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Democratic Republic of Congo: Awaiting Justice One Year After Ethnic Attack

Congolese authorities have done virtually nothing to identify or bring to justice the killers of seven humanitarian workers in an ethnically motivated attack a year ago in South Kivu, eastern [Democratic Republic of Congo](#).

On October 4, 2011, members of the Mai Mai Yakutumba, a largely ethnic Babembe armed group, attacked a vehicle of the nongovernmental organization Eben Ezer Ministry International in Kalungwe village, near the town of Fizi. The Mai Mai separated passengers based on their ethnicity and then executed the seven who were members of the Banyamulenge ethnic group.

“One year has passed since Mai Mai executed seven humanitarian workers on ethnic grounds, and the victims’ families still await justice,” said [Daniel Bekele](#), Africa director at Human Rights Watch. “The Congolese government has done almost nothing to arrest those responsible while the killing of civilians in South Kivu continues.”

Human Rights Watch researchers interviewed all seven survivors of the attack, as well as other witnesses, local human rights defenders, Congolese judicial authorities, and other sources. Detailed witness accounts indicated that the killings of the seven Banyamulenge were ethnically motivated, Human Rights Watch said.

Witnesses told Human Rights Watch that armed Mai Mai deliberately singled out and stopped the Eben Ezer vehicle, a white Land Cruiser with the organization’s logo.

“We could hear them [the Mai Mai] talking about waiting for a white jeep,” one witness said. “It was clear they were waiting for the Banyamulenge. Before the attack, I heard one of them say, ‘We will trap the people here.’”

Survivors described how a large group of armed men appeared ahead of their vehicle in Kalungwe. When the driver turned the vehicle around, a second group had emerged from behind, blocking their way. The Mai Mai fired on the vehicle, killing the driver almost instantly.

The Mai Mai forced the passengers out of the vehicle. One survivor told Human Rights Watch that the attackers separated the passengers into two groups on the basis of their appearance: those who appeared to be Banyamulenge and those who did not. The Mai Mai then took five of the Banyamulenge to a nearby location in the village and shot and killed three of them; the two others escaped. The Mai Mai returned to the Banyamulenge on the road beside their vehicle and killed three of them with machetes. A fourth survived by hiding in the bush.

The dead, all Banyamulenge, were Eraste Rwatangabo, Tite Kandoti, Edmond Gifota, the driver Fidèle Musore, Gisèle Nabisage, Pasteur Amédée Ngeremo, and Gitandu Muhoza.

“The Mai Mai ruthlessly singled out and killed their victims because of their ethnicity,” Bekele said. “The Congolese government should recognize that its failure to address the abuses long rampant in this region allows ethnic tensions to smolder.”

After the attack, senior Congolese provincial military and government officials said that the attackers would soon be arrested and tried. Military justice officials said they had opened an investigation, but no arrest warrants have been issued and no one has been charged or tried in connection with the killings. The officials told Human Rights Watch they were not able to apprehend members of armed groups hiding in the forests. Local residents and local human rights defenders told Human Rights Watch that to their knowledge, no government or judicial officials had been to Kalungwe to investigate the attack.

Although there have been other cases of ethnic violence in this region, the October 4 attack was notable because of the overt ethnic motives and the large number of victims, Human Rights Watch said.

Banyamulenge cattle herders have historically contested grazing rights with the Babembe and other ethnic groups. Ethnic tensions increased following the October 4 attack. Human Rights Watch received reports that several people from both groups were killed soon afterward. Low-level inter-ethnic conflict has continued in 2012.

During 2012, the Congolese government and army have concentrated their efforts on combating [the rebellion by the M23 armed group in North Kivu](#). International attention has also largely focused on events in North Kivu.

“The Congolese government should not use new abuses in one area to ignore atrocities elsewhere,” Bekele said. “Ensuring that perpetrators of horrific crimes are brought to justice is a necessary part of broader efforts to end abuses in this troubled region.”

Background

Mai Mai Yakutumba

The Mai Mai Yakutumba is a Congolese armed group thought to number several hundred members, primarily from the Babembe ethnic group. It is based in the territory of Fizi, in the southern part of South Kivu province. The group is named after its leader, William Amuri, known as Yakutumba. The group claims to represent the interests of various local ethnic groups and to protect them against those they perceive as “foreigners,” in particular members of the Banyamulenge and Tutsi ethnic groups, as well as people of Rwandan origin (referred to as Banyarwanda). There have been longstanding tensions between the Babembe and the Banyamulenge in this part of South Kivu.

Eben Ezer Ministry International

Eben Ezer Ministry International is a Congolese humanitarian organization based in the town of Uvira, in South Kivu, and working in the areas known as the Hauts and Moyens Plateaux. Created in 1997, it initially focused on ethnic reconciliation during the turbulent period of Congo’s “first war,” in 1996 and 1997. It has since branched out into other projects, including in education, gender awareness-raising, and a peace and reconciliation program.

On October 4, 2011, members of Eben Ezer were travelling from Uvira to Fizi, en route to Minembwe, in the Hauts Plateaux, to carry out activities for their organization there. They were ambushed in the late afternoon as they entered the small village of Kalungwe, 10 kilometers north of Fizi.

Preparing the Ambush

Residents of Kalungwe, a village of about 50 households along the main road between Uvira and Fizi, told Human Rights Watch that they saw a group of about 40 to 80 armed men approaching. The men encircled the village, told residents not to leave their homes, and demanded food and water.

All the survivors and local witnesses who spoke to Human Rights Watch stated categorically that the armed men were not Congolese army soldiers, but members of a local Mai Mai group. One witness told Human Rights Watch: "I was behind my house [and] a small child said, 'Look, the military are coming.' A large group of soldiers ... had surrounded the village. We knew right away that they were not regular army because of the way they were dressed. ... Their uniforms were mixed; some wore military trousers but then had only a singlet on." Other witnesses told Human Rights Watch that they had seen these men before and that they were from the area, but that they did not live in the village.

Shortly thereafter the Mai Mai started to communicate by mobile telephone with people outside the village. One resident told Human Rights Watch: "They were telling people: 'We are here at Kalungwe.' It was clear they were communicating with someone and coordinating their arrival." Several residents saw an Isuzu vehicle belonging to a local nongovernmental organization pass through the village. One of them told Human Rights Watch he heard a Mai Mai telling someone on the phone, "'We have an Isuzu here,' but I heard the caller tell him, 'It is not them.'"

The residents said that the Mai Mai then set up positions around the village. Before the Eben Ezer vehicle arrived, a motorcycle carrying three people, including a police officer, attempted to pass through the village. When it refused to stop, the Mai Mai shot at the motorcycle, killing two of the people, including the police officer. The third person ran away. After witnessing this, one resident told Human Rights Watch, "The local population was scared... [They said to the Mai Mai] 'You did not tell us you were here to do this.' [The Mai Mai] said that they could not have someone passing through [the village] and telling people where they were."

As the Eben Ezer vehicle entered Kalungwe, the passengers saw a large group of men in the road, dressed in a mix of military uniforms and civilian clothes. The driver turned the vehicle around and tried to drive off, but another group of armed men had come from behind, effectively blocking the vehicle. "It was too late as the Mai Mai had already surrounded the village and they had already surrounded the vehicle," a witness said.

The passengers heard some of the Mai Mai say, "Here they come!" Then the Mai Mai opened fire on the vehicle. The driver, Fidèle Musore, was hit in the head and died almost instantly. The vehicle veered to the side and turned over. The Mai Mai continued to fire on the vehicle. While survivors' accounts differ on how long the firing continued, all recount a flurry of bullets. One survivor told Human Rights Watch, "The cartridges fell like rain." Another said, "I heard bullets all around. I heard one bullet go right by [my head]."

The Mai Mai stopped firing and approached the vehicle. They asked if any soldiers were inside. The passengers confirmed that they were all civilians. The Mai Mai ordered them to open the vehicle. One said, "Let's have a look at the guns of these Banyarwanda!" They forced the remaining passengers out.

One survivor told Human Rights Watch that the passengers begged for their lives. "We pleaded, 'Why are you killing us? We are civilians!' They said, 'Because you are Rwandan!'" A witness told Human Rights Watch that as the passengers were forced out of the vehicle, he heard one of the Mai Mai say, "Here are the people we are looking for."

Dividing the Group: “Rwandan” and “Congolese”

After the Mai Mai pulled the passengers out of the vehicle, they quickly set about determining who, in their view, was Banyamulenge or “Rwandan” and who was “Congolese.” From their comments reported by survivors and witnesses, it was clear that they were looking for Banyamulenge. A survivor told Human Rights Watch the Mai Mai said to him, “Get the Rwandans out.”

A survivor who was badly injured sat down on the ground next to the vehicle. He told Human Rights Watch that after separating the Banyamulenge and non-Banyamulenge passengers on the basis of their physical appearance, the Mai Mai told the second group: ‘You are Congolese. We have no problem with you. We have been telling you for a long time not to stay with these people, but you don’t listen to us. We only have problems with these Rwandans. We will attack them as far as Minembwe [in the area considered the Banyamulenge heartland].’

The Mai Mai escorted the “Congolese” passengers into the village and presented some of them to a Mai Mai commander whom witnesses identified as “Ebuela.” He said: “No, not the Congolese, we are only looking for the Rwandans.” Survivors said the commander then declared, “You Rwandans have killed many of us. ... It is now your turn. Call your Rwandan friends to help you. We own this country, you are foreigners. You are here to destabilize [the situation], but we are the owners here. Today you will see.”

Executing the Banyamulenge Humanitarian Workers

The commander called Ebuela asked the Banyamulenge passengers if there was a pastor among them, the survivors said. When one answered yes, he said they “must take confessions... We are going to kill you now.”

A survivor told Human Rights Watch: “They took [a] young woman behind a house and we heard two shots. They did not ask her if she was a Rwandan or a Tutsi, they only looked at her.” Witnesses in the village saw the woman being taken away: “She pleaded: ‘I am a student. Why are you doing this to me? Have mercy please!’ They said to her, ‘Shut your mouth!’” The woman, Gisèle Nabisage, who was in her 30s, was killed on the spot.

The Mai Mai then selected the other Banyamulenge passengers who had been taken to the commander and ordered them executed in the village. Witnesses heard shots. Two Banyamulenge men, Pasteur Ngeremo Amédée and Gitandu Muhoza, (the driver’s father-in-law), were killed. Two others survived.

One of the survivors told Human Rights Watch how he escaped: “I was sure we were being taken to be killed. I made a decision. I decided that I did not want to be tortured and that I would rather be shot in the back. So I decided to run. They were going to have to shoot me. They shot at me and I heard the bullets going by, but thanks to God I was not hit.”

The Mai Mai then shot another Banyamulenge woman in the side. She said: “They shot me there on the spot... I fell down. I had been hit in the back. The bullet had gone in and out at the same moment. I think they thought I was dead.”

Meanwhile, on the road the Mai Mai set fire to the Eben Ezer vehicle. Witnesses in the village heard the Mai Mai yelling to the injured, “Is it your home here? You are foreigners!” The Mai Mai had kept one able-bodied survivor, a non-Banyamulenge, by the vehicle to pull out the injured and materials inside. He told Human Rights Watch: “I was wearing my work identification and when they saw my name, they said: ‘Why are you travelling with these people? You will die.’ They took everything out of the vehicle and [then] said, ‘Burn the vehicle’... We started to walk toward the village and I saw smoke from the vehicle and heard the sound of tires exploding. As we were walking, one of the [Mai Mai] made a phone call and said, ‘We have hit them seriously.’”

After burning the vehicle, the Mai Mai ordered one of the injured Banyamulenge passengers: “Go lie down next to your brothers so that we can shoot you.” They made him lie down on the road with his face turned away from them so that he could not see them. One of the Mai Mai, whom the passenger described as behaving like a commander, ordered the others to shoot him. One fired a shot; the bullet passed very close to his

head but missed him. The commander then said: “Let’s go, the job is finished.”

This survivor was able to leave the area before the Mai Mai returned. He told Human Rights Watch, “About 30 minutes later, I heard the group of assailants come back. They stopped near [the other injured] and I heard them say, ‘These people are not dead yet!’ They started cutting them with machetes... [One] may already have died because he had been shot in the chest. I heard [the victims] scream. The assailants could not see me in the bush because it was dark by then, but I could hear them clearly. They cut my friends with machetes until they died. It was very quick – just a few minutes. There were no gunshots.” Those who died were Eraste Rwatangabo, Edmond Gifota, and Tite Kandoti.

The Mai Mai left soon afterward. As they were leaving they told some of the villagers that they had been under orders to carry out this attack, though it was not clear exactly who had given the order. Villagers believed the attack was premeditated. One told Human Rights Watch, “They came quickly, they did the act and they left quickly. It was as if they knew and had information that the vehicle was coming.”

After the Attack

The seven survivors – three Banyamulenge and four non-Banyamulenge – spent the night in the bush, then made their way separately to nearby towns. Several were wounded.

Residents of Kalungwe told Human Rights Watch that the attack spread fear in the village and that a number of residents fled, fearing retaliation from the Congolese army or Banyamulenge armed groups. Some did not return to Kalungwe for several months.

There was a sense of fear by association: residents felt that since the attack had taken place in their village, that many Mai Mai Yakutumba are of the same Babembe ethnicity as many local residents, and that some Mai Mai Yakutumba were seen in the village before the attack, it might be assumed that residents of Kalungwe had been complicit in the attack.

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