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UNITED NATIONS JOINT HUMAN RIGHTS OFFICE IN THE DEMOCRATIC REPUBLIC OF THE CONGO (UNJHRO) MONUSCO – OHCHR

Analysis of the human rights situation in May 2020

Introduction

1. The United Nations Joint Human Rights Office (UNJHRO) is composed of the Human Rights Division of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Office of the High Commissioner for Human Rights (OHCHR) in the Democratic Republic of the Congo (DRC). Its mandate includes assisting the DRC Government in the promotion and protection of human rights through the efforts of its antennas and field offices¹ as well as headquarters in Kinshasa. This report is based on information collected by UNJHRO and only includes human rights violations documented and confirmed by UNJHRO over the past year. The information contained in this report is shared with provincial and national Congolese authorities for their action.

Main trends in human rights violations

2. In May 2020, UNJHRO documented 701 human rights violations throughout the DRC², a decrease of 9% compared to the month of April (768 violations). This reflects a significative decrease in the number of violations attributable to State agents (-29%), particularly in the province of South Kivu³. The number of abuses by armed groups increased, but to a lesser extent (+10%). Thus, the proportion of violations committed by State agents (38%) decreased this month, while the proportion of attacks committed by armed groups (62%) increased.

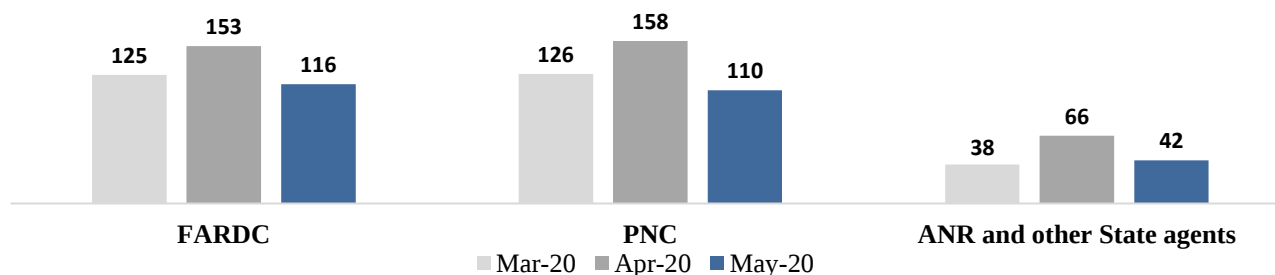
¹ Following the closure of certain MONUSCO offices and antennas, which was completed in June 2019, the number of operations offices was reduced from 18 to 13.

² The figures mentioned in this report do not reflect the complete overview of the human rights violations in the DRC. They only relate to the cases documented and verified by UNJHRO during the period under review. It is also possible that these figures include human rights violations committed during previous months but brought to the attention of UNJHRO during the month under review. Statistics regarding the number of violations reported may increase or decrease over a given period due to numerous factors outside the control and/or knowledge of UNJHRO and must therefore be used with caution.

³ The significant decrease noted in this province can mainly be explained by the change at the head of the Sukula 2 South Kivu operational sector and the large FARDC units engaged in operations in the territories of Uvira and Fizi and their peripheries; the holding of meetings by the FARDC and PNC human rights monitoring committees (*comités de suivi*), followed by commitments to ensure respect for human rights by unit commanders; the intensification of the Office's monitoring and advocacy activities in response to an increase in the number of violations attributable to FARDC soldiers and PNC officers in March and April 2020; and movement restrictions as part of Covid-19 prevention measures, which may have limited direct contacts between the population and security forces.

3. The most reported types of violations in May 2020 are violations of the right to physical integrity (200 violations and 507 victims, including 151 women and 87 children, of which one man, 78 women and 42 children victims of sexual violence), violations of the right to property (170 violations), violations of the right to life (158 violations and 388 victims, including 319 victims of extrajudicial and summary killings, of which 60 women and 57 children)⁴ and violations of the right to liberty and security of person (135 violations and 578 victims, including 80 women and 37 children).
4. Throughout the territory of the DRC, State agents⁵ were responsible for 268 human rights violations, which represents 38% of the violations documented in May 2020 and a decrease of 29% from the 377 violations documented in April 2020. The number of violations committed by PNC agents and FARDC soldiers represents nearly 32% of the total documented. In particular, State agents were responsible for the extrajudicial killings of at least 44 persons, including nine women and five children.

Quarterly evolution of the number of violations by State agents in all DRC



5. Altogether, armed groups were responsible for 433 human rights abuses, representing nearly 62% of the total number of violations recorded throughout the country and an increase of 11% from the 392 violations documented in April 2020. Combatants of armed groups are responsible for the summary killings of at least 275 persons, including 51 women and 52 children.
6. Among State agents, FARDC soldiers were responsible for 116 human rights violations, representing nearly 17% of the total number of violations documented this month. They mainly committed 42 violations of the right to physical integrity (57 victims, including 18 women and seven children, of which 14 women and seven children victims of sexual violence), 26 violations of the right to property, 23 violations of the right to life (42 victims, including 30 victims of extrajudicial killings of which seven women and three children) and 17 violations of the right to liberty and security of person (49 victims, including seven women). As in the previous months, the vast majority of the violations committed by FARDC soldiers were documented in the provinces affected by conflict (110 violations, namely 95%), mainly in North Kivu (42 violations), Kasai (16 violations), Kasai Central and Tanganyika (13 violations each).

⁴ The violations of the right to life other than extrajudicial and/or summary killings consist mainly of death threats, enforced disappearances and deaths in detention.

⁵ State agents include PNC agents, soldiers of the *Forces armées de la République démocratique du Congo* (FARDC), agents of the *Agence nationale de renseignements* (ANR), administrative or judicial authorities, and other State agents. In the month of May 2020, FARDC soldiers were responsible for 116 violations, PNC agents for 110 violations, ANR agents for 16 violations and other State agents for 26 violations. In comparison, in April 2020, FARDC soldiers were responsible for 153 violations, PNC agents for 158 violations, ANR agents for 25 violations and other State agents for 41 violations.

7. PNC agents committed 110 human rights violations, representing nearly 16% of the total number of violations documented in the month of May and a decrease from the month of April 2020 (158 violations). They were mainly responsible for 33 violations of the right to liberty and security of person (75 victims, including eight women and four children), 30 violations of the right to physical integrity (51 victims, including 13 women and eight children, of which two women and one child victims of sexual violence), 21 violations of the right to property and 14 violations of the right to life (16 victims, including 14 victims of extrajudicial killings of which two women and two children). As in the previous months, PNC agents committed more violations in the provinces affected by conflict (98 violations, namely 89%), mainly in North Kivu (41 violations), Kasai (19 violations), Kasai central (11 violations) and Tanganyika (seven violations).
8. Over 97% of the violations documented in May 2020 were committed in the provinces affected by conflict⁶ (679 violations) and resulted in the death of at least 313 civilians, including 60 women and 55 children. As in the previous month, armed groups are the main perpetrators of the violations committed in these provinces (64%). Most of these violations and abuses were again recorded in the province of North Kivu (286 violations, namely 42% of the violations committed in these provinces), followed by Ituri (180 violations) and South Kivu (61 violations).
9. In the provinces not affected by conflict in the DRC,⁷ 22 human rights violations were documented in May 2020, namely 3% of the violations documented throughout the country.⁸ These include nine violations of the right to life (14 victims including six victims of extrajudicial killings of which two children), five violations of the right to liberty and security of person (15 victims including one woman), two violations of the right to physical integrity (five victims including two women and two children) and three violations of the right to property. All of these violations are attributable to State agents, of which 55% to PNC agents (12 violations), 27% to FARDC soldiers (six violations) and 18% to other State agents (four violations). The violations committed in these provinces were documented in Haut-Katanga and in Kinshasa (eight violations each), and in the provinces of Lualaba and Tshopo (three violations each).

⁶ UNJHRO considers as conflict-affected areas the eastern provinces of the DRC, namely Bas-Uele, Haut-Uele, Ituri, North Kivu, South Kivu and Maniema, as well as the provinces of Kasai, Kasai Oriental and Kasai Central owing to militias' activities and the fight against them by the Congolese authorities, and finally the province of Tanganyika due to the resurgence of inter-ethnic conflict between Twa and Luba.

⁷ UNJHRO considers as areas not affected by conflict all the remaining provinces not listed as being affected in the DRC, namely Equateur, Haut-Katanga, Haut-Lomami, Lomami, Kinshasa, Kongo Central, Kwango, Kwilu, Lualaba, Mayi-Ndombe, Maniema, Mongala, North Ubangi, South Ubangi, Sankuru, Tshopo and Tshuapa.

⁸ The closure of the field offices of the UNJHRO in Matadi (Kongo Central), Bandundu (Kwilu) and Mbandaka (Equateur) limited the capacity of the UNJHRO to monitor the human rights situation in non-conflict affected provinces.

Violations by State agents

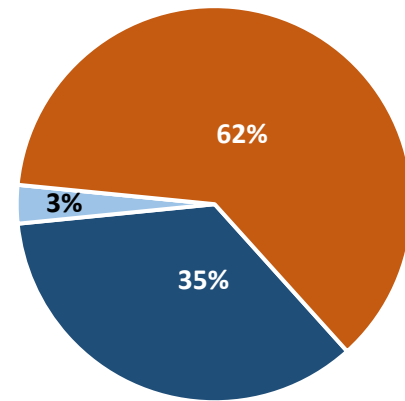
- In conflict-affected provinces
- In non conflict-affected provinces

Violations by armed groups

- In non conflict-affected provinces
- In conflict-affected provinces

Total State agents : 38%
Total armed groups: 62%

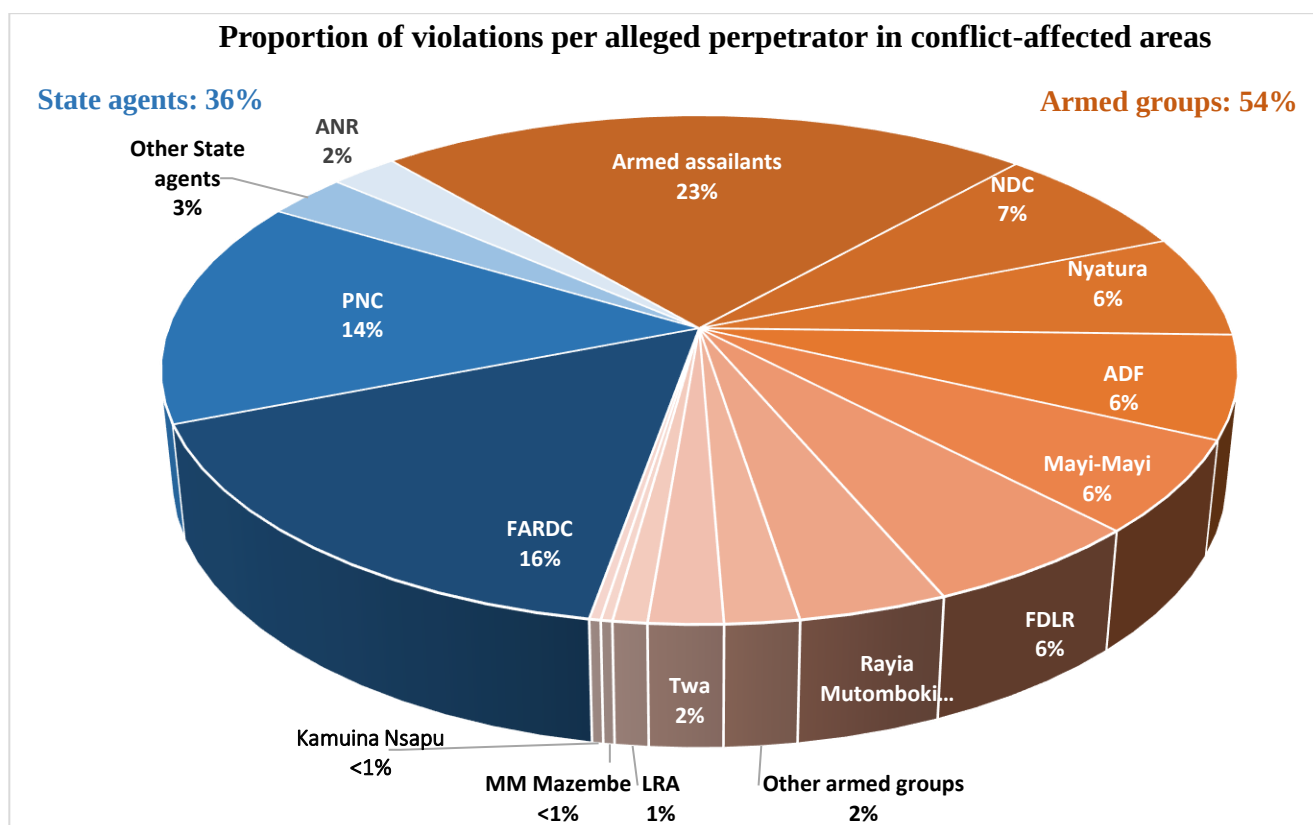
Total affected provinces: 97%
Total non-affected provinces: 3%



Human Rights Situation in Conflict-Affected Areas⁹

10. In May 2020, 679 human rights violations and abuses, committed by all parties to the conflict, were documented in the areas affected by armed conflict, resulting in the deaths of at least 313 civilians, including 60 women. This is a decrease of over 6% as compared to the month of April 2020 (726 violations). This decrease can be explained by both the number of violations perpetrated by State agents (-27%) and by armed groups (-11%) in these regions. Nevertheless, armed groups remain the main perpetrators with 64% of the violations documented in these provinces (433 violations), including the arbitrary killing of at least 275 civilians, of which 51 women. State agents committed the remaining 36%, including the arbitrary killing of at least 38 civilians of which nine women.

⁹ Please refer to footnote n° 6.



11. FARDC soldiers committed 16% of the human rights violations in the affected provinces, namely 110 violations against 145 in April 2020. Most of the violations committed by FARDC soldiers were documented in the province of North Kivu¹⁰ (38%), followed by Kasai (14%), Kasai Central and Tanganyika (12% each). FARDC soldiers were mainly responsible for 42 violations of the right to physical integrity (57 victims including 14 women victims of sexual violence), 25 violations of the right to property, 21 violations of the right to life (39 victims, including 30 victims of extrajudicial killings of which seven women) and 16 violations of the right to liberty and security of person (48 victims, including six women). For example, on 7 May 2020 in Rubare, Rutshuru territory, North Kivu province, a three-year-old girl was killed, and one man and two women injured during an eviction operation by a soldier of the FARDC 3416 Regiment. The perpetrator was arrested and is detained at the *auditorat militaire* in Rutshuru.

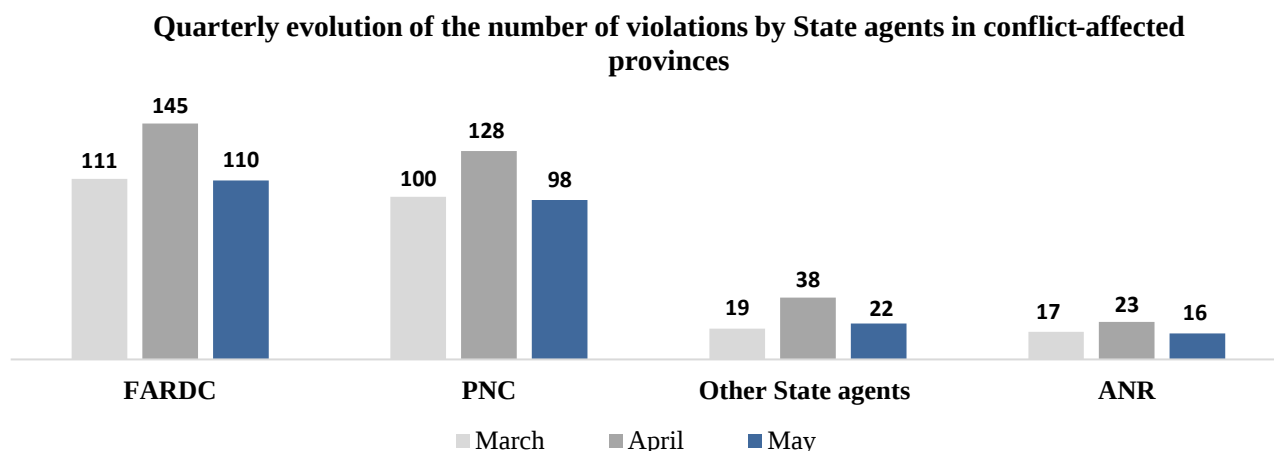
12. PNC agents committed 14% of the human rights violations documented in the provinces affected by conflict (98 violations), a decrease compared to the month of April (128 violations)¹¹. Most of these violations were committed in the province of North Kivu (42%)¹², Kasai (19%), and Kasai Central (11%). In the provinces affected by conflict, PNC agents were mainly responsible for 30 violations of the right to liberty and security of person (63 victims, including eight women), 28 violations of the right

¹⁰ Particularly in the territories of Beni (16 violations), Rutshuru (12 violations), Nyiragongo (seven violations), Lubero (five violations) and Butembo (two violations).

¹¹ This is a significant development as compared to the previous two months in which the UNJHRO documented a continued increase of violations committed by PNC agents (87 violations in February, 99 in March and 128 in April).

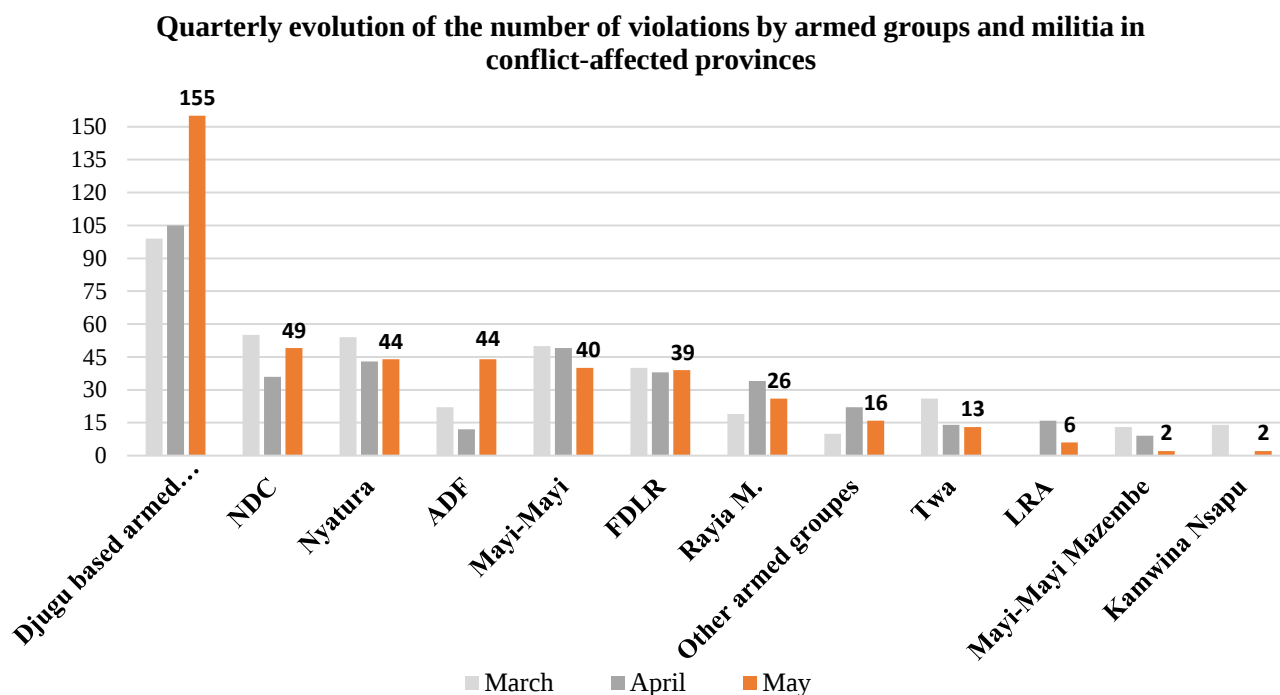
¹² Particularly in the territories of Lubero (13 violations), Butembo and Rutshuru (seven violations each).

to physical integrity (46 victims including two women of sexual violence), 19 violations of the right to property, , and 10 violations of the right to life (10 victims including eight victims of extrajudicial killing of which two women). For instance, on 4 May 2020 in Kili, Lubero territory, North Kivu province, six men were arbitrarily arrested and ill-treated by PNC agents. During the execution of a warrant by the Butembo Prosecutor’s Office against two men, the perpetrators also arrested the victims not involved in the judicial procedure. The victims were brutalized, punched and bitten with rifles by the police during their arrest and were extorted money.

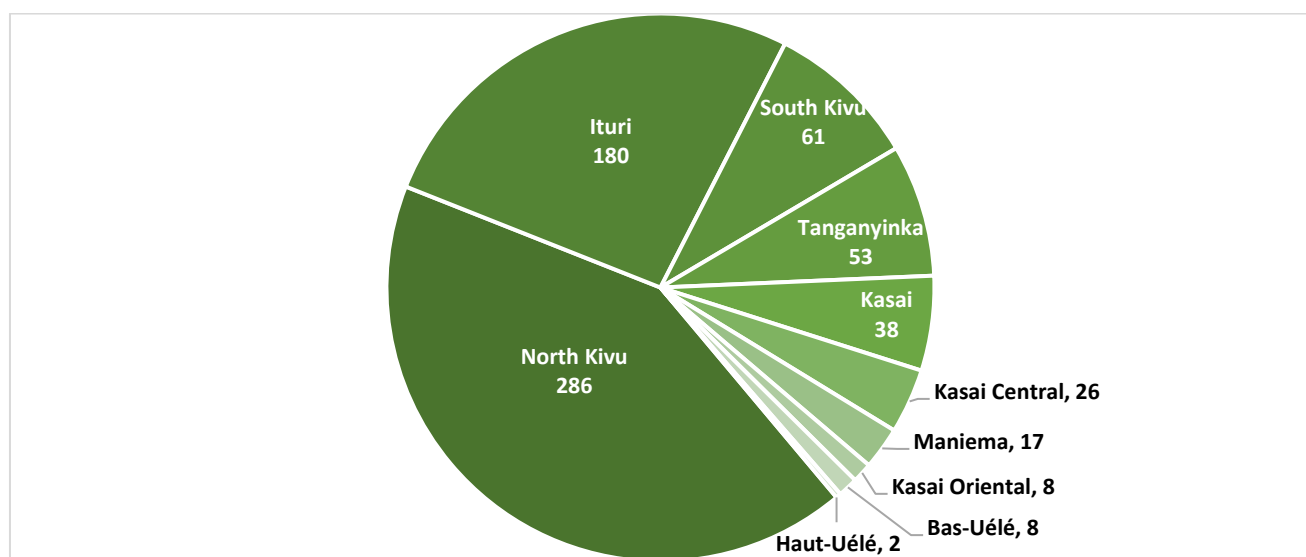


13. Altogether, armed group combatants committed 433 human rights abuses in conflict-affected areas, of which 64% in North-Kivu province alone (194 abuses), followed mainly by Ituri (170 abuses), South-Kivu (35 abuses), Tanganyika (25 abuses), and Bas-Uele (four abuses), Kasai Central and Haut-Uele (two abuses each), and Maniema (one abuse). Amongst these armed groups, Djugu based armed assailants¹³ committed the highest number of abuses in conflict-affected areas, namely 155 of the 433 abuses committed by all armed groups.

¹³ This refers to members of armed groups mainly from the Lendu community who operate mainly in the territories of Djugu and Mahagi in Ituri, including some belonging to the group known as *Coopérative de développement économique du Congo* (CODECO).

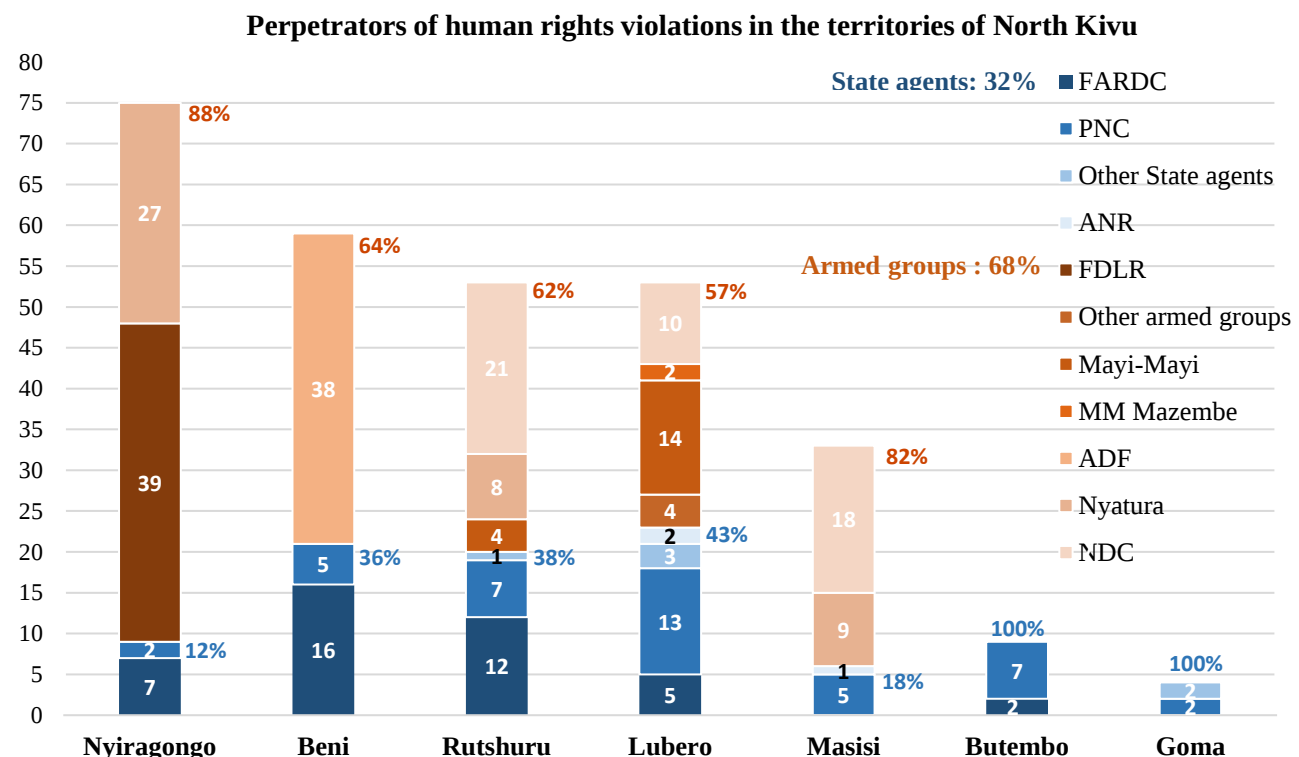


14. In May 2020, the mapping of human rights violations in conflict-affected areas appears as follows:



15. **North Kivu** province was once again the most affected, with 286 human rights violations and abuses documented (namely 42% of the violations documented in all the provinces affected by conflict and a high number as compared to the 278 violations documented the previous month. Armed groups combatants were responsible for 68% of the violations and abuses documented, which illustrates the continued activism of armed groups in this province. In North Kivu, nearly all the abuses were committed by the combatants of four major armed groups, namely the, Nduma Defense of Congo - *Rénové* (NDC-R), Nyatura *Pascal*, *Forces démocratiques de liberation du Rwanda* (FDLR), and the

*Allied Democratic Force (ADF)*¹⁴. State agents were responsible for 32% of the violations committed in this province (92 violations), a decrease from the previous month (106 violations). The most affected territories were Nyiragongo (75 violations), followed by Beni (59 violations) and Rutshuru (53 violations).



16. Combatants of Nduma Defense of Congo- Rénové (NDC-R) are responsible for 49 human rights abuses this month, representing an increase as compared to the month of April 2020 (36 abuses). These abuses were documented in the territories of Rutshuru (21 abuses), Masisi (18 abuses) and Lubero (10 abuses), and mainly include 19 abuses to physical integrity with 127 victims, including two women victims of sexual violence, 11 abuses of the right to liberty and security of the person with 113 victims including a woman, 10 abuses of the right to property, eight abuses to the right to life including the summary killings of five victims of whom a woman, and one case of forced labor with 70 victims., . Thus, on 18 May 2020 in Mbughavinywa, Lubero territory, at least 70 persons tied up, brutalized and beaten with sticks and rifle by a dozen NDC-R combatants, for not participating in the organized forced labor on the road between the villages of Mbughavinywa and Kanyatsi. The victims were kidnapped and taken to the assailants' camp in Mbughavinywa, who demanded a ransom for their release. During their captivity, they were subjected to other forced labor, including the construction of combatants' shelters and the transportation of several liters of water.

17. Mayi- Mayi Nyatura combatants committed 44 human rights abuses in May 2020, a similar number as compared to the previous month (43 abuses). These abuses were mainly committed in the territories of Nyiragongo (27 abuses) and Rutshuru (eight abuses. They include 13 abuses of the right to physical

¹⁴ Among the armed groups listed, ADF combatants are the only one also active in the province of Ituri for this month.

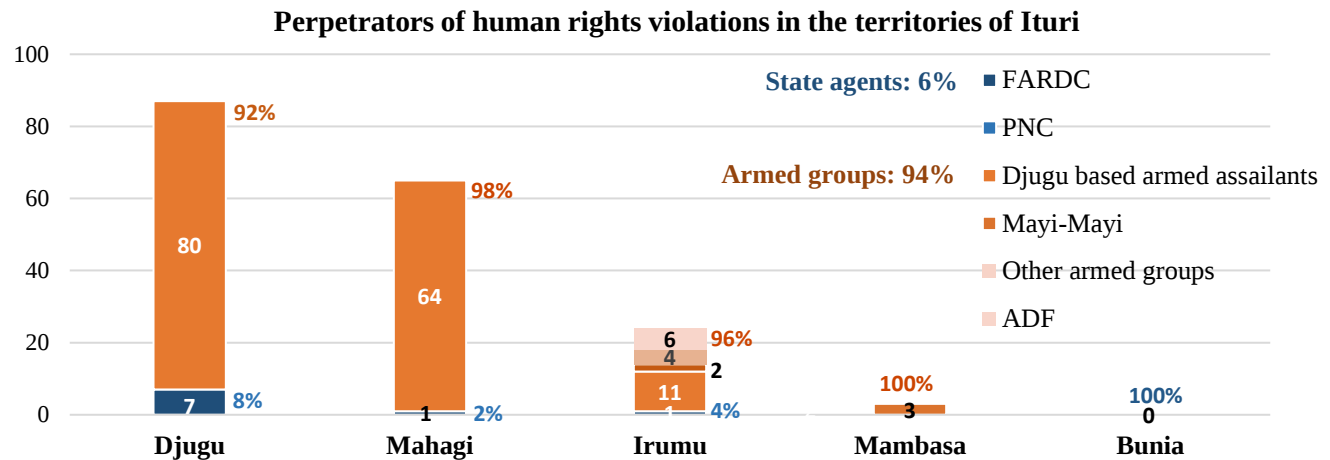
integrity with 15 victims, of which one woman victim of sexual violence, 13 abuses of the right to property, 12 abuses of the right to life including the summary killings of 14 victims including two women, and five abuses of the right to liberty and security of the person with seven victims, including one woman. The Mayi-Mayi Nyatura of the faction *Pascal* was responsible for 25 of these abuses, all in the Nyiragongo territory. On 26 May 2020 in Rukoko, Nyiragongo territory, a woman was killed and one of her child injured with bullet during an incursion in their house by Nyatura *Pascal* combatants. The victim injured was taken to a medical facility.

18. Combatants of the Forces démocratiques de libération du Rwanda (FDLR) committed 39 human rights abuses in May 2020, a similar number as compared to the 38 abuses recorded in April 2020. These abuses were all committed in the territory of Nyiragongo. FDLR combatants were mainly responsible for 15 abuses of the right to property, 11 abuses of the right to life including the summary killings of 10 persons amongst whom one woman, , seven abuses of the right to physical integrity including two women victims of sexual violence, and four abuses of the right to liberty and security of person.. For example, on 2 May 2020 in Kagogo, Nyiragongo territory, a woman was raped then killed and another one raped and injured by FDLR combatants. The latter surprised the victims as they were coming back from a water source and threatened them with their weapons before raping them. One woman was killed and the other was injured and taken to a medical facility.
19. Combatants of the Allied Democratic Forces (ADF) committed 38 abuses in May 2020¹⁵, an increase as compared to the previous month (12 abuses). All these abuses North-Kivu province and they include 16 abuses of the right to life with the summary killings of 55 victims including 17 women, nine abuses of the right to property, eight abuses of the right to liberty and security of person with 65 victims including three women, and five abuses to the right of physical integrity with 13 victims including four women two . For example, on 18 May 2020 in Kokola and Kimbangu, Beni territory, seven civilians including four women were killed with bullets and machetes and three others injured with bullets by ADF combatants. In Kokola, three men and one woman were killed during an incursion by the assailants who also burned four houses. Then, the latter made an incursion in Kimbangu where they killed three women and injured three other civilians by bullets.
20. In **Ituri** province, 180 violations were documented in May 2020, an increase as compared to the 131 documented in April 2020. Like the previous month, armed groups are the main perpetrators (94% or 170 abuses), mainly by Djugu based armed assailants¹⁶ active in Djugu, Mahagi and Iru;u territories (155 abuses), followed by ADF (six abuses) and Mayi-Mayi (five abuses). State agents were responsible for 10 violations (6%), notably perpetrated by FARDC soldiers (nine violations), and PNC agents (one violation). For example, on 17 May 2020 in Jisa/Wad’abu, Djugu territory, 20 persons including four women, four girls and seven boys, all from the Hema community, were killed, 17 other persons including three women and 10 children were injured, and two other persons including one woman were

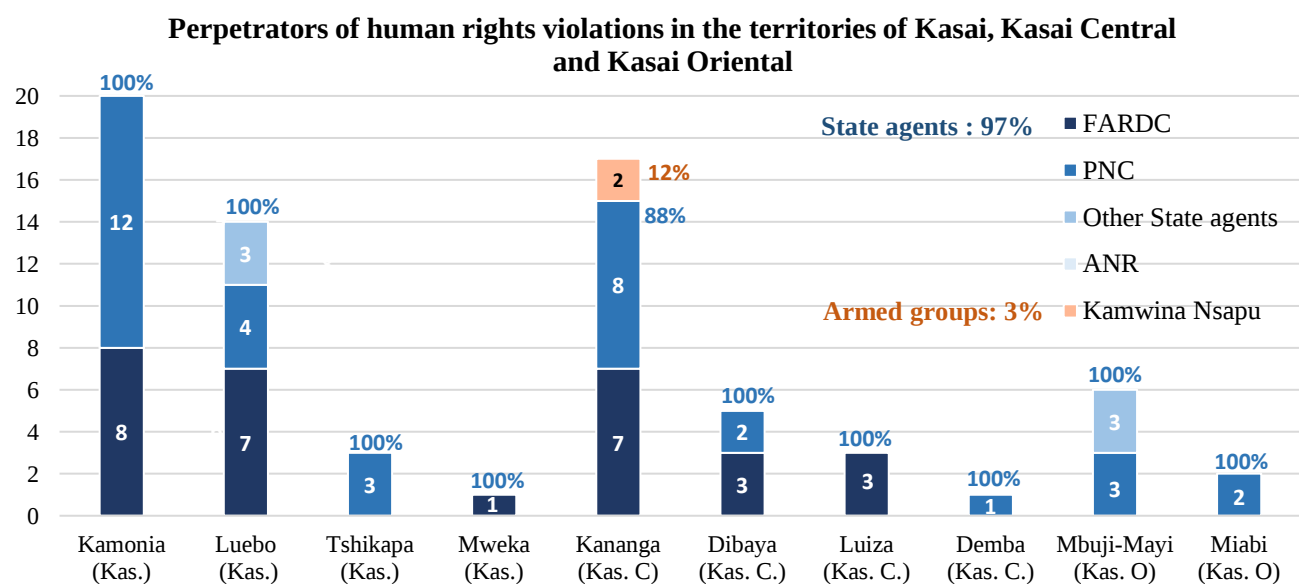
¹⁵ ADF combatants have also been active in the Ituri province this month with six human rights abuses committed in Irumu territory.

¹⁶ Please refer to footnote n° 13.

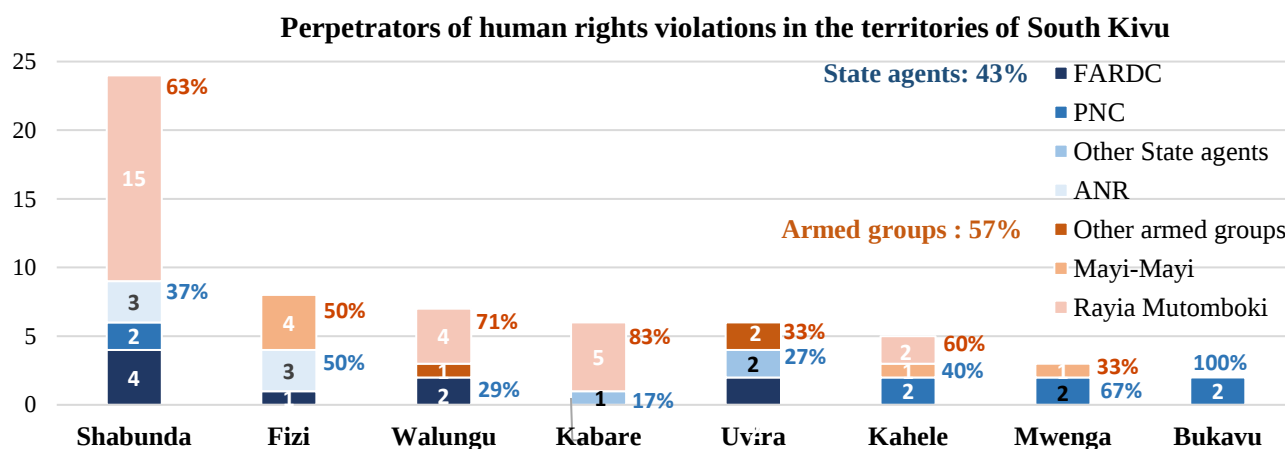
abducted following an incursion by Djugu based armed assailants. The latter also looted livestock during the incident.



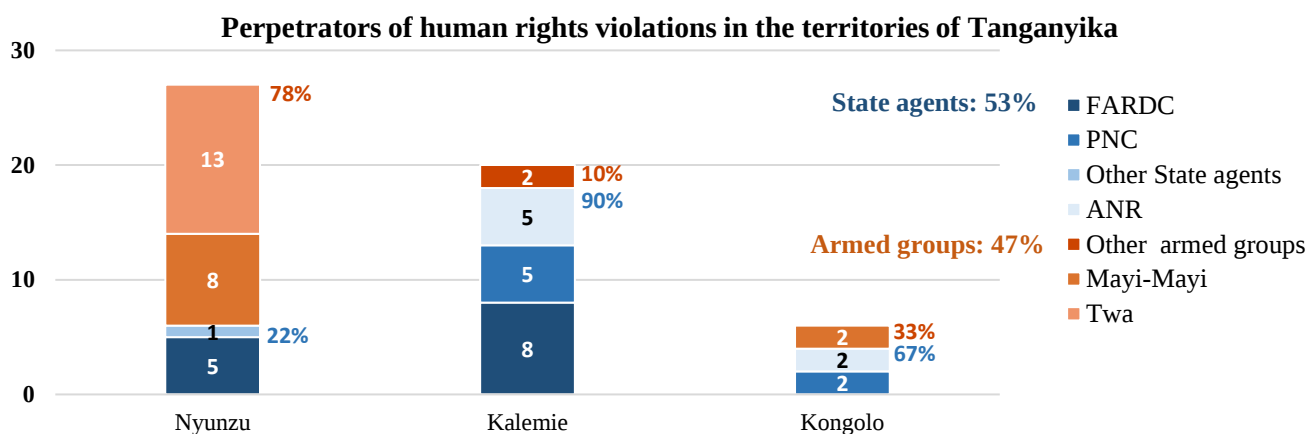
21. In the provinces of **Kasai, Kasai Central and Kasai Oriental**, UNJHRO documented 72 human rights violations and abuses, a similar number as compared to the previous month (77 violations). Among these violations, 38 were documented in Kasai province, 26 in Kasai Central and eight in Kasai Oriental and are mainly attributable to state agents, particularly PNC agents (35 violations), FARDC soldiers (29 violations), and other State agents (six violations) and The territories of Kamonia and Luebo in the province of Kasai as well as Kananga in the province of Kasai Central, are the most affected by these violations. Also, the Kamuina Nsapu militia committed two abuses in the Kananga territory in Kasai Central. For example, on 27 May 2020 in Kananga, a 45-year-old man was killed with bullet by a FARDC soldier of the 1201 Regiment. The latter and his colleague were called to intervene between the victim and his tenant who reportedly felt threaten when asked for the rent. During an altercation, the man was shot by the perpetrator and died after his admission in a medical facility. On 2 June, the Military Court sentenced the perpetrator to the capital punishment and his accomplices to five years prison each.



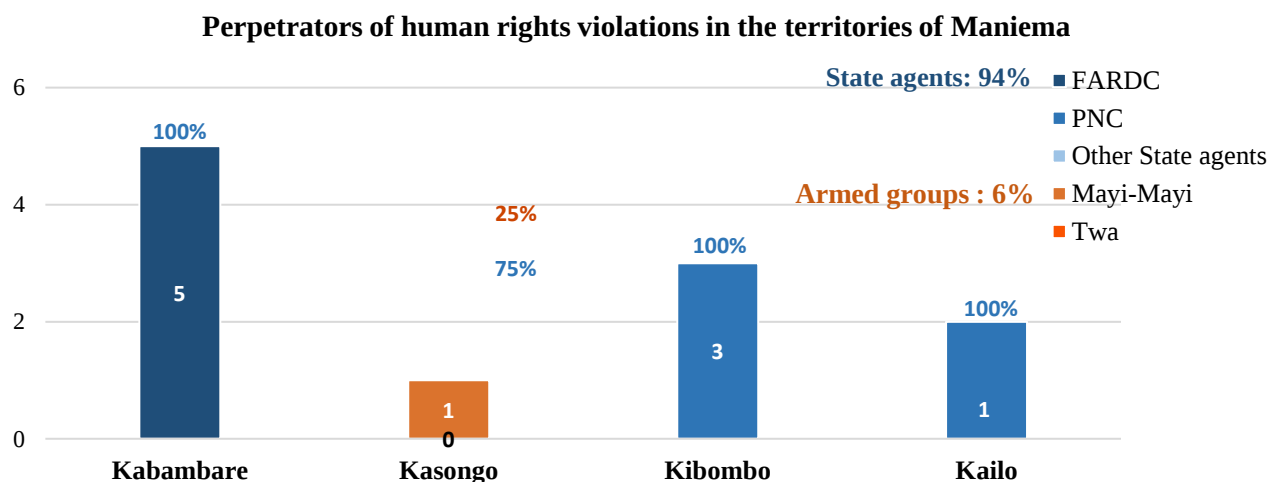
22. The number of violations and abuses documented in the province of **South Kivu** decreased with 61 violations and abuses documented in May 2020 compared to 143 in April 2020. Unlike the previous month, armed groups are the main perpetrators with 35 abuses committed mainly by Rayia Mutomboki (26 violations), followed by Mayi-Mayi (six abuses), and other armed groups (three abuses). State agents were responsible for 26 violations, the majority of which were attributable to FARDC soldiers (nine abuses), followed by the PNC and ANR agents (eight and six abuses respectively), and other State agents (three abuses). The situation in the *Haut-Plateaux* remains worrisome with 17 violations and abuses documented in Fizi, Uvira and Mwenga territories of which five of them attributable to Mayi-Mayi and two by other armed groups including the Twigzaneho. On 27 May 2020 in Kyankindo mining site, Shadunda territory, 12 persons including three women, three girls and two boys were abducted during an incursion by Rayia Mutomboki combatants of the Walike faction. The latter also looted gold and other goods which were transported by the victims.



23. In **Tanganyika** province, 53 human rights violations and abuses were documented in May 2020, a similar number as compared to the one documented in April 2020 (51 violations). These violations were committed mainly in the territories of Nyunzu (27 violations), Kalemie (20 violations) and Kongolo (six violations). As the previous month, States agents are the main perpetrators of these violations (28 violations), the majority of which are attributable FARDC soldiers (13 violations). Armed groups are responsible for 25 abuses mainly perpetrated by Twa militiamen (13 abuses), Mayi-Mayi combatants (ten abuses), and other armed groups (two abuses). For example, on 12 May 2020 in Kasoso, Nyunzu territory, five men were ill-treated and injured with arrows during an attack by Twa militiamen led by the leader Bigewugewu. The assailants also attacked habitants while looting their goods.

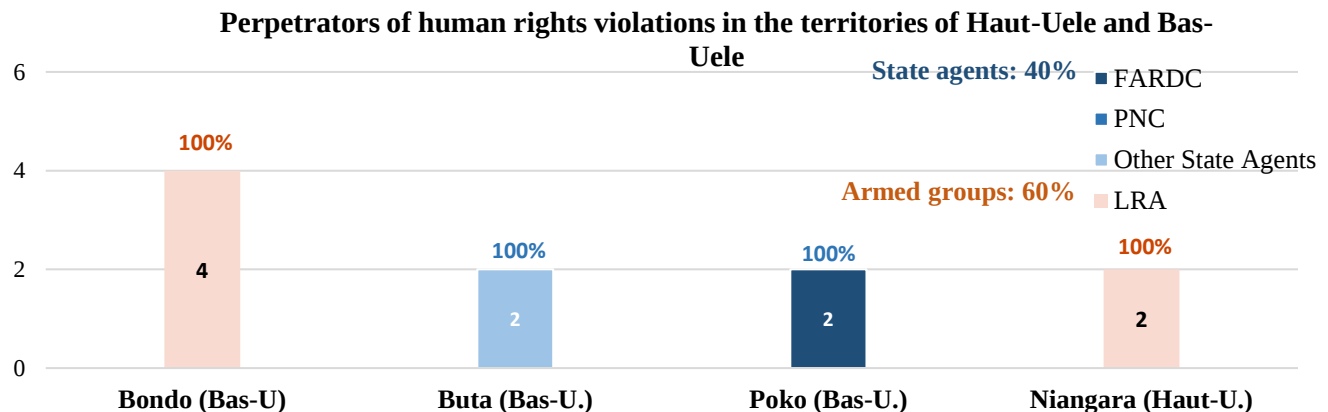


24. In **Maniema**, UNJHRO documented 17 human rights violations and abuses, a lower figure in comparison with April 2020 (27 violations). Like the previous month, State agents are responsible for most of the violations (94% or 16 violations), attributable to mainly FARDC soldiers and PNC agents (six violations each), and other State agents (four violations). Combatants of armed groups are responsible for 6% of the violations committed by various Mayi-Mayi groups (one abuse). These violations were committed mainly in the territories of Kabambare and Kasongo (five and four violations respectively). For instance, on 4 May 2020 in Salamabila, Kabambare territory, at least 20 men were arbitrarily arrested in their house by FARDC soldiers. The victims were suspected of being an accomplice with Mayi-Mayi Malaika combatants. A dozen of them were released the same day against a sum of money.



25. In the provinces of **Haut-Uele** and **Bas-Uele**, UNJHRO documented 10 human rights violations and abuses, of which eight committed in the province of Bas-Uele and two in the province of Haut-Uele. Of these violations, six are attributable to combatants of the *Lord's Resistance Army* (LRA) and were perpetrated in the territories of Bondo (Bas-Uele) and Niangara (Haut-Uele). Soldiers of the FARDC and PNC agents committed two violations each in the Buta and Poko territories, Bas-Uele province. For example, on 18 May 2020 in Bili and Baye, Bondo territory, a motor-taxi driver was killed by bullet,

his motor taken and 53 persons including 20 women and three children abducted by LRA combatants during an incursion. Five of the victims were later released following their health deterioration.

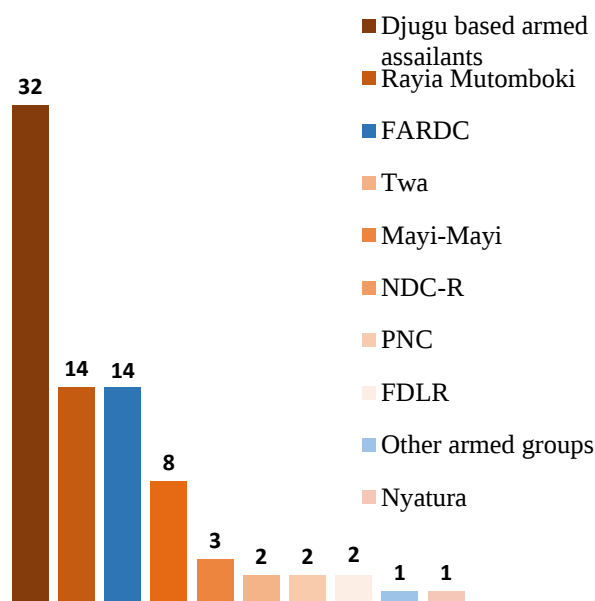


Conflict-Related Sexual Violence¹⁷

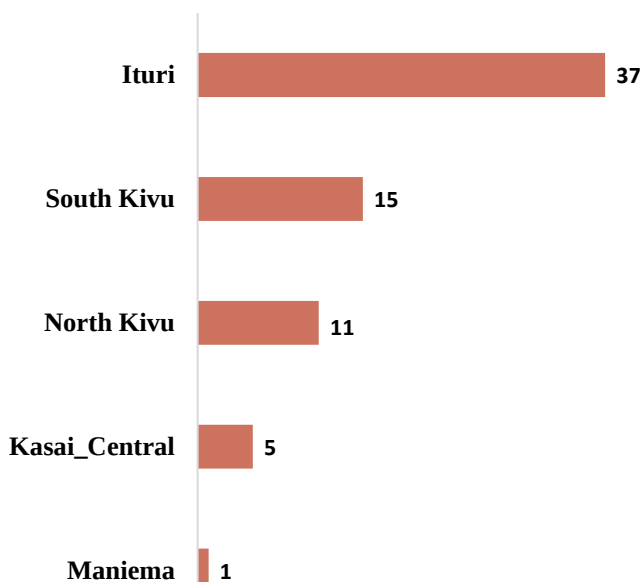
26. The cases of conflict-related sexual violence documented in May 2020 correspond to 79 adult victims, an increase compared to the previous month (53 victims). This is mainly explained by a higher number of cases documented in the provinces of Ituri and North Kivu in May as compared to April.
27. Considering the total number of cases, combatants of armed groups remain the main perpetrators of sexual violence (63 adult victims, a figure higher than the 47 victims in April 2020). Most cases are attributable to Djugu based armed assailants (32 victims), and Rayia Mutomboki (14 victims). State agents are responsible for sexual violence against 16 adult victims, more than double the victims of the previous month (six victims), the majority of whom are FARDC soldiers (14 victims).
28. The vast majority of victims of sexual violence were recorded in the province of Ituri (37 victims), mainly committed by Djugu based armed assailants, followed by South Kivu (15 victims), North Kivu (11 victims), Kasai Central (five victims) and Maniema (one victim). Most of the women were raped during an incursion, in their farm or while on their way to the farm. For example, on 28 April 2020 in Kivuye, Masisi territory, three girls were abducted and raped by NDC-R combatants. The victims were playing in the yard of a plot when they were abducted by the assailants who were passing through the community. They took them to their military position where they took turns raping them before whipping them. They were released on the same day by their families after paying them money and giving them a hen for each of the victims. The latter were taken to a medical facility.

¹⁷ With respect to conflict-related sexual violence, the provinces concerned are determined by the Working Group on “Monitoring, Analysis, and Reporting Arrangements on Conflict-Related Sexual Violence” (MARA), which reports to the UN Special Representative of the Secretary-General on Sexual Violence in Conflict. In 2017, the provinces concerned are the eastern provinces of the DRC, namely Bas-Uele, Haut-Uele, Ituri, North Kivu and South Kivu, as well as the provinces of Kasai, Kasai Oriental, Kasai Central, Haut-Katanga, Tanganyika, Lualaba, Haut-Lomami, Maniema and Tshopo.

Number of adult victims of conflict-related sexual violence by perpetrator



Number of adult victims per province



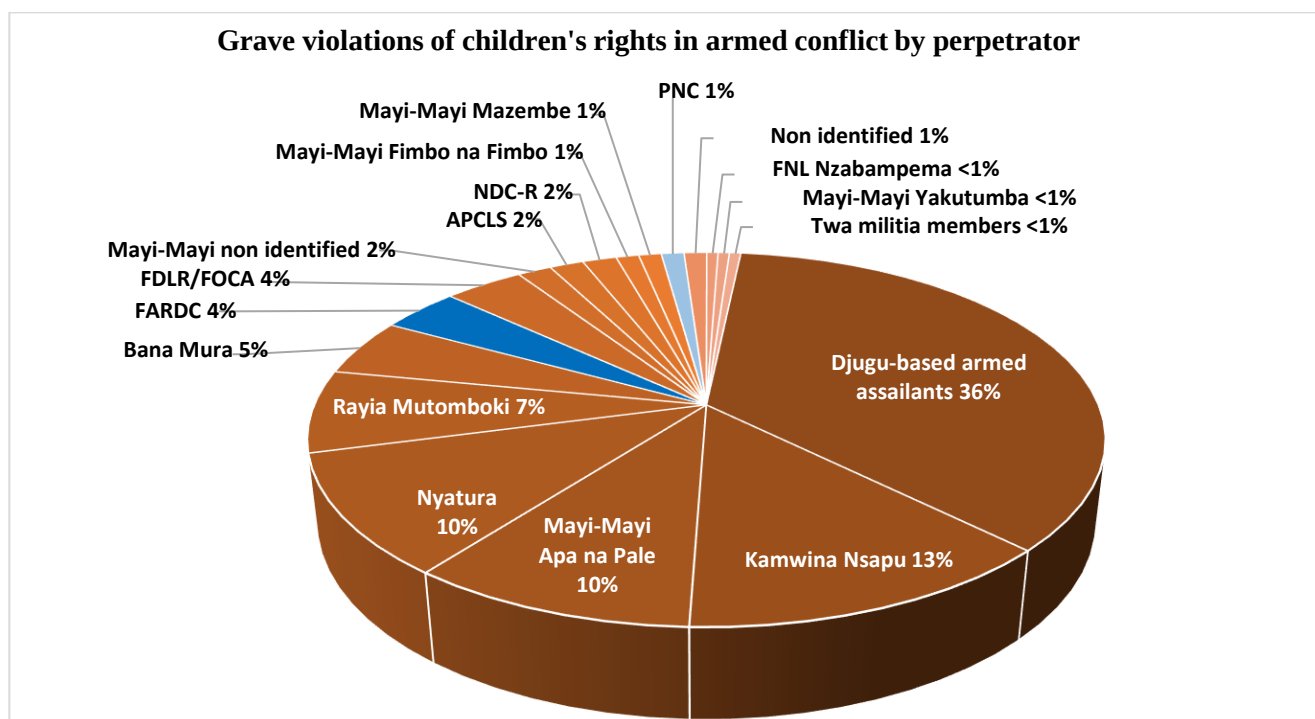
Violations of human rights and humanitarian law against children in conflict-affected areas¹⁸

29. In May 2020, MONUSCO's Child Protection Section verified and documented 182 grave violations of the rights of the child in the context of armed conflict in the DRC, which represents an increase of 6% from the month of April (171 violations). As in the previous month, violence in the territories of Djugu and Mahagi, Ituri province, resulted in a large number of serious violations of children's rights. In addition, the Child Protection Section continued to document a high number of separations of children from armed groups through the ongoing voluntary demobilization process of the Kamwina Nsapu militia in the Kasai provinces. The Section also documented separations of children from the Bana Mura militia, which constitute the first cases of recruitment and use of children by the Bana Mura militia

¹⁸ The information in this section has been collected by the MONUSCO Child Protection Section. The mandate on children and armed conflict derives from the resolution of the United Nations General Assembly on the rights of the child 51/77 (1996) and other subsequent resolutions. The Security Council has created mechanisms and tools to implement this mandate, including through Security Council resolution 1612 (2005), which establishes the Monitoring and Reporting Mechanism (MRM) to collect reliable and up-to-date information on violations committed against children by the parties to the conflict, as well as the Security Council Working Group on Children and Armed Conflict. This mandate was subsequently confirmed in various other resolutions. In each country where it applies, a United Nations task force - co-chaired in the DRC by the SRSG and the UNICEF Representative - monitors and reports on the six serious violations covered by the MRM, namely the recruitment and use of children, killing and maiming, sexual violence, abduction, attacks on schools and hospitals, and denial of humanitarian access. In addition, the work of the MONUSCO Child Protection Section is guided by the joint policy of the Departments of Peacekeeping Operations and Field Support on the integration of child protection in United Nations peacekeeping operations (2017). In addition to documenting the six grave violations referred to, the priorities of the Section are the continued implementation of the joint action plan of the Government of the DRC and the United Nations to end the recruitment and use and other grave violations against children; to engage in talks with the armed groups so that children are released, end their recruitment and prevent their reutilization; support the fight against the impunity of perpetrators of grave violations committed against children.

documented by the Child Protection Section since the start of the conflict in the Kasai provinces in December 2016.

30. In total, 95% of the grave violations committed against children in May 2020 were attributable to armed groups and militias, and 5% were committed by State agents, namely FARDC soldiers (seven violations) and PNC agents (two violations). Among the armed groups and militias, the main perpetrators are Djugu-based armed assailants (65 violations), Kamwina Nsapu militia members (24 violations), Nyatura (19 violations), Mayi-Mayi Apa na Pale (18 violations), Rayia Mutomboki (13 violations) Bana Mura militia members (nine violations) and FDLR-FOCA combatants (seven violations). In total, 37% of the violations were documented in the province of Ituri (68 violations), while the provinces of North Kivu (36 violations), South Kivu (21 violations), Kasai Central (21 violations), Tanganyika (20 violations), Kasai (15 violations) and Maniema (one violation) were also affected.



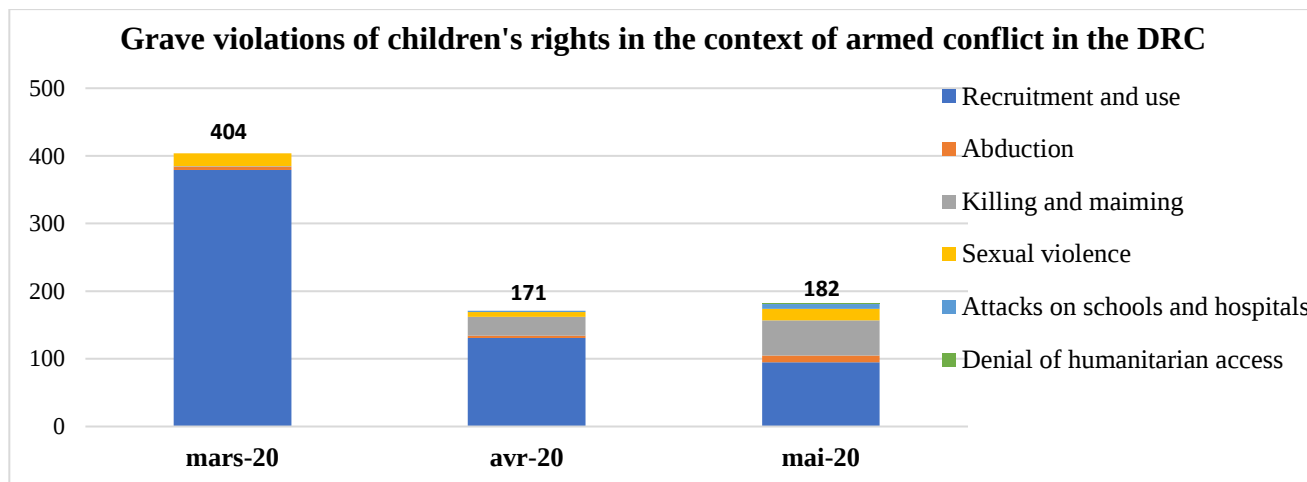
31. Most of the violations documented relate to the recruitment and use of children by armed groups and militias. In this regard, 95 children (five girls and 90 boys), aged nine to 17, were separated from armed groups and militias in May 2020. Of these children, 82 (86%) managed to escape, while six children were voluntarily released by armed groups and three were arrested¹⁹. The main perpetrators of the recruitment and use of children are the Nyatura (19 children), the Kamuina Nsapu militiamen (18 children), the armed assailants of Djugu (15 children), the Mai-Mai Apa na Pale (twelve children), the militiamen Bana Mura (nine children) and FDLR-FOCA (seven children).
32. The Child Protection Section documented the abduction of ten children during the month under review. Six boys were abducted by Rayia Mutomboki combatants during attacks on several villages in Shabunda

¹⁹ The mode of separation of four other children is not known.

territory, South Kivu province, and were released four days later. Three boys were abducted by Djugu-based armed assailants for recruitment and use. These boys managed to escape after being used as porters and spies for two weeks. Another boy was abducted by Mayi-Mayi Apa na Pale in Kalemie territory, Tanganyika province, and is yet to be found.

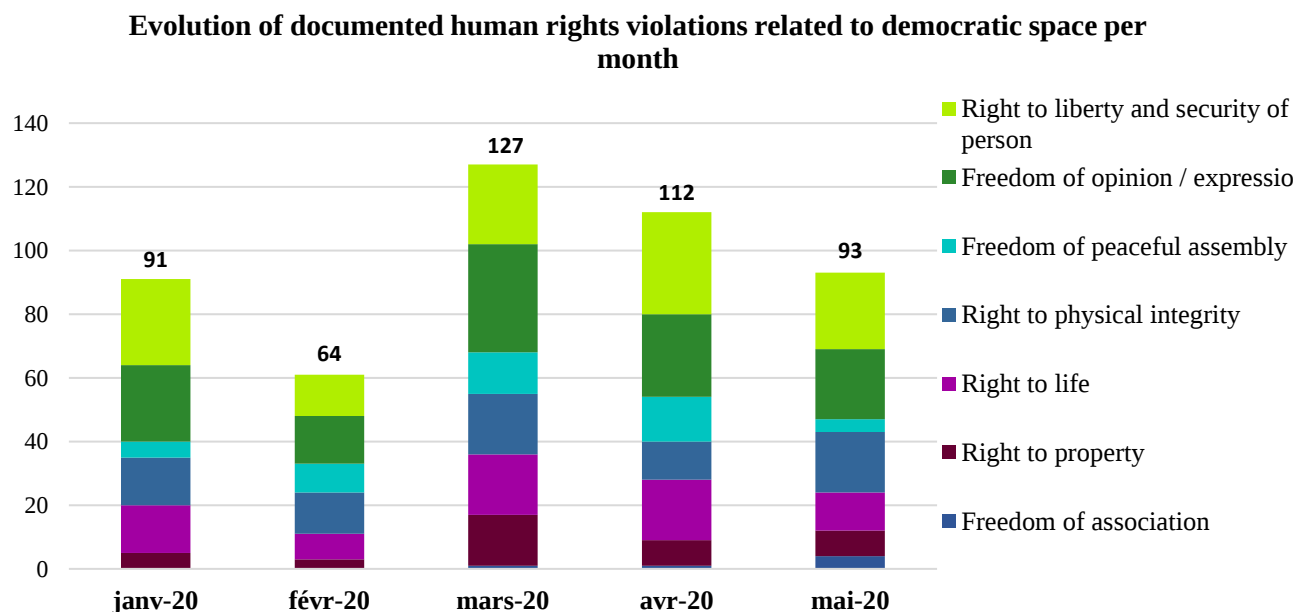
33. Seventeen cases of sexual violence were documented in May, two of which attributable to State agents. A girl was victim of gang rape by FARDC soldiers and PNC agents in Kananga, Kasai Central province. So far, the perpetrators have not been arrested. A girl was raped by an FARDC soldier in Fizi territory, South Kivu province, and the alleged perpetrator was arrested and prosecuted. Four girls were raped by Kamwina Nsapu militiamen in the provinces of Kasai and Kasai Central. Rayia Mutomboki combatants are responsible for four rapes committed during attacks on villages in Shabunda territory, South Kivu province. Three girls were raped and then killed with machetes by Djugu-based armed assailants during an incursion in a village in Mahagi territory, Ituri province. In North Kivu, two girls were victims of gang rape by NDC-R combatants in Masisi territory, and one rape was perpetrated by an unidentified armed man in Rutshuru territory. In addition, Twa militiamen committed one rape in Kabambare territory, Maniema province.
34. In May 2020, 30 children (12 girls and 18 boys) were killed and 24 children (eight girls and 16 boys) were maimed, a significantly higher number than the previous month (28 children were killed and maimed in April). During attacks by Djugu-based armed assailants in the territories of Djugu and Mahagi, Ituri province, 28 children were killed and 14 were maimed. A girl and a boy were killed by Twa militia members during an attack on a village in the territory of Nyunzu, province of Tanganyika. State agents are responsible for four mutilations. In Kananga, Kasai Central province, FARDC soldiers and PNC agents beat a girl before raping her and stabbed another girl. In addition, two PNC agents shot and injured a girl and a boy during the dispersal of a demonstration in Bukavu, South Kivu province. In Kasai, Kamwina Nsapu militiamen mutilated a girl and a boy in the territory of Mweka, while Mayi-Mayi Apa na Pale mutilated a boy in the territory of Nyunzu, province of Tanganyika. In addition, in Masisi territory, North Kivu province, a boy was wounded by bullet during an incursion into his family's house by unidentified armed men.
35. In May, four health centers and three schools were attacked. In Ituri, three health centers were set on fire and looted by FARDC soldiers from the 3308th and 320th regiments during a search operation against Djugu-based armed assailants. A health center and a primary school were destroyed during an incursion in a village in Nyunzu territory, Tanganyika province, by Mayi-Mayi Apa na Pale. In addition, Djugu-based armed assailants touched and looted two primary schools in Djugu territory, Ituri province.
36. During the month of May, a case of denial of humanitarian access by Mayi-Mayi Yakutumba was documented in South Kivu. The latter told the international NGO War Child to leave and no longer provide humanitarian assistance to 38 boys and 24 girls living with host families in Baraka, Kilembwe and Lulimba, Fizi territory.

37. In May, a new armed group²⁰ commander signed the road map to end the recruitment and use of children and to prevent sexual violence against children. A total of 31 commanders have signed the roadmap to date. Due to movement restrictions to prevent the spread of Covid-19, the Child Protection Section continues to maintain telephone contact with commanders of armed groups who have already signed the roadmap, for sensitization purposes and to monitor the implementation of the roadmap.



Violations of Human Rights and Fundamental Freedoms Linked to Restrictions on Democratic Space

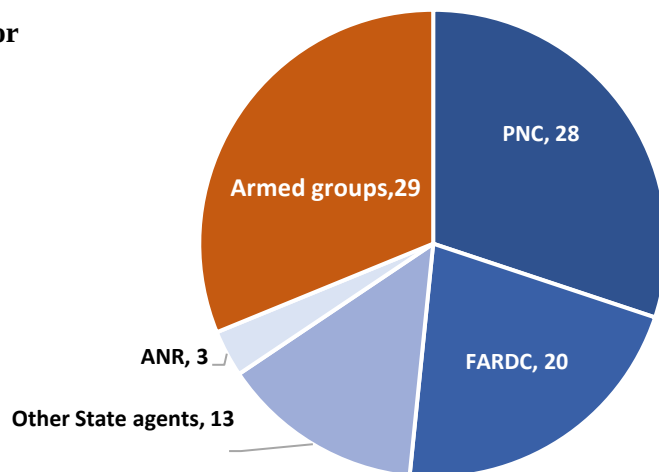
38. In May 2020, UNJHRO documented 93 human rights violations related to democratic space, a decrease as compared to the 112 violations documented in the month of April 2020 constituting the second consecutive month with a decrease on this typology of violation.



²⁰ Force Mai-Mai Mulngane pour la défense du peuple (FMMDP), active in Walungu territory, South Kivu province.

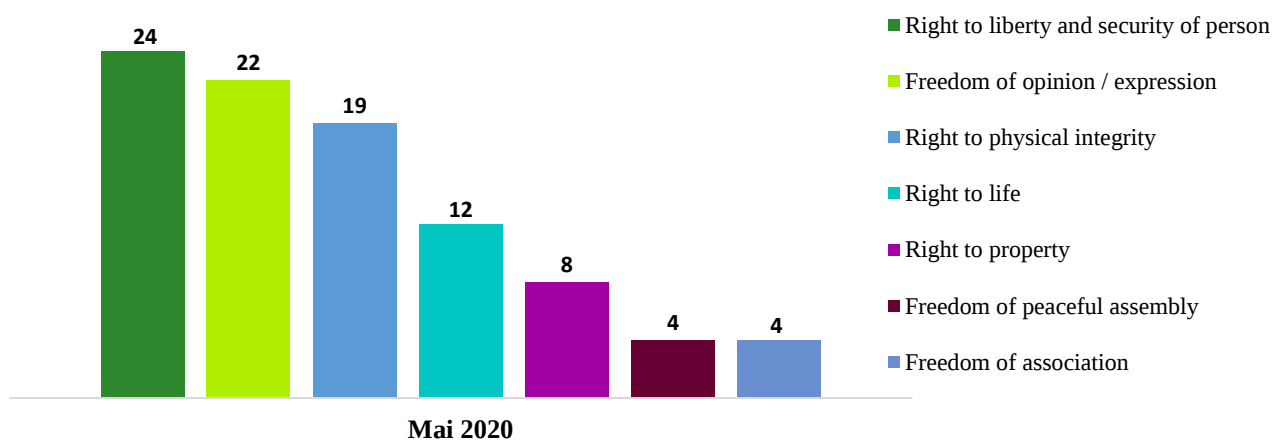
39. The main alleged perpetrators of these violations are State agents and particularly PNC agents responsible of 28 violations, a strong decrease as compared to April 2020 (44 violations), while FARDC soldiers were responsible of 20 violations, a reduction compared to the 29 violations that they committed on April 2020. Other state agents perpetrated 13 violations (15 violations in April 2020), and ANR agents were responsible of three violations, a big decrease as compared to the 13 violations of April 2020. Altogether, armed groups were responsible for 29 violations in May as compared to 11 violations in April 2020.

Per alleged perpetrator



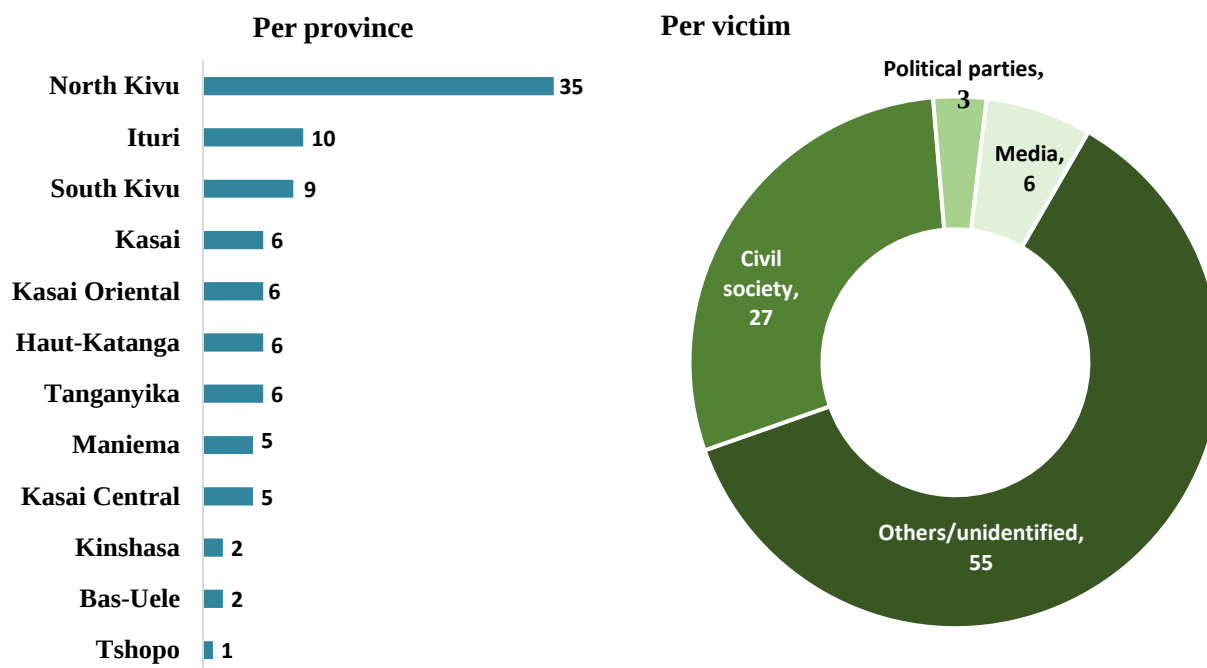
40. The most frequently reported violations this month are the right to liberty and security of the person (24 violations), followed by the violations of freedom of opinion and expression (22 violations), violations to the right to physical integrity (19 violations), violation of the right to life (12 violations), violations of the right to property (eight violations), and the violations of freedom of peaceful assembly and freedom of association (four violations each).

Number of documented cases per type of violation



41. These violations were mainly documented in the provinces of North Kivu, Ituri and South Kivu (35, 10 and nine violations respectively), followed by Kasai, Kasai Oriental, Haut-Katanga and Tanganyika (six violations each), and by Maniema and Kasai Central provinces (five violations each). The number of victims decreased as compared to the previous month, with 91 victims in May 2020 against 105 in April 2020. Civilians with a no particular affiliation have been the most affected (55 victims) followed

by members of the civil society (27 victims), media and political parties (six and three victims respectively).



42. The month of May 2020 was marked by a decrease in the number of human rights violations related to democratic space as compared to April 2020. Civilians with a no particular affiliation, civil society actors and journalists were target of threats by the police, military, and other State officials as a result of their activism. During the month under review, UNJHRO documented incidents in the provinces of **Kasai Central, Kasai, Tshopo, Kasai Oriental, Bas-Uele, Haut-Katanga, and Tanganyika**. For example, on 1 May 2020 in Bakwa Mbuyi, Demba territory, Kasai Central province, a 33-year-old human rights defender was victim of arbitrary arrest, illegal detention and ill-treatment by agents of the Mobile Intervention Unit of the *Police nationale congolais* (PNC) for protesting against acts of harassment by PNC agents in that locality. The victim was subjected to ill-treatment before being released on 3 May 2020. He subsequently filed a complaint at the Military Prosecutor office against the perpetrators. On 4 May 2020 in Kisangani (Tshopo), the coordinator of the civil society was intimidated and threatened with arrest by the provincial Director of ANR following Governor's orders. The incident occurred following the publication of a report on the management of the province by the Governor. The report criticized the development plan and highlighted the worsening of the living conditions of the population whereas the available funds should be used to improve them. Following UNJHRO advocacy, the complaint lodged by the Governor in a Kisangani court has been withdrawn and threat against the human rights defender reduced. On 9 May 2020 in Tshilenge, Tshilenge territory, Kasai Oriental, a 25-year-old journalist received death threats through a telephone call by the Territorial Administrator for criticizing the frequent absence of the latter from his duty station. On 11 May, the alleged perpetrator, accompanied by the PNC District Commander of Tshilenge, went to the victim's workplace, and instructed that the victim be dismissed from duty.

43. Several **restrictions of the right to freedom of peaceful assembly** were reported this month, leading to the arbitrary arrest, injury of protestors. For instance, on 7 May 2020 in Kalemie, Tanganyika province, a member of the *Union sociale des débardeurs de Kalemie* (USODEK) was beaten by a PNC agent during a peaceful demonstration to protest against the extrajudicial killing of one member of the party, on 6 May, by an FARDC soldier of the 22nd FARDC Naval Group in Kalemie. The injured victim was arrested and later released. He was taken to a medical facility for medical treatment. No judicial action was taken against the perpetrator.
44. Lastly, UNJHRO also registered **excessive and disproportionate use of force by PNC agents**. On 2 May 2020 in Njiapanda, Butembo territory, North Kivu province, a 18-year-old man was injured by bullet at his right hand by a PNC agent during a spontaneous demonstration against the accidental killing of a woman on the same day by a PNC agent. The victim was taken to a medical facility for treatment. On 21 May 2020 in Beni, North Kivu province, one man was killed by bullet by the police during the dispersal of a demonstration aimed at denouncing the increase of the criminality and requesting the resignation of local heads of security institutions. The demonstration was organized by the citizen's movement LUCHA. The demonstrators who were about 50 people violated the restriction on gathering of more than 20 in relation to the fight against COVID-19.

State agents and the disproportionate use of force against civilians

45. During the month of May 2020, the UNJHRO documented 46 incidents in which State agents used excessive and disproportionate use of force²¹. Under national law, the use of force is only permitted when absolutely necessary²² and the security and defense forces are obliged to respect and protect fundamental rights and freedoms. Nevertheless, the UNJHRO documented 50 human rights violations, mainly committed by PNC officers (25 violations) and FARDC military (20 violations) and at least 92 victims. These include 12 violations of the right to life with 24 victims of arbitrary execution (including seven women and two children) and 38 violations of the right to physical integrity with 68 victims (including 10 women and six children) mainly in the provinces of North Kivu (20 violations), Kasai and South Kivu (eight and six violations each). For example, on 7 May 2020 in Rubare, Rutshuru territory, North Kivu province, a three-year-old girl was killed and a man and two women were wounded by a member of the 3416th FARDC Regiment. The incident occurred when FARDC soldiers intervened in support of PNC officers in a forced removal operation following the execution of a ruling by the *tribunal de paix du Rutshuru* on a land dispute. The alleged perpetrator was reportedly arrested and held in the military auditorate's cell in Rutshuru. Of these incidents, nine took place during demonstrations and included a violation of the right to life with a male victim and eight violations of the right to physical integrity with 15 victims (including a woman and two children). These violations took place mainly in

²¹ These incidents take into account the disproportionate reactions of state agents in the course of their duties. This includes violent behaviour by physical assault, sometimes with the use of firearms and tear gas without apparent necessity such as the dispersal of demonstrations, arrests and police custody, the control of restrictions put in place in the fight against COVID-19 and military operations.

²² Only when necessary to achieve a legitimate goal. In any event, the use of force must respect the principles of legality, proportionality and necessity. If the police want to disperse a crowd with firearms, they must obtain prior authorization from a legal authority.

the provinces of North Kivu (seven violations). For example, on 19 May 2020 in Kasangulu, Central Kongo Province, four civilians were injured by PNC agents during the dispersal of a public demonstration organized by the population calling for an end to COVID-19-related containment measures.

46. Although the demonstrators violated measures imposed under the state of emergency, including the prohibition of demonstrations and the gathering of more than 20 people, Article 61 of the Constitution protects certain fundamental rights, including the rights to life and physical integrity, in all circumstances²³. Thus, the exceptional circumstances associated with the state of health emergency cannot justify the disproportionate use of force by state agents to restore public order during demonstrations, most of which are peaceful. For example, on 23 May 2020 in Kinshasa, a man and a woman were shot and wounded by a PNC officer during an altercation between youths in the commune and the police who allegedly threatened a couple who were not wearing masks. The two civilians were taken to a medical facility.
47. Similar cases were documented by the UNJHRO involving PNC officers and FARDC military personnel in April and March 2020, for example, involving members of the political-religious group Bundu dia Kongo (BDK) or with the Bakata Katanga. At the time of these events, the UNJHRO had already noted, through a preliminary report, that members of the security and defense forces had violated national legislation and international standards concerning the use of force, in particular the principles of legality, necessity, proportionality, precaution and responsibility, in the repression of public demonstrations.
48. In response to the situation, UNJHRO sent a letter to the Commissioner General of the PNC in March 2020 to draw his attention to human rights violations and to stress the importance of respect for human rights during the COVID-19 period and particularly during times of a state of emergency. These advocacy activities were accompanied by capacity-building activities of PNC officers and *Direction générale des migrations* (DGM) executives on human rights in conjunction with the United Nations Police. In addition, the UNJHRO conducted a preliminary investigation into the use of force by PNC officers and FARDC soldiers during incidents involving Bundu Dia Kongo activists in March and April 2020. A judicial investigation has been opened by the military judiciary, but so far only 45 BDK members have been arrested and taken to Bandundu prison following the occurrence of COVID-19 at Ndolo Military Prison. It is necessary that this investigation be credible and impartial and that all perpetrators of human rights abuses and violations in the provinces of Kongo Central and Kinshasa be referred to the relevant judicial bodies.

Developments in the fight against impunity

²³ Article 61 stipulates that under no circumstances, and even where the state of siege or state of emergency has been declared [...], it can be derogated from the following fundamental rights and principles: the right to life; prohibition of torture and cruel punishment, inhuman or degrading punishment or treatment (...), prohibition of imprisonment for debts, freedom of thought, conscience and religion.

49. In May 2020, UNHJRO continued to support the activities of military and civilian courts in the fight against impunity. At least three FARDC soldiers were convicted of human rights violations in the DRC. No PNC agent or combatant of any armed group was convicted.
50. For instance, on 21 May in Lubumbashi (Haut-Katanga), one FARDC officer was sentenced to seven years in prison by the military court after he was found guilty of the rape of a 11-year-old girl on 11 June 2019. The perpetrator sexually abused the victim in his office when she was sent by her mother to charge her phone.
51. On 27 May 2020 in Kalemie (Tanganyika), the military tribunal sentenced two FARDC soldiers respectively to five and ten years in prison for criminal association, armed robbery, beatings and injuries against two nurses on 19 April 2020.
52. In May 2020, at least 12 people died in custody across the DRC, a significant increase compared to deaths recorded in April (seven deaths). As in the previous months, these deaths were mainly due to a lack of food and appropriate medical care, ill-treatment and neglect of the guards. These deaths were mostly recorded in South Kivu (4 deaths), North Kivu (2 deaths), Kinshasa (two deaths), Tshopo (two deaths). For instance, on 4 and 6 May 2020 in Uvira (South Kivu), two male detainees at the central prison, died in the hospital where they were transferred for treatment. Their transfer was not carried out as a matter of urgency. On 5 May 2020 (North Kivu), a 30-year-old-man arrested and detained at the *auditorat militaire* for involvement in insurrectional activity, died as result of tuberculosis and acute malnutrition. On 6 May 2020 in Yangambi (Tshopo), two men died in the cell of the prosecutor's office due to lack of medical treatment and bad detention conditions. On 10 May 2020 in Shabunda (South Kivu), one man died in the FARDC detention cell where he spent ten days without food and water. The victim was arrested for not having paid a debt. He was reportedly beaten and ill-treated by the FARDC intelligence officer.
53. In May 2020, UNJHRO documented the escape of at least 30 persons from detention centers throughout the DRC, a significant decrease as compared to the previous month of April when at least 47 escapes were recorded. These escapes were mainly due to the bad penitentiary infrastructures and to the neglect of the guards. For instance, on 3 May 2020 in Watsa (Haut-Uele), 20 persons escaped from the central prison by removing the roof as it was raining. On 18 May 2020 in Tshimbulu (Kasai Central), six men and one woman escaped from the PNC cell. Two detainees stage a fight and succeeded to deceive the guard allowing other detainees to escape. However, one of the escapees who was accused of rape was later re-arrested by the security forces. On the night of 17 May in Kakwangura (North Kivu), two detainees escaped by climbing the prison's wall due to the neglect of the guards.

UNJHRO activities

54. In May 2020, UNJHRO organized or participated in at least six capacity-building activities for the personnel of United Nations Police Civilian Police (UNPOL) and Congolese state officials mainly PNC agents. These activities included awareness-raising and training sessions and were organized either by UNJHRO or jointly with other MONUSCO sections and partners, across the country. They particularly

focused on the basic notions of human rights in relation to the current health crisis, humanitarian law standards, public liberties, human rights due diligence policy (HRDDP), and national and international norms of arrest and detention. In total, 149 people including at least 27 women (18% of the participants) took part in these activities. For instance, from 6 to 7 May 2020 in Kinshasa, UNJHRO organized an online training on human rights for protection focal points within UNPOL. The training focused on actions to be taken by UNPOL staff to prevent human rights violations in arrest and detention. Thus, the rights of the arrested as well as the code of conduct for law enforcement officials were discussed in this activity in which 17 people including 12 women participated. On 15 to 18 May 2020 in Kinshasa, UNJHRO jointly with UNPOL, organized an online sensitization for 75 people including 50 PNC high ranking officials and agents as well as 25 officials of the DGM including eight women. This activity focused on the promotion and protection of human rights in the context of the emergency health crisis. On 22 May 2020 in Madiba/Boikene (North Kivu), UNJHRO jointly with the Security Section (UNDSS), organized a training on human rights, public liberties particularly the right to peaceful assembly and HRDDP. This activity benefited to 12 male officers of the *Groupement mobile d'intervention* of the PNC. Following this training, MONUSCO provided non-lethal equipment to PNC to address regular and violent demonstrations in Beni town. On 20 May 2020 in Kisangani (Tshopo), UNJHRO jointly with the National Human Rights Commission (CNDH), carried out a sensitization for police judicial officers, prison guards and prosecutors on national and international norms in arrest and detention. This activity focused on human rights violations in pre-trial detention in which 20 people including five women participated.

55. Finally, as part of its protection program in May 2020, UNJHRO addressed 39 cases of threats against 73 people, including two women, among whom 60 were human rights defenders (including one women), four victims (all men) and nine journalists (including one woman) in Ituri, Kinshasa, Kasai Central, Kasai Oriental, Kasai, Katanga, Lualaba, Mongala, Tanganyika, Tshopo, Bas-Uele, North Kivu and South Kivu.