Major Peter Kabwe Ngandu, the Special Forces Battalion Commander in Goma.³³⁵ Eyewitnesses from the radio station identified him from the footage as the officer without a balaclava who appeared to lead the raid at the Wazalendo radio station earlier that day.

Three videos,³³⁶ verified by Amnesty International, also show him later that day, along with his Brigade Commander Colonel Mike Mikombe, present when soldiers shot at protesters, as well as overseeing victims' bodies and the wounded being dragged and loaded onto the Republican Guard's trucks. At the time of publication, Major Peter Kabwe had not responded to Amnesty International's findings, which were detailed to him in a letter on 26 July 2024.³³⁷

Amnesty International believes that Major Kabwe Ngandu should be investigated and, if there is sufficient evidence, prosecuted by an independent and impartial civilian court without recourse to the death penalty, for his direct participation, at least in the arbitrary arrests and acts of torture and other ill-treatment committed during the raid at the radio station on 30 August. Further investigations are needed into his possible involvement in unlawful killings committed during the raid and during the protest and/or the covering up of these killings. Pending investigation and prosecution, he should be suspended from command of the Special Forces and any other position within the Congolese defence and security forces.

³³⁴ Interviews conducted separately in person and by voice call with three military experts, 28 September-7 November 2023.

³³⁵ Interviews conducted separately by voice call with two officers in the Congolese army, two journalists, two UN officials, and one official from a private military company, 24-26 October 2023.

³³⁶ Videos partly showing the unfolding of the events around the Wazalendo temple before, during, and after the killings, on file with Amnesty International.

³³⁷ Amnesty International, letter to Major Peter Kabwe Ngandu, 26 July 2024, on file with Amnesty International.

6. CONCLUSION AND RECOMMENDATIONS

The massacre in Goma on 30 August, mainly by the Special Forces, was not an unfortunate accident or blunder. It followed an operation planned by Congolese military authorities. It was carried out using abusive powers unlawfully granted to the army under the prolonged “State of Siege” and reflects the tendency of the Congolese authorities to militarize responses to real or perceived security risks.

The immediate context for the massacre was the banning of the Wazalendo protest; a course of action that was expressly urged by MONUSCO. This intervention, calling for the protest to be prohibited, showed a fundamental disregard for the international human rights standards that the UN is supposed to promote. The Wazalendo had already held peaceful protests, including against MONUSCO, between June and August 2023. Amnesty International found no documented evidence supporting claims, including by the UN, that the Wazalendo leaders incited or aimed to sow violence. Rather than exhorting the authorities to prohibit the protest, MONUSCO should have emphasized the presumption of peacefulness and underscored the obligations of the authorities to plan and conduct the policing operation with the objective of facilitating the assembly, to de-escalate any situation that might result in violence, to exhaust non-violent means and avoid the use of force unless absolutely necessary (in compliance with the principles of legality, necessity, proportionality, precaution and non-discrimination) and not to deploy the military to police assemblies.

The army’s deliberate and widespread shooting of protesters on 30 August resulted in at least 56 people unlawfully killed in less than six hours, according to authorities (102 according to a confidential UN report) and may amount to a crime against humanity.

After the massacre, the authorities initially responded by congratulating the army, minimizing the death toll, demonizing the victims, and punishing survivors by arbitrarily detaining them and unfairly prosecuting them. They also prevented families of victims from organizing, sometimes even attending, the burials of their loved ones.

The trial of some army officers that ensued in Goma between 4 September and 2 October 2023, following public outrage, resulted in one commander and three soldiers being found guilty of murder (among other charges), but the investigations were incomplete and did not recognize all victims or bring all perpetrators to account.

This is not the first time that the Congolese army has targeted and committed heinous crimes against the civilian population it is supposed to protect. Authorities should take all necessary measures to ensure effective accountability and justice as a way of preventing this from happening again.

Amnesty International’s recommendations are as follow:

TO THE PRESIDENT OF THE REPUBLIC:

- Immediately suspend General Constant Ndimba and Major Peter Kabwe Ngandu from the Congolese army pending an investigation.
- Issue a presidential decree formally prohibiting the intervention of the Republican Guard, including the Special Forces, in law enforcement operations and specifying the exceptional circumstances and process under which the armed forces, including the Republican Guard, could intervene in law enforcement operations in support of the police, in accordance with international standards.

TO THE GOVERNMENT:

- Rehabilitate the Wazalendo radio station and temple and ensure that Wazalendo followers can exercise their rights to freedom of religion and peaceful association and assembly without undue hindrance.
- Immediately halt any plans to resume executions of persons sentenced to death, including for those sentenced to death in connection with the 30 August 2023 massacre in Goma, and establish an official moratorium on executions with a view to abolishing the death penalty.

TO THE JUDICIAL AUTHORITIES:

- Immediately release or provide a retrial before civilian courts and in line with fair trial standards to individuals who were convicted for the stoning of the police officer in the absence of any evidence against them.
- Reopen investigations into all killings, including the stoning of a police officer and the unlawful killings of dozens of protestors, enforced disappearances, injuries and other crimes committed on 30 August in Goma, to ensure that flaws of the first investigation are remedied, all victims are accounted for, and all those responsible for these crimes are prosecuted and judged in fair trials before competent, independent and impartial courts without recourse to the death penalty. This should include investigating Lieutenant-General Constant Ndimba for his alleged responsibility as a commander, Colonel Mike Mikombe for all his alleged crimes as a perpetrator and a commander, and Major Peter Kabwe Ngandu for his alleged crimes. If there is enough evidence, prosecute them. Where appropriate, request technical assistance from the UN, including OHCHR.
- Reveal the fate or whereabouts of those forcibly disappeared.
- Uphold all victims' right to adequate, effective, prompt reparations for the harm suffered.

TO THE PARLIAMENT:

- Repeal provisions of the law governing the armed forces that give the military the power to intervene in law enforcement matters during peace times and strengthen legal and parliamentary oversight of their interventions, including during times of war, insurrection, state of emergency and state of siege, in line with relevant international standards.
- Repeal all legal provisions allowing military courts to prosecute civilians or to deal with crimes under international law in any circumstance. Give exclusive jurisdiction to ordinary courts to investigate and prosecute crimes under international law in line with international standards, and provide them with appropriate resources to discharge this task.
- Adopt a resolution calling on the government to establish a moratorium on executions of death row inmates in all circumstances pending the abolition of the death penalty in law.
- Urgently consider the passage of a law abolishing the death penalty in all circumstances.

TO THE UN DEPARTMENT OF PEACE OPERATIONS:

- Swiftly initiate an independent inquiry into the role played by MONUSCO and its leadership in the events that led to the 30 August 2023 massacre in Goma and make the findings public.
- Provide assurances to ensure accountability and non-repetition.

TO THE OHCHR AND UNJHRO:

- Provide technical assistance for fresh, comprehensive investigations before competent, independent and impartial courts, including forensic and ballistic expertise, as well as post-mortem identification.
- Promptly complete or update, as appropriate, the investigation into the 30 August 2023 army massacre in Goma and make public its findings and recommendations.

TO DRC'S INTERNATIONAL PARTNERS:

- Publicly call on DRC authorities to investigate the 30 August massacre in Goma swiftly and effectively and to hold all those responsible to account, including investigating General Constant Ndimba and Major Peter Kabwe and further investigating Colonel Mike Mikombe.
- Support efforts by Congolese authorities for justice and accountability for crimes under international law and other human rights violations in the DRC, including those aimed at ensuring truth, justice

and reparations for victims of the Goma massacre, as well as guarantees of non-recurrence, including legal and policy reforms regarding the right to peaceful protest, policing assemblies, and fair trial rights.

- Where the opportunity arises and where appropriate, consider investigating and prosecuting individuals suspected to be responsible for crimes against humanity or other crimes under international law committed in the DRC under the principle of universal jurisdiction.

THE OFFICE OF THE PROSECUTOR OF THE ICC TO:

- Consider examining the 30 August 2023 killings in Goma as part of the ongoing investigation into the situation in eastern DRC.

ANNEXES

MONUSCO'S REQUEST TO BAN PROTEST

[MONUSCO STAMP]

Mission de l'Organisation des Nations
Unies pour la Stabilisation en République
démocratique du Congo

United Nations Organization Stabilization
Mission in the Democratic Republic of
Congo

DEMOCRATIC REPUBLIC OF THE
CONGO NORD-KIVU PROVINCE

22 AUG 2023 12.471 [ILLEGIBLE]

Kinshasa,

Goma, 21 August 2023

[handwritten: 61 illegible]

[NORD-KIVU MILITARY COURT STAMP ILLEGIBLE]

Subject: Report of an anti-MONUSCO protest on 30 August 2023

Dear Governor,

I would like to inform you of a call to "mobilisation" by the "Wazalendo" that has been spreading on social media and some local radio stations. We do not yet have specific details about the instigators behind this call, but we are currently looking into it. However, we have noticed that the date of this mobilisation and the tone of the message coincide with the public call announced by the "Foi naturelle judaïque et messianique vers les nations" (FNJMN), on 2 August at the BEDGL roundabout.

The call (appended) is unambiguous and is a clear incitation to violence against MONUSCO as well as the authorities if they were to interfere with this mobilisation.

As stated, we are concerned about the motivation behind these "Wazalendo", and particularly the FNJMN, as well as the security risks that their actions could have not only on our bases and personnel, but also on the Congolese security services and authorities in place. Additionally, the mobilisation and manipulation of the population by these "Wazalendo" and the FNJMN in an already fragile context creates a risk of instability and vulnerability that will be difficult to contain when you are working to stem insecurity and anticipate threats in the Province.

[handwritten 23/08/23]

[Illegible]

Deploy mechanism with the Comd 34 Mil Rgn-ProvGov

Meet with [...] ASAP

ACK [...]]

Seen 22/08/23 [signature]

[REDACTED]

I must insist once again on your firm intervention against this group of "Wazalendo" and the FNJMN to avoid any threats against our bases and personnel. We hope that this call for mobilisation will be banned by your authorities given its hateful and violent nature.

Thank you in advance for your consideration.

[REDACTED]

Head of Office
MONUSCO Goma

[REDACTED]

[MONUSCO stamp]

[NORD-KIVU MILITARY COURT STAMP ILLEGIBLE]

GENERAL NDIMA'S RESPONSE TO MONUSCO

REPUBLIQUE DEMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU Goma, le 28 AUG 2023

 **Mairie de Goma**
Le Gouverneur **RETARJAT URBAIN**
28/08/2023
NB 72
4043

N°01/1282/CAB/GP-NK/2023.

CDU : 28/08/2023

ACK + Large Diffusion aux membres du comité urbain de sécurité y compris les chefs des quartiers.

KAPERO KATANDI FAUSTIN
Conseiller
Mairie A.D.

OBJET :
Annonce d'une manifestation contre la MONUSCO le 30 août 2023.

Accusé de réception.

TRANSMIS copie pour information à :

- Monsieur le Vice-Gouverneur de la Province du Nord-Kivu ;
- Monsieur le Conseiller Principal en charge de l'Administration du Territoire, Sécurité et Ordre Public ;
- Monsieur le Commandant de la 34^{ème} Région Militaire ;
- Monsieur le Commissaire Provincial de la PNC/Nord-Kivu ;
- Monsieur Directeur Provincial de l'ANR ;
- Monsieur le Maire de Goma ;
- (TOUS) à **GOMA**.

A Madame la Cheffe de Bureau de la MONUSCO à **GOMA**.

Madame la Cheffe de Bureau,

J'ai l'honneur d'accuser réception de votre lettre n° oHoD/LB/104/08/2023 m'adressée en date du 21 août 2023 au sujet de l'objet repris en marge et vous en remercie.

A cet effet, je vous rassure que les forces de l'ordre et de sécurité sont déjà instruites pour la prise des dispositions nécessaires quant à ce.

Veuillez agréer, Madame la Cheffe de Bureau, l'expression de ma franche collaboration.


Cabinet du Gouverneur de Province

NDIMA KONGBA Constant =
Lieutenant-Général

Adresse : Avenue du Lac, Quartier Hicoba, Commune de Goma, GOMA, RDC.
Site web Province : www.province-nord-kivu.cd e-mail : secretaire@cab.gp-nordkivu.cd

GENERAL NDIMA'S OFFICIAL MESSAGE ("TELEGRAMME")

TELEGRAM

56 [ILLEGIBLE]

[NORD-KIVU MILITARY COURT STAMP ILLEGIBLE]

EXT- URGENT

August

INFO: VPM-MDNAC CHEFEMG FARDC CHEF MM COMD SECT OPS SKL I GN

SEC: NCL N° 01/393 /GP-NK/COMDT OPS/CCCO/23

INFO IN MY POSSESSION (-) MARCH PLANNED 30 AUG 23 IN GOMA (-) TO FORCE DEPARTURE OF MONUSCO (-) BY SO-CALLED PRESSURE GROUP WAZALENDU (-) SAID PRESSURE GROUP IS PRO M23/RDF TERRORISTS (-) INTENTION (-) TO STIR TROUBLE IN GOMA (-) AND FACILITATE EN INFILTRATION (-) AS SOON AS YOU RECEIVE THIS MESSAGE (-) YOU MUST TAKE ALL MEASURES (-) FIRST (-) TO SECURE MONUSCO FACILITIES (-) SECOND (-) TO DEPLOY SECURITY MECHANISMS (-) IN GOMA (-) EXECUTION (-) ACK (-)(-)

[STAMP] DEMOCRATIC REPUBLIC OF THE CONGO

NORD-KIVU PROVINCE

34TH MILITARY REGION'S OPERATIONAL ORDER

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES
FORCE TERRESTRE

Goma, le 28 AOUT 2023

Exemplaire
N°.....de.....Exemplaire
Coord EM 34Rgn Mil : S 01°34.253'
E 029°04.738'

34^{ème} REGION MILITAIRE
ETAT-MAJOR
DIRECTION DES OPERATIONS

ORDRE D'OPERATION N° 074/23 /EM 34Rgn Mil/Dir Ops/23

Carte : MONUSCO NORD – KIVU
Echelle : 1/50000
FUSEAU HORAIRE : BRAVO
Ann : Destinataires

COMPOSITION ET ARTICULATION DES FORCES

Unités Organiques	U S Comdt Ops	U S Ctl Ops
• Bn PM	• 33 Gpt Nav	• PNC
• Bn QG	• BIA GR	
• Bn AC		
• Cie Recce	• 31 Regt Gn	
• Cie Interv		

1. SITUATION

a) **SIT GEN**

La ville de GOMA, siège des institutions de la province du Nord-Kivu est assiégée par une menace Enn du M23-RDF, ce dernier après avoir occupé une grande partie du Territoire de RUTSHURU et MASISI, tente de s'emparer de la ville de GOMA.

b) **SIT PARTICULIERE**

Selon les Info à notre possession, le Gp de pression prétendu WAZALENDU qui se comporte de plus en plus comme supplétif du Mov M23-RDF, projete une marche cc 30 Aou 23 dans la ville de GOMA pour exiger les départs de la MONUSCO, tout en semant des troubles afin de faciliter l'infiltration Eni dans la ville.

SECRET

SECRET

2. MISSION

La 34Rgn Mil avec ses U Ratt a pour mission de SECURISER et DEFENDRE FERMEMENT la ville de GOMA en renforçant le dispositif de CtlZ, SECURISER les installations MONUSCO se trouvant dans la ville, DISPERSER les manifestants.

3. EXECUTION

a. IDEE DE MANŒUVRE

Afin de sécuriser et défendre la ville de GOMA, les installations MONUSCO comprises, les unités Rattachées de la 34Rgn Mil, la PNC, le Det BIA GR et les UNITES Sect Ops SKL II NK aux hauteurs de la ville de GOMA, devront :

- Interdire l'incursion Eni, sur toutes les voies probables et possibles menant vers la ville de GOMA.
- Assurer le CtlZ dans sa ZAcn terrestre et liquide par des Pat Cbt, dispersion des manifestants, etc...
- Être EMD constituer une réserve pouvant lui permettre d'intervenir dans les DEUX S/Axes de sa ZAcn.
- Avec le Det BIA GR et la FN, être EMD assurer Sp Feu aux unités engagées soit dans la ZAcn 34Rgn Mil, soit dans la ZAcn Sect Ops SUKOLA II NK.

A cet effet,

- Dans un premier temps, avec le Bn QG, constituer des Elm d'Interdiction sur différentes voies pouvant mener jusqu'en ville sur différents S/Axes.
- Deuxième temps, avec Cie Interv 34Rgn Mil, constituer un Elm d'intervention rapide.
- Ensuite, avec les Elm PNC, Cie Recce 34Rgn Mil, Bn PM et les Elm FN, assurer le CtlZ permanent terrestre et lacustre (Pat Cbt, dispersion des manifestants, érection des barrières improvisées, sécurisation des installations MONUSCO).

SECRET

c) Instruction de coordination

- a) Tr Rap immédiatement en cas d'un incident ou arrestation
- b) Ne faire l'usage d'armes à feu qu'en cas de légitime défense
- c) Respect strict de règles d'engagement et de comportement
- d) Fin Ops sur Ordre

d) ROLE DES APPUIS

- Sp Aér : Recce, Surveillance de l'espace Aér
- Sp Feux : Sur ordre
- Sp Nav : Surveillance de l'espace liquide

4. ADMINISTRATION ET LOGISTIQUE

a. Administration

- Le Comd U est Resp de la Disc de ses Elm avant, pendant et après l'Ops

b. Logistique

- Cl I et II : Dot Org de l'U
- Trans : voir Dir Log

5. COMMANDEMENT ET LIAISON

a. Commandement

- PC Principal : EM 34Rgn Mil
- PC Reservé : ComProv PNC

b. Liaison

- Radio VHF
- Téléphone cellulaire

c. Besoins en Renseignement

- Mov à la Frt et dans la profondeur du PNVI
- Atv des partis politiques, Mov citoyens et Mutualités
- Axe probable d'infiltration
- Pos U en 2 Ech
- Axe d'effort Eni
- Volume et Pos Elm de Res Eni

d. Demande à l'échelon supérieur

a) Coordination

- Nécessité bonne coordination entre U FARDC, PNC et FN.

b) Besoins

- Augmentation Nbr Veh Pat
- Permanence CL I et CL III
- Recco Aé par Drone
- Besoins en Rft

Paraphe Dir Ops

Lun 27/10/2023

Comd 34Rgn Mil Adit Ops&Rens

GenMaj

MMWANGA TONY

28.10.23
MPEZO MBELE BRUNO
GenMaj
Comd 34Rgn Mil

SECRET

b) MISSIONS DES UNITES SUBORDONNEES

UNITES	Phase Préliminaire	1 ^{ère} Phase Du 280800B au 282000B Aou 23	2 ^{ème} Phase Du 282000B au 290000B Aou 23	3 ^{ème} Phase Du 300100B au 301600B Aou 23	E
Bn QG	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Localiser l'Eni - Reconnaître les Axes de CAtt - Occuper points Chauds (AFIA BORA) - CAtt	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser	
Bn PM	Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Localiser l'Eni - Reconnaître les Axes de CAtt - Occuper points Chauds (ENTREE PRESIDENT. MONUSCO/RVA) - CAtt	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser	Ex mi fu
Cie Recce	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Localiser l'Eni - Reconnaître les Axes de CAtt - Occuper points Chauds (MONUSCO/HIMBI) - CAtt	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser	
Cie Interv	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Occuper points Chauds (GOUVERNORAT) - Constituer RMI	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser	
Det BIA	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Occuper points clés et verrous stratégiques de la ville	- Poursuivre l'Eni - Détruire les Elm Eni isolés ;	

SECRET

SECRET

			- Constituer une Res	
33Gpt Nav	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Occuper points clés et verrous stratégique sur la partie lacustre	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser
31Regt Gn	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Occuper points chauds (EST MONUSCO/RVA)	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser
PNC	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Occuper points chauds de la ville Cfr OPORD PNC de circonstance	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser
M Sect Ops L II NK	- Réorganiser les U au Cbt	- Org Res Mob	- Sécuriser installation MONUSCO/LAVA SITE (près de l'Hôtel SERENA)	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser
101 Regt	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Occuper points chauds (CCLK/MUGUNGA)	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser
1Bde	- Réorganiser les U au Cbt	- Org Res Mob - Renforcer Pat diurne et nocturne	- Sécuriser installation (MONUSCO/MUNIGI)	- Poursuivre l'Eni - Détruire les Elm Eni isolés ; - Consolider la Zone - Se réorganiser

SECRET

BIA'S OPERATION "KEBA"

DEMOCRATIC REPUBLIC OF THE CONGO
GOVERNMENT OF THE REPUBLIC
REPUBLICAN GUARD
JOINT BRIGADE
NORD-KIVU
HEADQUARTERS
SECTION 3

[NORD-KIVU MILITARY COURT STAMP
ILLEGIBLE]

[handwritten Received at the Registry of
the NK Court on 09/09/2023
Signature]

Copy No. 001
PC JB-RG Aero GOMA KAWELE
DTG: 291345B Aug 23
Reg No. 329/019/PR/GR/BIA-GR/EMS3/23

ROAD MOVEMENT ORDER N° 001/BIA-GR/S3/23
Code word "KEBA"
No change to previous orders to Def GOMA city

REFERENCES

- Map of GOMA/MONUSCO
- Scale: 1/50,000
- Time zone: BRAVO
- OPORD N° 0734/023/EM34Rgn Mil/DirOps/23
- Cf Sup Order/authorisation

COMPOSITION & STRUCTURE OF FORCES

Com & JB-RG HQ	121 Inf Bn	1 Interv Bn	19 FS Regt	Art Bn
Unchanged	Res 121 Inf Bn	Res Interv Bn	1 FS Bn (+) OPCON	1 IP Art 14.5mm

SITUATION

We have Info about an allegedly hostile Pressure Gp acting increasingly like a PROXY of the M23/RDF Mov and planning a protest on 30 Aug 23 in GOMA to force the departure of MONUSCO while stirring trouble to facilitate En infiltration into the city.

MISSION

The mission of the JB-RG and its sub-units laid out in the CSF is to CARRY OUT a MOTORIZED dissuasion march on the main roads of the city of GOMA to [illegible].

3. EXECUTION

In order to shut down the attempt by the MESSIANIC pressure gp, I would like to marshal a troop of JB-RG forces made up of one FS Bn, one Res 121 Inf Bn, one Res Interv Bn, one IP Mi 14.5mm from 300400B to 301130B Aug 23 on the main roads of GOMA.

To this effect:

While maintaining the previous Def Strat and atmosphere in Ln with Sup and the friendly forces deployed:

a. TIMING

- End of MEP: 300400B Aug 23 at JB HQ/KAWELE
 - Asm
 - Pers Ctl
 - Column Org
 - Briefing/JB-RG Comd
- Start of Mov: 300500B Aug 23 Pap 8 -> starting point
- Halt 1: 300700B Aug 23 rbt CCLK -> 10' rest
- Halt 2: 300900B Aug 23 rbt KIHISI -> 10' rest
- Long Halt: 30100B Aug 23 rbt MAJENGO -> meal &var meetings 30'
- End of Mov: 301130B Aug 23 Aero/KAWELE -> dispersal point
 - Asm
 - Pers Ctl
 - JB-RGU Comd Debriefing

b. ITINERARY:

See map

c. COORDINATION INSTRUCTIONS

- Maintain a martial attitude while in Mov;
- Do not use firearms unless ordered or legitimate def;
- Do not give in to public pressure on the route;
- Maintain an average marching RHYTHM of 04km/h;
- React QUICKLY in the event of an En Att;
- In the event of dangerous behaviour or the CNP losing control of MROP, wait for Hie orders;
- Distance between Veh on asphalt roads: 50m;
- JB S1, prepare lists of deployed Mil;
- JB S2, prepare or position AR along Itin and at halts to identify ANY suspicious activity and report ASAP to the JB-RG Comd;
- JB S3, coordinate and form columns;
- JB S4, see paragraph 4 of Road MovOrd;
- JB S5, boost morale of Mil and contact target groups along Itin;
- MedOrd, prepare Med bag and Med det for RG Mil in march;
- Do not smoke or eat on route;
- Only eat at long halt;
- Cbt gear required:
 - RG Cbt gear for other JB-RGU.
 - RG Spec gear for FS Bn.
 - Med jackets for Med team.
- Boots and red berets

4. ADM LOG

a. Adm (see aligned JB-RGU lists)

- Cmdr & JB GS: 45 Men
 - FS Bn: 100 Men
 - Res 121 Inf Bn: 50 Men
 - Res 1 Interv Bn: 50 Men
 - 14.5mm mounted Mi Det: 15 Men
- Total: 260 Men

b. Log

- CI I see JB S4 (Hot meal or respective JBU)
- CI III see JB S4 (G.O.)
- CI V see respective JB-RGU
- Vehicle fleet:
 - 14 Jeeps (02 JB Cmdr, 01 IntOps, 01 AdmLog, 01 Art Cmdr, 01 Interv Bn Cmdr, 05 FS Bn, 03 JB Chief Sv)
 - 02 14.5mm mounted Mi Det Jeeps (head & tail of column)
 - Two Veh for Int Trans 121 Bn and Interv Bn FS drones for Air cover.

5. CMDR & Ln

Cmdr column: JB-G Cmdr
Coordination column: BU3 BI/
JB-RGU Cmdr: JB-RGU Cmdr aligned
Ln: MOTOROLA
Usual BIA boots

Ann 01: Outline of JB-RG Road Mov

Addenda

Signature 29 Aug 23
NGOY MWILAMWE Joseph
Lt Col
S3 Chief JB-RG NK

Signature
KALAMBA MIKOMBE Mike
DSD Col
Cmdr JB-RG NK

[STAMP: DEMOCRATIC REPUBLIC OF THE CONGO
GOVERNMENT OF THE REPUBLIC
JB/NK COMMAND
REPUBLICAN GUARD

[NORD-KIVU MILITARY COURT STAMP ILLEGIBLE]

[cf itinerary]

[from left to right]

JB HQ Papa8 Rbt KIHISI (Halt 1) Rbt BDGL Rue LYNLUSI Avenue de la paix Cathédrale
KITUKU Rbt CCLK (Halt 2) Route SAKE Avenue Résidence Entrée Président Avenue
LYNLUSI MAJENGO Rbt KHISI Avenue BITTANK Maman OLIVE Rbt BDGL Avenue
SERENA Rbt Gde barrière Rbt RUTSHURU Main entrance GOMA Aero – JB
HQ/KAWELE (Disp)

-Arrival

-Asm

-Pers Ctl

-Debriefing

RECIPIENTS

FOR INFO

Cmdr Ops NK

Cmdr 34 Mil Regn

Cmdr RG

Cmdr Sect Ops SKL II NK

CNP Chief Superintendent

FOR EXECUTION

Cmdr FS Bn

Cmdr 1 Interv Bn

Cmdr 121 Inf Bn

Cmdr Art Bn

FOR COPY

Cmdr 134 Inf Bn

Cmdr 153 Cdo Bn

Cmdr JB-RG Sv (all)

RESERVES

Cmdr JB-RG 2nd Int-Ops

Cmdr JB-RG 2nd Log-Adm

JB-RG S3 Chief

COLONEL MIKOMBE'S REPORT TO SUPERIORS

DEMOCRATIC REPUBLIC OF THE CONGO

GOVERNMENT OF THE REPUBLIC

REPUBLICAN GUARD

JOINT BRIGADE

NORD-KIVU

COMMAND HEADQUARTERS

[handwritten]

Seen on the bench at the Aud on
20/09/23

[signature] 16:33

GOMA, 31 AUGUST 2023

No. 334/PR/GR/BIA NK/EM COMDT/23

[NORD-KIVU MILITARY COURT STAMP
ILLEGIBLE]

TO RG COMD

Info: - ProGov and Comd Ops

- Comd 34 Mil Rgn
- Sect Ops SUKOLA II NK

SUBJECT: DETAILED REPORT

1. I am writing to your Authority to outline the Sec Sit in Goma on 30 Aug 23.
What REALLY happened in Goma?
2. Indeed, we know a little more about what happened in Goma on Wed 30 Aug 23, the "Uwezo Wanano/Mababu Zetu" mystical religious sect in Kiziba2 in the Nyiragongo Territory on the outskirts of Goma near Nyabushongo, which has many followers who believe in fetishisms and supernatural forces.
3. This sect, led by pastor Ephraim Bisimwa, fugitive younger brother of Bertrand Bisimwa of the M23 Mov, includes several M23/RDF spies who wanted to organise a masked protest against IOs and MONUSCO, using diversion to capture the city of Goma. These impostors wanted to attack IOs so they could put the blame on the Congolese Gov, killing MONUSCO pers and showing the Congolese Gov in a bad light internationally. They ABUSIVELY use the term "WAZALENDO" to distract both national and international opinion.
4. On the other hand, beyond all understanding, the FDS of Goma, with their dexterity and determination to RESOLUTELY def the city, managed to crush all heinous attempts perpetrated by the sect. Hence, the JB-RG, as part of its ordinary mission in Nord-Kivu, specifically that to strongly defend Goma and to support the Sect OPS SKL II NK Units deployed, were tasked with carrying out a motorised dissuasion march, with the AUTHORISATION of Superiors, on the main roads of the city following the Itin in the road movement order: "JB HQ Papa8 Rbt KIHISI Rbt BDGL Rue LYNLUSI Avenue de la paix Cathédrale KITUKU Rbt CCLK Route SAKE Avenue Résidence Entrée Président Avenue LYNLUSI MAJENGO Rbt KHISI Avenue BITTANK Maman OLIVE Rbt BDGL Avenue SERENA Rbt Gde barrière Rbt RUTSHURU Main entrance GOMA Aero occupy these key points, reinforce day and night Pats, to cover JB HQ GOMA Aero". It should be noted that no incidents were observed during the march EXCEPT some Mat and human damage caused by members of the mystical-religious sect.

5. Despite the above, the Sec Sit in Goma remained CALM and the JB dissuasion march started at 0400hr and finished at 1200hr.
6. Respectfully.

[NORD-KIVU MILITARY COURT STAMP ILLEGIBLE]

DEMOCRATIC REPUBLIC OF THE CONGO
GOVERNMENT OF THE REPUBLIC
JB/NK COMMAND GROUP
REPUBLICAN GUARD

KALAMBA MIKOMBE Mike
DSD Col
Cmdr JB-RG NK

RESPONSE TO AMNESTY FROM THE UN DEPARTMENT OF PEACE OPERATIONS



HEADQUARTERS | SIEGE | NEW YORK, NY 10017

Dear [REDACTED]

Thank you for providing the United Nations with the opportunity to exercise its right to reply regarding Amnesty International's investigation into the circumstances surrounding the events of 30 August 2023, in Goma, North Kivu province. I acknowledge the summary of key findings from your in-depth investigation, as outlined in your letter dated 30 July, 2024. However, I regret that the United Nations has not been afforded the opportunity to review the comprehensive research findings in their entirety ahead of their publication.

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) regularly engages the Congolese authorities at both national and provincial levels consistent with and in furtherance of its mandate, including to support the protection of civilians and to ensure the respect of human rights, while encouraging the host Government to uphold its primary responsibility for the safety and security of United Nations personnel and assets, as established in Security Council resolution 2666 (2022) and subsequent mandates.

In the period leading to the events of 30 August 2023, and drawing from lessons learned during the violent demonstrations against MONUSCO in North Kivu in July 2022 – which resulted in the deaths and injuries of civilians, peacekeepers and members of the Congolese security forces – MONUSCO enhanced its information-sharing efforts with provincial authorities regarding threats and risks to public order and the safety and security of United Nations personnel and assets. Throughout this period, the Mission's communications emphasized the need for the Congolese authorities to proactively address these concerns to prevent any loss of life and were delivered within the framework of regular dialogue, stressing the importance of respecting human rights while avoiding undue restrictions on the freedoms of expression and peaceful assembly.

In this context, the communication dated 21 August 2023 between the Head of the Mission's Goma Office and the North Kivu Governor, which you reference in your letter, was preceded by several exchanges sharing information which indicated that the actions planned for 30 August posed significant risks to both peacekeepers and residents in Goma. Notable examples include: a letter dated 30 June from Mr. Bisimwa, leader of the Foi Naturelle Judaïque Messianique vers les Nations (FNJMN), addressed to President Félix Tshisekedi, inciting violence against MONUSCO and other United Nations agencies; a public communication from FNJMN on 18 July to the Mayor of Goma reiterating their intention to erect a statue of Patrice Lumumba on the land occupied by the Mission's logistics base in Goma; protests organized by FNJMN on 30 and 31 July in front of the Mission's logistics base; the broadcast of hostile messages targeting MONUSCO disseminated on 2 August on FNJMN's community radio, Uwezo wa Neno; as well as messages affiliated with Wazalendo and FNJMN circulated on social media, calling for a widespread campaign against MONUSCO starting on 30 August.

[REDACTED]
Amnesty International
[REDACTED]

Following the events of 30 August 2023, MONUSCO has supported the Government of the Democratic Republic of the Congo in seeking accountability for violations and abuses allegedly perpetrated by security forces and others. This support includes documenting human rights violations and assisting with judicial investigations and trials, including the provision of forensic expertise. The Mission is committed to ongoing dialogue with both national and international stakeholders concerning its mandate implementation, particularly initiatives aimed at protecting the human rights of civilians and the security of United Nations personnel.

I appreciate your engagement on this matter and look forward to continued collaboration in this regard.

Yours sincerely,



GENERAL NDIMA'S RESPONSE

NDIMA KONGBA Constant

Kinshasa,

August 2024

Lieutenant General

Tel: [REDACTED]

Email: [REDACTED]

Copy for information **FORWARDED** to:

- His Excellency the Deputy Prime Minister,
Minister of National Defence and Veterans
Affairs
 - Chief of General Staff of the FARDC;
 - Head of the Military Household;
 - First President of the High Military Court;
 - Auditor General of the FARDC.
- (All) in **KINSHASA**

Re: Right of reply - Massacre perpetrated
by the Congolese army and police in
August 2023
in and around the town of Goma

ACKNOWLEDGEMENT OF RECEIPT

To [REDACTED]

AMNESTY INTERNATIONAL in **NAIROBI / KENYA**

Dear Sir,

I acknowledge receipt of your letter Ref.: TG 16/2024, 5840 of 26 July 2023 together with the draft report on the conclusions of your investigations into the matter in question and would like to thank you for this.

Indeed, the information noted demonstrates your organization's sincere concern for the interests of good justice, which I share.

With this in mind, the third paragraph of your draft report states that: "The research team also analysed audio and video recordings of hearings held in the context of the trial of WAZALENDU followers before the Goma Garrison Military Court and those of four high-ranking soldiers and two officers of the Republican Guard before the North Kivu Military Court".

For your information, this case is still pending before the High Military Court of the Democratic Republic of Congo, under RPA 299/23, involving the Auditor General (Public Prosecutor's Office) and civil parties AGUMA Jacques et al v. the defendants.

In the Military High Court investigation, I have been summoned as a witness to enlighten the Court since 13 May 2024.

Since the start of the investigation of this case through the various Military Jurisdictions, and during the Public Hearings, nothing has demonstrated or proved that I gave the order to anyone to shoot at the population (citizens under my responsibility), nothing has demonstrated during the investigation or during the public hearings that I gave the order or even an instruction to carry out these unfortunate events in my capacity as governor in charge of military operations in North Kivu.

In response to the various allegations made against me:

1. **To say that I did not react is false and untrue** because, in my capacity as Provincial Authority, I urgently and firmly ordered the military justice system to open investigations and arrest all suspects and presumed perpetrators of these events without distinction, which was done;
2. In my capacity as Governor, I immediately drew up a report for my superiors as a matter of urgency, and this was the reason behind the visit of a large government team made up of the Deputy Prime Minister, the Minister of the Interior and Security, the Deputy Prime Minister [sic], the Minister of Defence and others to Goma, the capital of North Kivu Province.

In relation to the above, it is important to remind you that all the initiatives relating to these unfortunate events, which I continue to deplore, were the object of briefings or working sessions with MONUSCO/GOMA before, during and after the events.

I believe I have shed full light on these allegations made against me with the sole aim of harming me. For more reliable and authentic information, please contact the military justice administration, which may authorize you to obtain a copy of the documents on file.

Wishing you safe receipt.

NDIMA KONGBA Constant
Lieutenant General

COLONEL MIKOMBE'S RESPONSE

Kinshasa, 20 August 2024

Re: Colonel Mike KALAMBA MIKOMBE's right of reply on the massacre of 30 August 2023 in GOMA

1. Security situation in GOMA on 30 August 2023

Around 26 August 2023, the mystical-religious sect known as WAZALENDO, led by the guru Éphraïm BISIMWA, announced a march against MONUSCO, and the special forces of the RWANDAN army were put on alert at the DRC's borders in GOMA.

The Mayor of GAMA [sic] had strictly forbidden this demonstration because it was under similar circumstances that GOMA fell into the hands of rebels in 2013.

Aware of what was at stake, the Military Governor and his security council took a series of measures aimed at protecting the town of GOMA from any enemy attack, including day and night patrols assigned to various units.

In addition to its usual mission of protecting the town of Goma, the mission of the Joint Brigade (BIA) under Colonel Mike Kalamba Mikombe's leadership was to undertake a dissuasive patrol through the town on 30 August 2023 to deter any enemy incursion.

2. Background to the Massacre on 30 August 2023

At around 9am, while Colonel Mike KALAMBA MIKOMBE and his troops were conducting their dissuasive march, he was stopped by the Director of Intelligence of the 34th Military Region, [REDACTED] with the aim of using his apparent dissuasive force to accompany him to where the WAZALENDO followers were in the process of kidnapping a police officer in order to save him.

It was under these circumstances that Colonel Mike Kalamba Mikombe found himself, by pure coincidence, at the shrine of the WAZALENDO followers.

When he arrived at the scene, Colonel Mike KALAMBA MIKOMBE remained in his vehicle while [REDACTED] and [REDACTED] the HQ Commander, negotiated with the furious followers.

After several minutes, Colonel Mike KALAMBA MIKOMBE went over to talk to the two colonels noted above, explaining that the WAZALENDO followers

1

were likely to kill you [sic] and ordering them to leave the place and that, in any case, he had a dissuasive march to continue across the town.

After Colonel Mike Kalamba Mikombe returned to his vehicle, he heard weapons fired and the BIA Commander's first reaction was to shout the following over his radio: *"Who fired, who fired? Stop firing, stop firing!"*

A few minutes later, [REDACTED] came to ask the BIA Commander for trucks to evacuate the wounded and dead.

3. The errors in your main conclusions

- 1) Amnesty International clearly considers that the trial held in GOMA was insufficient to establish the truth regarding all the offences for which Colonel Mike KALAMBA MIKOMBE could be held responsible because he ordered them and/or because of his responsibility as Commander.

Of course, Amnesty International is at liberty to make any assessment but only the Public Prosecutor, the prosecuting body, is competent to bring criminal charges against Colonel Mike KALAMBA MIKOMBE

In this case, the Senior Military Prosecutor referred the case to the Military Court, finding 4 charges against Colonel Mike KALAMBA MIKOMBE namely:

- Crimes against humanity by murder;
 - Inciting military personnel to commit acts against the law and discipline;
 - Violation of instructions
 - Destruction of weapons
- 2) After investigation, in particular having heard the various witnesses, the North Kivu Military Court disqualified the charge of crimes against humanity and retained only the following charges:
 - Murder and attempted murder
 - Destruction of weapons

In its ruling, at the end of the investigation, the North Kivu Military Court shared our opinion that Colonel Mike KALAMBA MIKOMBE did not give an order to fire and, moreover, did not fire.

Murder or attempted murder follow the principle of the perpetrator's criminal and personal responsibility for the incriminating act and so, logically, the Military Court should not convict Colonel MIKE on these grounds, hence the reason for appeal.

3) After investigation, in its ruling, the Military Court was of the opinion that the elements of the Security Force who were at the radio station were not those of Colonel Mike KALAMBA MIKOMBE but composite elements, notably white soldiers.

4) Operation KEBA was not intended to "nip" the WAZALENDU rally "in the bud".

On the contrary, Operation KEBA aimed to dissuade any hostile forces, in the context of 30 August 2023, from attempting any kind of infiltration or aggression.

Moreover, the word "KEBA" means "attention" or "a warning"

Neither before the GOMA Military Court nor before the High Military Court did [REDACTED] Director of Intelligence of the 34th Military Region, who had diverted Colonel Mike KALAMBA MIKOMBE's convoy to take it to the scene of the incidents, change his version according to which Colonel Mike KALAMBA MIKOMBE gave no order to fire

For Colonel MIKE KALAMBA MIKOMBE

Mr Léon MBIYA MALANZA
Lawyer

**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

CONTACT US



contactus@amnesty.org



+44 (0)20 7413 5500

JOIN THE CONVERSATION



www.facebook.com/amnesty



@Amnesty

OPERATION “KEBA”

MASSACRE BY THE CONGOLESE ARMY IN THE DEMOCRATIC REPUBLIC OF CONGO’S GOMA CITY

On 30 August 2023, members of the Democratic Republic of Congo (DRC)’s Special Forces killed between 56 and 102 civilians in cold blood and committed other serious crimes in and near the city of Goma. The massacre was carried out ahead of a planned peaceful protest by a religious and political group known as *Wazalendo* (“Patriots” in Swahili) to demand the departure of the UN Peacekeeping Mission, MONUSCO, and other foreign forces, who the group blamed for the continuing armed conflict in the DRC.

Amnesty International’s investigation reveals how this massacre was not a mere blunder on the part of a few undisciplined soldiers, as the authorities claimed, but a result of a series of deliberate actions under the pretext of preventing an imminent attack on Goma by the resurgent Rwandan-backed M23 rebels. These actions followed an explicit request from MONUSCO officials for the Congolese officials to prohibit the protest outright, disregarding international law and standards that the UN is supposed to promote.

The report details the ordeals faced by the victims, from killings, torture and ill-treatment at the hands of soldiers, to the abuse of the bodies of those killed, which were left to rot on tarpaulins for weeks, to mass detention and conviction of survivors on unsubstantiated charges. It demands concrete steps to genuinely ensure justice and hold perpetrators to account, including three key army officials at the time: North Kivu Governor, Lieutenant-General Constant Ndima, Republican Guard Commander, Colonel Mike Mikombe, and Special Forces Battalion Commander, Major Peter Kabwe.