

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	644
Land:	Den Demokratiske Republik Congo
Kilde:	OHCHR og MONUSCO
Titel:	Analytical note on the human rights situation in the highlands of Mwenga, Fizi and Uvira territories, South Kivu province, between February 2019 and June 2020
Udgivet:	6. august 2020
Optaget på baggrundsmaterialet:	21. september 2020



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 the Congo



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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

**Analytical note on the human rights situation in the highlands of Mwenga, Fizi and
Uvira territories, South Kivu province, between February 2019 and June 2020**

August 2020

Introduction

1. The highlands cover part of the territories of Fizi, Mwenga and Uvira in the province of South Kivu. The region suffers from a long-standing inter-community conflict with its roots in disputes over the management of transhumance and land use, which has pitted the Banyamulenge community against the Bafuliiru, Banyindu and Babembe communities living in the highlands. Issues linked to the origins of the Banyamulenge community are often used to stir up hatred and violence. The Banyamulenge, who are Tutsis, are sometimes considered "foreigners" by the other communities.
2. Growing tensions since January 2019 ultimately led to a series of violent incidents on 27 and 28 February 2019, which triggered a new round of more persistent and violent armed conflict. On 27 February 2019, a 28-year-old man from the Twigwanaho¹ armed group was reportedly killed in an ambush attributed to Mayi-Mayi or the Biloze Bishambuke² self-defense group. The attack allegedly took place in the village of M'Onda. In retaliation, the Twigwanaho present in Babengwa village allegedly burned down houses and property belonging to the Bafuliiru. Other targeted attacks by members of the various communities followed. Attacks against the positions of the *Forces armées de la République démocratique du Congo* (FARDC) were also recorded. This violence has considerably undermined the already fragile security situation, posed considerable challenges for the protection of civilians in the highlands and caused mass displacement. The affected communities were forced to relocate to more secure areas based on their community affiliation.
3. While this conflict, in its origins and background, stems from multiple factors at the national and sub-regional level, this note is limited to the inter-community aspect and the armed violence that has affected civilians living in the area. This cycle of intercommunal violence, which has been characterized by a high level of destruction of houses and infrastructure and the involvement of multiple armed groups organized in alliances based on community or opportunistic interests, has seen several peaks in intensity. The involvement of the Congolese diaspora and the use of hate speech by community leaders and politicians have helped fuel the conflict. There are serious concerns about the continuation and escalation of violence and its spread to new geographic areas.
4. Following the escalation of violence in February 2019, the FARDC of the Sukola II Operational Sector in South Kivu deployed additional troops to strengthen their positions and increase their capacity to protect civilians. An inter-community dialogue process was also initiated by the provincial government and the FARDC with support from MONUSCO, certain national and international NGOs and the national monitoring mechanism of the Addis Ababa Framework Agreement. Combatants of armed groups from all communities were encouraged to lay down their arms and participate in a disarmament and community reintegration program. Despite these efforts, armed clashes have not ended. Currently, military operations are underway in the region and clashes between armed groups and with the FARDC have intensified.

¹ Armed group linked to the Banyamulenge community. Alternative spelling: Twirwanaho.

² Linked to the Bafuliiru community.

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

5. Between February 2019 and June 2020, the UNJHRO documented 171 violations and abuses of human rights and violations of international humanitarian law committed in the context of the conflict in the areas of Mikenge, Minembwe and Itombwe by armed groups and defense and security forces (in particular FARDC soldiers). Of these violations and abuses, 85% are attributable to armed groups and nearly 15% to the FARDC. According to the information collected and analyzed by the UNJHRO, 38% of the victims are from the Banyamulenge community, 25% Bafuliiru, 13% Banyindu, 12% Bashi and 9% Bembe³.
6. The violations and abuses documented include 76 violations of the right to life (128 victims of summary or extrajudicial executions, including 21 women and seven children, and 19 people who received death threats), 39 violations of the right to physical integrity with 47 victims of conflict-related sexual violence (42 women and five children) and 39 victims of other violations of the right to physical integrity (including six women and 10 children), 10 violations of the right to liberty and security of the person (34 victims including eight women) and 46 violations of the right to property (looting and burning of houses). In addition, it was reported that thousands of cattle belonging to the Banyamulenge were either killed, mutilated or looted during this period.
7. The UNJHRO also documented the destruction of at least 95 villages, which were burnt down by combatants of different armed groups in the context of retaliation and counter retaliation against members of the communities involved. Thirty-two of these villages were inhabited by Banyamulenge, 37 by other communities (Babembe, Bafuliiru Bavira, Banyindu) and 26 villages had mixed populations. The destruction of these villages caused the massive displacement of the civilian population and the loss of the livelihoods of entire families.

i. Human rights abuses attributable to Ngumino and Twigwaneho armed groups

8. During the period under review, the UNJHRO documented 54 human rights abuses perpetrated by combatants of the Ngumino and Twigwaneho armed groups, linked to the Banyamulenge community. These include 34 cases of abuse of the right to life, including the summary execution of 69 people (51 men, 14 women and four children). At least 28 victims of summary executions were from the Bafuliiru community, 22 were Banyindu, 13 were Bembe and six were Bashi. Eighteen people (14 men and four women, including 16 Bashi, one Bafuliiru and one Banyamulenge) received death threats. For example, on 4 May 2019 in Mikalati, a 50-year-old village chief was beaten to death by Ngumino combatants, and on 15 September 2019 in Rubunda, a Bafuliiru village chief was killed by decapitation by Ngumino combatants.
9. The UNJHRO also documented 13 cases of abuse of the right to physical integrity with 36 victims including 16 victims of sexual violence (15 women and one child, six of whom were Bafuliiru, five were Banyindu, three were Bashi and two were Banyamulenge), as well as three cases of abductions (nine victims, including eight men and one woman; six Bashi, two Bafuliiru and one Banyindu). For example, on 22 April 2020, five men were killed and 10 women raped by Ngumino combatants in Musika, Fizi territory. All the victims were internally displaced persons from the Banyindu, Bembe and Bafuliiru communities. Four cases of looting by these armed groups were also documented.

³ The community of origin of 1% of the victims could not be confirmed at the time of writing.

ii. Human rights abuses attributable to coalitions of Mayi-Mayi⁴ armed groups, Biloze Bishambuke and RED-Tabara/FNL-Nzabampema

10. The UNJHRO documented 92 human rights abuses by Mayi-Mayi, Biloze Bishambuke and RED-Tabara/FNL combattants during the reporting period. These include 32 abuses of the right to life, with at least 44 victims of summary executions (37 men and seven women, including 41 Banyamulenge, one Bafuliiru and one Bembe⁵) and one case of death threats (one man, from the Bafuliiru community). On 12 May 2019, four men over the age of 80 were killed in Rusankuku, Fizi territory by Mayi-Mayi combatants suspected of being in coalition with Burundian RED-Tabara combatants. On 1 November 2019, a 75-year-old Banyamulenge woman was raped and killed by Mayi-Mayi combatants in Rugezi, Uvira territory.
11. Other human rights abuses documented include 18 cases of abuse of the right to physical integrity with 37 victims, including 26 victims of sexual violence (22 women and four children, of which 18 were Banyamulenge, five were Bembe and one was Bafuliiru⁶). The UNJHRO also documented five cases of abduction with 14 victims (seven women and seven men, of which 13 were Banyamulenge and one was Bafuliiru). On 4 March 2020, five women from the Babembe community were raped by Mayi-Mayi and Biloze Bishambuke combatants in Bahenga. Finally, 37 cases of looting were documented.

iii. Human rights violations attributable to the Congolese defense and security forces

12. The UNJHRO documented 25 human rights violations attributable to the FARDC in response to inter-communal conflicts. These include 10 violations of the right to life, with 15 victims of extrajudicial executions (12 men and three children), of which seven were Bafuliiru, seven were Banyamulenge and one was Bashi.
13. Other human rights violations documented include eight cases of violations of the right to physical integrity with 13 victims, including five (all adult women) victims of sexual violence (three Banyamulenge, one Bafuliiru and one Bembe). Five violations of the right to property (looting) and two violations of the right to liberty and security of the person (11 victims all men, including five Bafuliiru, five Banyamulenge and a member of the Bembe community, arbitrarily arrested) were also documented.

II. Humanitarian situation and protection of civilians

14. The humanitarian situation is also concerning. According to the Office for the Coordination of Humanitarian Affairs (OCHA), more than 110,000 people, mainly women and children, have been displaced in the areas of Itombwe, Mikenge and Minembwe due to insecurity since February 2019. Currently, there are 1,350 displaced families in the Minembwe commune and its surroundings, with a total of 8,300 people in need of emergency humanitarian assistance in IDP sites and host families. In addition, approximately 12,000 displaced persons have been identified by humanitarian actors on the Fizi-Lulimba road. The IDPs in Mikenge have not yet been identified and registered. Humanitarian assistance has been limited due to poor roads and insecurity. Since the start of 2020, eight attacks on humanitarian actors have been documented

⁴ Including Ebuela Kibukila, Mupekenya Lwesula and Yakutumba.

⁵ One victim, a dependant of an FARDC soldier, was not from the area.

⁶ The ethnic background of one a woman and her minor daughter, both of them victims of sexual violence, could not be determined.

in the area, including three in March and April and two in May. Recent restrictions on freedom of movement put in place as part of measures to prevent the spread of COVID-19 have had the effect of further restricting humanitarian access, with a special travel authorization being now required.

15. The destruction of houses and livelihoods, combined with forced displacement, have prevented displaced communities from cultivating their land, increasing the risk of famine in the highlands.

III. Main conflict drivers

i. Influence of armed groups operating in the area

16. Attacks against civilians have been carried out by armed groups allied to the opposing communities, in retaliation and to settle scores. These armed groups have often forged alliances on the basis of community membership or opportunist interests.
17. On the Banyamulenge side, the main actors were initially the armed group Ngumino and the self-defense group known as Twigwaneho. Little by little, the Ngumino lost their capacity, particularly following operations carried out by the FARDC. In January 2020, FARDC Colonel Makanika defected and took control of the Ngumino-Twigwaneho coalition. These armed actors, along with another group called Android, oppose Bafuliiru, Babembe and Banyindu armed groups, acting alone or in coalition. Other communities living in the highlands, including the Bashi, Batwa and Bavira, have sometimes been involved in these conflicts.
18. The main Mayi-Mayi factions are the Mayi-Mayi Ebuela (aka Kibukila) and Biloze Bishambuke. Other Mayi-Mayi factions, including the Mayi-Mayi Yakutumba, are also involved, but to a lesser extent. The death of several leaders of these groups has not reduced the intensity of the conflict so far.
19. Foreign armed groups actively participate in hostilities, including the Burundian armed groups RED-Tabara and FNL-Nzabampema. Their participation, although limited, confirms the active presence of foreign armed groups in South Kivu. These groups have links with the Ngumino and allies or the Mayi-Mayi groups, even if the Burundian groups are normally located further north, in the Ruzizi plain. If the conflict spreads, there is a significant risk that their involvement will increase.
20. The UNJHRO was able to confirm information received from several sources relating to the operations of the Burundian army in the Ruzizi plain against the RED-Tabara group. However, the involvement of the Burundian army in the attacks against the Ngumino or the Banyamulenge could not be confirmed. Several credible sources also reported the presence of Rwandan soldiers, integrated or active alongside the RED-Tabara, which the investigations carried out have not yet been able to confirm.

ii. Hate speech

21. Hate speech and incitement in public discourse and social media have contributed to fuel inter-communal tensions and violence. This is the case, for example, with a statement made on 31 October 2019 by the Association of Babembe residing in Kinshasa, which called for war, the displacement and the persecution of the Banyamulenge from the highlands of Fizi and Itombwe, who were referred to as “Tutsi immigrants from Rwanda”. A press release issued by

members of the Babembe community during an intercommunal forum held in Uvira from 2 to 4 March 2020 referred to the Banyamulenge as "Banyarwanda so-called Banyamulenge". This press release, addressed to regional, national and provincial authorities, demanded that the "Banyarwanda" be stripped of their Congolese nationality and considered as Rwandan refugees. During the month of March 2020, the UNJHRO also documented the dissemination on social media, in particular the WhatsApp messaging application, of a song by a Mayi-Mayi commander and Bafuliiru singer calling on the Bafuliriu, Babembe and Banyindu communities to persecute the Banyamulenge by driving them from their lands and to exterminate them.

22. On the other hand, members of the Banyamulenge community have on several occasions accused the Bembe and Bafuliiru communities of wanting to remove them from their ancestral land and exterminate them. Banyamulenge have also accused politicians of manipulating national opinion in order to strip them of their Congolese nationality. Through social media platforms, including Twitter, Facebook and Instagram, Banyamulenge community members in the diaspora have regularly accused the FARDC and the *Police nationale congolaise* (PNC) of supporting their extermination through provision of support to the Mayi-Mayi and certain community defense groups. For example, on 27 May 2020, a member of the Banyamulenge diaspora circulated a message accusing the FARDC of collaborating with the Mayi-Mayi to commit violations against the population of Minembwe and even to exterminate the Banyamulenge. The audio recording was shared on WhatsApp and was followed by at least one other post from an influential member of the community making the same accusations. Banyamulenge community members in the diaspora have also accused the Bafuliiru, Bembe and their allies of being involved in what they see as attempts of ethnic cleansing against the Banyamulenge community. Certain members residing in Belgium, the United States and Kinshasa, in a letter⁷ of 22 April 2020 addressed to the Special Representative of the Secretary-General of the United Nations and Head of MONUSCO as well as to the Special Advisor to the Secretary-General on the Prevention of Genocide, Adama Dieng, warned of the ongoing "crime of genocide" against the Banyamulenge in eastern DRC.
23. There has been no significant action so far by provincial or national authorities to condemn or otherwise respond to incidents of hate speech or incitement to violence. Appeals to tribal, racial or religious hatred which constitute incitement to discrimination, hostility or violence are a flagrant violation of national and international law.

IV. State presence and response

24. As regards security, the 12th Rapid Reaction Brigade (RR) of the FARDC and PNC units were deployed to the highlands in September 2019. These units have been accused on numerous occasions of bias by the communities, mainly Banyamulenge. In November 2019, two senior FARDC officers defected to join the armed groups, undermining confidence in the neutrality of the FARDC⁸. In April 2020, the FARDC deployed additional troops from different regions of the DRC to strengthen their capacity to combat armed groups and protect civilians. This new deployment is more likely to be perceived as neutral because the soldiers may not have direct

⁷ Letter sent on 22 April 2020 to the SRSG and Head of MONUSCO and to the Special Advisor to the Secretary-General on the Prevention of Genocide

⁸The UNJHRO documented the defection of two senior FARDC officers, Colonels Mekanika and Nyenyeryi, the latter with five soldiers.

ethnic and economic links⁹ to the parties to the conflict¹⁰. This can reduce the risk of future defections and alleged alliances between defense and security forces and armed groups engaged in the conflict. However, even with an increased number of troops, due to the vast geographical area of the highlands, the army does not have the capacity to cover all areas affected by the conflict. Also, the militarization of the highlands and the proliferation of weapons are also a driver of conflict. To be effective, new deployments must therefore be accompanied by measures to restore trust, control the discipline of troops, fight against impunity and manage arms and ammunition to prevent allegations of arms trafficking by some FARDC with the armed groups.

25. It is important to stress that one of the main weaknesses in the response to the crisis is the lack of judicial action against the perpetrators of serious human rights violations and abuses, and incitement to hatred and violence. Although the UNJHRO has shared the results of its investigations and other relevant information with judicial authorities, prosecutions have yet to be initiated by military justice. However, the FARDC has arrested a few members of armed groups during military operations¹¹. In September 2019, a military justice inspector was deployed to Minembwe, but no significant progress has yet been made in the fight against impunity.

V. United Nations actions

i. UNJHRO

26. The UNJHRO carried out monitoring activities to verify and document cases of human rights violations and abuses. At least five joint protection missions and nine joint assessment missions were conducted with partners (OCHA-UNHCR-PAM and international NGOs and civil society) as well as other substantive sections and the MONUSCO Force. Recommendations were made at the provincial level to strengthen the protection of civilians and respect for human rights.
27. Several meetings were held with the commander of the 33rd FARDC Military Region and the commander of the Sukola II Operational Sector in South Kivu to advocate for the additional deployment of FARDC troops and for more engagement in the protection of civilians in the highlands and its surroundings. On 26 March 2020, mission leadership authorized additional support from MONUSCO to the FARDC based in Fizi, Mwenga and Uvira territories. This support included joint patrols with the MONUSCO Force Southern Sector and combat service support in the form of transport of equipment and troops from Bukavu to Minembwe¹². This support was provided in accordance with the United Nations Human Rights Due Diligence

⁹ Deployment in this area is seen by some as a source of economic benefit as the regular forces reportedly ally themselves with foreign armed groups and facilitate collaboration based on corruption through payments in cash and smuggled minerals. These lucrative benefits may be attractive to some FARDC soldiers.

¹⁰ On the other hand, the assignment of certain senior officers such as General Dieudonné Muhima who have been suspected of trafficking in natural resources in this area could compromise the perception and or the neutrality of these forces (ref. Letter dated 16 October 2015, addressed to the President of the Security Council by the Panel of Experts renewed by Security Council resolution 2198 (2015) (S / 2015/797)).

¹¹ Nizigimana Jérémie, alias Shaka Rukata from Ngumino, arrested in June 2016, Pilote Moïse arrested on 7 October 2019 by FARDC soldiers and detained at Uvira prison, and Kayumba Nyenyeri, arrested on 16 April 2020 and transferred to Kinshasa.

¹² Support for FARDC operations in South Kivu was authorized in May, September and December 2019 as well as in January 2020.

Policy (HRDDP¹³) and with the implementation of mitigation measures to ensure the protection of civilians, including training and awareness sessions for troops receiving support on human rights, international humanitarian law, protection of internally displaced persons and prevention of sexual violence.

28. The UNJHRO conducted a working session with the commander of the FARDC Sukola II Operational Sector in South Kivu to ensure the strict implementation of these measures during the conduct of operations. This working session is part of the HRDDP and aims to regularly monitor disciplinary and remedial measures taken against officers who have committed human rights violations in the context of operations. The UNJHRO-FARDC follow-up committee on human rights violations has held regular meetings with the participation of high-ranking officers from the Operational Sector.

ii. MONUSCO

29. MONUSCO has deployed combat helicopters to the area each time there are alerts of threats to civilians, in order to deter armed groups from attacks against the population. In addition to the temporary base established in Minembwe (Fizi territory), MONUSCO peacekeepers have set up tactical deployment units (SCDs) in Mikenge, Kamombo, Makutano, Kipupu (Mwenga territory) as well as in Bijombo (Uvira territory) to carry out patrols, provide protection to displaced persons and allow substantive sections and humanitarian agencies to undertake activities. The Force protects internally displaced persons due to their vulnerability¹⁴ and peacekeepers have been involved in clashes with armed groups trying to attack displaced persons, such as in Mikenge and Bijombo in May 2020. Collaboration with the FARDC has been strengthened to deter armed groups from attacking civilians
30. The Special Representative and Head of MONUSCO, as part of her good offices, held several meetings with political, community and civil society actors to prevent the deterioration of the situation and engage them in promoting dialogue and the search for peace. These actions also included advocacy for the fight against impunity. MONUSCO (Bukavu Office Chief, Civil Affairs Section¹⁵ and Stabilization Support Unit) also supported dialogue and peace initiatives by the provincial authorities. Several structured consultation and dialogue processes were organized between the Banyamulenge, Babembe, Banyindu, Bavira, Bafuliiru and Barundi to address the lingering tensions in the area, strengthen the protection of civilians and promote human rights.
31. In 2019, several inter-community meetings and structured dialogues with all affected communities were held in Minembwe. These actions led to the signing of a peace agreement,

¹³ The United Nations Human Rights Due Diligence Policy (HRDDP), adopted in June 2011, requires all United Nations entities to be diligent in ensuring that any support provided to non-UN security forces is consistent with the purposes and principles established in the Charter of the United Nations and promotes respect for international humanitarian, human rights and refugee law. In MONUSCO, the implementation of the HRDDP is governed by an SOP (2017) according to which the leadership of the mission, based on the recommendations provided by the HRDDP Secretariat within the UNJHRO, assesses the potential risks and benefits of the provision or non provision of support by MONUSCO to non-UN security forces, including the FARDC and PNC, and proposes measures to mitigate potential risks.

¹⁴ For instance, the TOB Mikenge protects more than 300-500 displaced persons mainly Banyamulenge in a village dominated by Bembe and Fuliiru. The SCD Bijombo protects more than 500 displaced persons mainly Fuliiru and Nyindu in a village dominated by Banyamulenge.

¹⁵ The majority of inter-community dialogues were initiated by CAS and local civil society. CAS provided financial and technical assistance, and the results were shared with authorities and other stakeholders.

increased engagement of communities in the peace process, and the signing of a peace message calling for the immediate cessation of hostilities to put an end to the suffering of civilians, particularly women and children. Likewise, a dialogue with representatives of 20 armed groups operating in the region¹⁶ took place in Bukavu in June and July 2019 in a bid to obtain a ceasefire after other dialogue efforts that were unsuccessful. The meeting was led by a local NGO, *association communautaire pour le développement intégré*. These initiatives continued in 2020 in Bijombo, Mikenge, Minembwe, Kipupu and in the Ruzizi plain with the various communities. Subsequently, with the support of MONUSCO (Civil Affairs Section), an action plan on transhumance was signed in Baraka by all the communities.

32. Despite these various dialogue initiatives, some community representatives have hardened their positions on key issues underlying the current conflict in the highlands of Fizi, Mwenga and Uvira. For instance, at the close of an attempted dialogue on 4 March 2020, representatives of the Babembe community called for the prohibition of transhumance, which was contrary to their positions during previous dialogues. It is therefore clear that a stronger political commitment and concrete actions on the part of the Government are necessary to support these peace efforts in the highlands.

VI. Developments since the beginning of July 2020

33. The cycle of attacks and reprisals by the various groups involved in the conflict continues. In July 2020, the UNJHRO documented 22 violations and abuses of human rights and violations of international humanitarian law committed in the context of the conflict, including 16 by combatants of armed groups and six by FARDC soldiers. In particular, Twigwaneho combatants committed 13 abuses, including six abuses of the right to life with 17 victims of summary executions (15 men and two women, including at least three Bembe, one Bafuliiru and one Banyindu¹⁷), six abuses of the right to property and one abuse of the right to physical integrity (against a child from the Bembe community). Mayi-Mayi combatants committed three abuses, including one abuse of the right to life with two victims of summary executions (two men from the Banyamulenge community), one abuse of the right to physical integrity (against three men from the Banyamulenge community) and one abuse of the right to property. FARDC soldiers committed two violations of the right to life with 13 victims of extrajudicial executions (six men, six women and one child), two violations of the right to physical integrity with 10 victims, including a child who was a victim of sexual violence, one abuse of the right to liberty and security of the person with eight men who were victims of arbitrary arrest and illegal detention, and one abuse of the right to property.
34. On 16 July 2020, Twigwaneho combatants attacked Kipupu and four other villages¹⁸ in Mwenga territory, in retaliation for the theft of cattle belonging to the Banyalumenge community by Mayi-Mayi combatants. During an assessment mission to the area on 29 July 2020, the UNJHRO was able to confirm that, during these attacks, 15 civilians were killed, including 10 in Kipupu and five in the other four villages, eight of whom were killed by machetes and seven who died when their houses were set on fire. Allegations that more than

¹⁶ Mayi-Mayi Mushombe, Ilunga, Kashumba, Biloze Bishambuke, Mayi-Mayi Ebuila Mutetezi, Aochi, René Itongwa, CNPSC of William Yakutumba, UNLC/Ngyalababatu, Mchingwa, Lwisula, Twigwaneho, Mulumba, Byamungu, Kakobanya, Réunion, Mekanika and Kibalo Kyetu.

¹⁷ Although the 15 civilians killed in the attack on Kipupu (see para. 34 below) belonged to the Babembe, Bafuliiru and Banyindu communities, their community affiliation could not be established individually; thus, only one victim was counted in the total per community.

¹⁸ Kalulwe/Kalulu, Kalinga 1, Muhavu/Nabindi and Kiseke 1.

200 civilians had been killed were not confirmed. All the victims were from the Babembe, Bafuliiru and Banyindu communities. An unknown number of houses were damaged and/or set on fire and numerous livestock looted in the five villages attacked, while the Kipupu health center was completely destroyed and looted. In addition, the team received allegations of 11 other civilians injured, including a child, and 17 women and girls raped. At least 213 people fled or were reported missing by local authorities and civil society actors since the attack.

35. The attack, which appears to have been planned, deliberately targeted unarmed civilians taking advantage of the absence of FARDC soldiers in these villages. It was reportedly followed by clashes between Twigwaneho and Mayi-Mayi combatants until the Twigwaneho withdrew on the same day, and by the deployment of the FARDC to Kipupu. Several local sources indicated that the civilian population had reportedly left the village of Kipupu during the month of March 2020. As part of the risk assessment for the protection of civilians, the population of Kipupu had requested the withdrawal of MONUSCO soldiers from Kipupu in March 2020, officially because the security situation had improved and their presence was no longer necessary.
36. In another particularly deadly incident, on the night of 30 to 31 July 2020 in Sange, Uvira territory, a soldier of the 122nd FARDC battalion based in Kabunambo opened fire on the local population for reasons that are not yet clear, killing at least 13 civilians, including six women and a child, and injuring nine others, eight seriously. The alleged perpetrator was identified but is reportedly at large.

Conclusion

37. The situation in the highlands has deteriorated considerably since February 2019, with an increase in armed attacks against displaced persons, killings, sexual violence, looting of livestock and burning of villages. The region has in the past experienced cyclical conflicts triggered by the pastoral migration of the Banyamulenge. The crisis has deep roots and is driven by underlying conflicts around nationality, transhumance, competition over land, parallel administrations, party politics, competition within the Banyamulenge community and support for different armed groups.
38. Hate speech is fueling tensions in an area which is already plagued by violence by armed groups and distrust of the State, which is predominantly represented by its military. The recent deployment of additional troops could help restore confidence in the State if measures are put in place to ensure transparent oversight and management of resources. In a fragile region with a violent history, equitable access to natural resources will be decisive for a lasting reduction of tensions and inter-community cohabitation. In this regard, in addition to efforts to curb incitement to violence and ethnic hatred, the State - at the national and provincial level - must exercise its authority by establishing a transhumance system that is fair and preserves the interests of all communities. These efforts must be supported by a process of disarmament of all armed groups present in the area, community reintegration and repatriation of combatants, as well as an increased presence of national institutions including the PNC, FARDC and certain administrative services to support the communities.
39. Finally, impunity and difficulties for victims in accessing justice were identified by all communities as contributing factors to the conflict. The authorities must ensure that cases of human rights violations and abuses as well as incitement to hatred and violence are prosecuted and punished by the competent authorities.

Recommendations

To national and provincial Congolese authorities :

- Send a clear message to community leaders and armed groups regarding their responsibility in the commission of human rights violations and abuses and violations of international humanitarian law;
- Take urgent action to condemn and counter hate speech that constitutes incitement to hostility and violence;
- Reinforce the presence of the defense and security forces in the affected territories, ensuring the provision of adequate resources as well as control and close supervision to limit arms trafficking, to enable missions for the protection of civilians, including internally displaced persons, to be carried out effectively, and to end the violence;
- Reinforce the presence of State institutions and competent judicial authorities to prosecute perpetrators of violations and abuses of human rights and to guarantee victims' rights to justice, truth and reparation;
- Continue to pursue dialogue on peace between communities and consider a transitional justice process to establish guarantees of non-repetition.

To armed groups :

- Immediately cease all attacks on civilians, camps for internally displaced persons, looting and rape, which may constitute war crimes and crimes against humanity, and which may expose both direct and indirect perpetrators to prosecution and sanctions by national and international courts;
- Lay down arms and initiate a process of demobilization and disarmament, to guarantee lasting peace in the region.

To communities :

- Work together to bring and end to the violence and support government authorities, the justice system and civil society for the restoration of peace and stability and the fight against impunity;
- Refrain from engaging with or supporting armed groups and resist calls for violence, hatred and retaliation to prevent further escalation of the violence;
- Support and engage in dialogue to promote reconciliation and peaceful coexistence, and commit to respect the peace process.

To MONUSCO :

- Continue to support efforts to restore State authority in the highlands;
- Advocate with judicial authorities and support initiatives for progress in the fight against impunity;
- Continue to support monitoring, investigation and documentation of serious violations and abuses of human rights and international humanitarian law, attacks on camps for internally displaced persons, the destruction of villages and hate speech;
- Strengthen the deployment of the Force in the highlands and in Lulimba in the south of Fizi territory to deter armed groups from attacking civilians;
- Intensify joint FARDC-MONUSCO patrolling at high-risk times/locations and expand the radius of patrols;

- Accelerate support to the FARDC to strengthen and improve security measures and protect civilians, in compliance with the United Nations Human Rights Due Diligence Policy;
- Strengthen early warning and rapid response mechanisms.

To humanitarian actors:

- Continue to provide humanitarian assistance to internally displaced persons, especially those who have not yet been registered and those living with host families;
- With support from MONUSCO, identify means to provide humanitarian aid to displaced persons who have been difficult to reach due to access and security constraints;
- Establish rigorous due diligence of humanitarian organizations channeling humanitarian aid in order to avoid the creation of a war economy.

To the Office of the Special Envoy of the Secretary-General for the Great Lakes region:

- Use good offices to facilitate dialogue with foreign armed groups under the Addis Ababa framework agreement with neighboring countries, as well as their disarmament, demobilization and repatriation.