



**United Nations Organization Mission  
in the Democratic Republic of the Congo**



**Office of the High  
Commissioner for Human Rights**

## **Special Report**

**December 2009**

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**Summary of fact finding missions on alleged human rights violations committed by the  
Lord's Resistance Army (LRA) in the districts of Haut-Uélé and Bas-Uélé in Orientale  
province of the Democratic Republic of Congo**

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## **LIST OF ACRONYMS**

<b>UNJHRO</b>	United Nations Joint Human Rights Office
<b>ICC</b>	International Criminal Court
<b>DDRRR</b>	Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement
<b>FARDC</b>	Armed Forces of the DRC
<b>LRA</b>	Lord's Resistance Army
<b>MONUC</b>	United Nations Organization Mission in the Democratic Republic of the Congo
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>UN</b>	United Nations
<b>NGO</b>	Non-governmental organization
<b>PNC</b>	Congolese National Police
<b>DRC</b>	Democratic Republic of Congo
<b>UPDF</b>	Uganda People's Defence Force
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## I. Summary

1. This report provides a summary of the investigative and fact finding missions conducted between May 2008 and June 2009, by teams of officers from the United Nations Joint Human Rights Office (UNJHRO) in the Democratic Republic of Congo (DRC)<sup>1</sup>, on human rights violations committed by the Lord's Resistance Army (LRA)<sup>2</sup>, under the command of Joseph Kony and senior officers, some of whom have had arrest warrants issued against them by the ICC.<sup>3</sup> The report focuses on the attacks from September 2008 to June 2009.
2. During the 14 missions conducted by the UNJHRO to investigate violations committed by the LRA in the districts of Haut-Uélé and Bas-Uélé, dozens of meetings and site visits were conducted and hundreds of testimonies were collected from victims and witnesses.
3. According to information collected by the UNJHRO, specifically during its missions in the towns and villages of the territories of Dungu, Faradje, Watsa and Niangara in the district of Haut-Uélé, and Ango and Poko, in the district of Bas-Uélé, in the northeast of Orientale province, the provisional toll from attacks carried out by the LRA against civilians between September 2008 and June 2009 is as follows:
  - at least 1,200 civilians killed by gunshot and knife wounds, including some women who were raped before their execution;
  - more than 100 people wounded by gunshot and stabbing;
  - over 1,400 people abducted, including men, some of whom were executed or are missing, at least 630 children (girls and boys), and more than 400 women. During their captivity, the abductees were subject to forced labour in the fields, forced to carry looted goods or personal effects or recruited into the LRA. Women were forced to marry LRA members, subjected to sexual slavery, or both;
  - thousands of homes, dozens of shops and businesses, as well as public buildings, including at least thirty schools, health centres, hospitals, churches, markets, and traditional seats of chiefdoms, were looted, set on fire, or both;
  - over 200,000 people displaced. Those displaced have been living in precarious conditions due to the slow delivery of humanitarian aid. These displaced people were also subjected to human rights violations committed by FARDC soldiers, who were supposed to protect them.
4. These attacks and systematic and widespread human rights violations carried out by the LRA since mid-September 2008 against Congolese civilians during the armed conflict may constitute war crimes and crimes against humanity for which there is no statute of limitations under international law. It should be recalled that the Rome Statute of the International Criminal Court defines certain human rights violations as crimes against humanity. These acts, committed with

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<sup>1</sup> The Joint Human Rights Office is comprised of the MONUC Human Rights Division and the Office of the High Commissioner for Human Rights in the Democratic Republic of Congo (DRC).

<sup>2</sup> Lord's Resistance Army.

<sup>3</sup> Arrest warrant issued on 8 July 2005 (amended on 27 September 2005) against Joseph Kony, chairman and chief commander of the LRA, and its senior officers with 33 counts of crimes against humanity and war crimes, including murder, rape and recruitment children through abduction (i.e. conscription or recruitment of children under 15 into armed forces or armed groups and their active participation in hostilities).

knowledge as part of a widespread or systematic attack against any civilian population include, *inter alia*, murder, torture, rape, sexual slavery and enforced disappearance of persons.

5. Successive military operations to eradicate the LRA from the DRC, Uganda and Southern Sudan, notably *Rudia* (MONUC / FARDC) and *Lightning Thunder*, appear not to have been sufficiently prepared and coordinated, and also occurred in an unknown, inaccessible region.<sup>4</sup> These factors allowed the LRA to transform into small mobile groups which harass the Congolese security forces and which are difficult for civilians to avoid.

6. As part of its defence and survival strategy in response to any initiative to dismantle it, the LRA has sown panic among civilian populations in several localities, including those providing refuge to the displaced, despite the growing number of Congolese soldiers deployed since the end of August 2008. As the situation became more complex and difficult to neutralise militarily, the LRA continued to commit human rights violations against civilians. Soldiers of the Congolese armed forces, supposed to protect civilians, also committed human rights violations, including executions, rape, arbitrary arrests and detentions and illegal, cruel, inhuman or degrading treatment and extortion. A general impression of neglect and indifference on the part of the international community and DRC governmental authorities developed among the victims and brought about the emergence of "*local self-defence groups*".

7. The LRA represents a regional problem that keenly poses the question of how to protect the civilian populations of the regions bordering the DRC. This problem requires political, military and judicial responses. LRA activities have affected the civilian populations, beginning in the northwest of Uganda and then in Southern Sudan, and now in southeastern Central African Republic and northeastern DRC, in Orientale Province. It suggests that, since its outset, in response to pressures, initiatives or strategies of any kind, including military, to dismantle it, the LRA has had the ability to mutate, to evade peace initiatives, to reorganise and to continue its criminal activities in the region. It appears absolutely necessary to consider a reorientation and to redefine the approaches of new military operations, both to protect civilians and also to succeed at dismantling the LRA.

8. These military operations must respond to the deep concern expressed by the High Commissioner for Human Rights, Ms. Navi Pillay, that these operations, unless planned and executed properly, could lead to further abuses against the civilian population caught between the conflicting parties<sup>5</sup>. The UNJHRO recommends that military operations be better prepared and coordinated through the involvement, from the initial stages of planning, of key allies and partners, including MONUC, to include measures to protect civilians against specific human rights violations committed by the LRA that may result from clashes.

9. Furthermore, it is important that the international community significantly and urgently reinforces the resources and capacity of MONUC to enable it to more effectively fulfil its mandate to protect civilians, to support security reform and to restore state authority in the DRC. In this context, particular emphasis should be placed on preventing self-defence groups from

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<sup>4</sup> Many areas are accessible only on foot or by helicopter and the number of routes is limited.

<sup>5</sup> Press release of the High Commissioner dated the 27 of January 2009 "*High Commissioner for Human Rights alarmed by human rights situation in eastern DR Congo*".

transforming themselves into militias and on putting a stop to the proliferation of weapons and all kinds of abuses against civilians in Haut-Uélé and Bas-Uélé,

10. The UNJHRO encourages the concerned stakeholders to continue their efforts to find a solution to the problem of the LRA and to adopt a new strategy, if necessary. Finally, the UNJHRO reminds those concerned that any lasting peace agreement must be based on principles of justice, responsibility and law. In this context, the UNJHRO encourages the States concerned to develop and implement, as soon as possible, a strategy to arrest LRA leaders against whom international arrest warrants have been issued. Congolese authorities should also investigate and prosecute alleged human rights violations by the Congolese security forces.

## II. Introduction

11. Since 2007, civil society partners have received persistent allegations that members of the LRA, deployed since September 2005 in Garamba Park, located in the extreme northeastern territory of Dungu in the Haut-Uélé district, in Orientale Province, in the DRC, made continual incursions into and carried out attacks in nearby villages. During these attacks, LRA members committed human rights violations and violated international humanitarian law protecting the civilian population. These violations were at first committed immediately around the LRA's base. Reports indicated, subsequently, from mid-September 2008, that LRA fighters continued and gradually expanded their violations, first to almost all localities within the territory of Dungu, then to the territories of Watsa, Faradje and Niangara in the district of Haut-Uélé, and finally to the territories of Ango and Poko in the Bas-Uélé district.

12. The LRA is a rebel movement formed in 1986 against the Government of Uganda. It operated for 20 years in northwestern Uganda, which was ravaged by a civil war that killed tens of thousands and displaced more than two million people. The LRA committed international humanitarian law violations and human rights violations against civilians, including arbitrary executions, forced recruitment of children, rape and destruction of property. Under pressure from multiple military operations aimed at dismantling it at its source in northwestern Uganda, this movement became international. Its fighters and their dependents crossed the borders into neighbouring countries, first into Southern Sudan, then northeastern DRC in 2005, where they found refuge in the Garamba National Park, in Orientale Province, before spreading out into the districts of Bas-Uélé and Haut-Uélé, all while making incursions into the Central African Republic.

13. Several of the States on the UN Security Council declared themselves in favour of a military solution to eradicate the LRA. Many believe that this solution represents a real opportunity to destabilise and significantly weaken the LRA in the hope of ending the military threat it represents, or that this solution will permit the opening of dialogue that will lead to the complete demobilisation of the LRA. The Government of the DRC has decided, in this context, to implement military operations to combat the LRA. This option does not appear to take into account, on one hand, the resources needed to conduct such a military operation, and on the other hand, the limited capacity of the Congolese armed forces to conduct effective military operations and to prevent the serious repercussions that could result, particularly human rights violations. In fact, the Congolese armed forces need a comprehensive and integrated reform programme as well as substantial financial, logistical and technical support to conduct effective military operations, and at the same time, effectively protect the civilian population and prevent possible violations against human rights and international humanitarian law.

14. Resolution 1674 (2006) adopted unanimously by the United Nations Security Council reaffirms "*the provisions of paragraphs 138 and 139 of the Final Document of the 2005<sup>6</sup> World Summit on the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.*" The principle of the responsibility to protect has evolved into a major liability to be borne by Member States. It is based on the principle according which state

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<sup>6</sup> The final document was adopted by the General Assembly of the United Nations, on 24 October 2005, in its resolution A/RES/60/1.

sovereignty implies an external responsibility of respect for the sovereignty of other states, but also, increasingly, an internal responsibility of respect for the dignity and fundamental rights of people living on the territory of a State. If the international community recognises the first, it must now include the second. In other words, a state which would be failing in its duty to protect its civilian population *would activate* a "subsidiary" responsibility of the international community. This logic of "*double responsibility*", which underlies the concept, has been limited by the United Nations to cases of genocide, war crimes, ethnic cleansing and crimes against humanity. The United Nations reaffirmed that each State bears the responsibility to protect, but it "*is also for the international community, through the United Nations, to use the diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the UN Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity*".<sup>7</sup>

15. MONUC, to which resolution S/RES/1856 (2008) of 22 December 2008 gave a mandate to protect civilians, has not sufficiently taken into account the resources needed to deal with the LRA in the Uélés districts. Indeed, at the outset of Operation *Lightning Thunder*, MONUC deployed 264 soldiers in Dungu to protect and manage the airport and the possible logistical support to FARDC. During the months of March and April 2009, the number increased by about 300 men. MONUC opened bases in Faradje and Duru, and Dinguila in Bas-Uele. MONUC is still waiting, at the time of writing this report, for the addition to the mission of 3,000 new peacekeepers. Although MONUC decided to concentrate all its military resources in Orientale Province, it is unlikely to be able to protect all civilians against attacks by the LRA. However, if they benefited from more human and material resources and if they were more involved in the planning of joint military operations with the FARDC, MONUC troops could better protect the population.

16. Inviting the Congolese government to engage in this military action, without helping it obtain the adequate financial, technical and logistical resources led to human rights violations against the civilian population by the LRA. It is indisputable that the LRA is a significant problem for governments in the region and the international community, but it is far from clear whether the additional suffering caused to civilians by the successive military operations against the LRA is proportional to the military objectives and results targeted and achieved. This is especially the case when the suffering caused would have been avoided through better planning and better logistical support.

### **III. Methodology**

17. By the second quarter of 2008, as part of its mandate to assist in the fight against impunity and in the protection of civilian populations, the UNJHRO was regularly deploying its teams in areas where the LRA was present. These missions were intended to conduct *in situ* investigations into allegations of abuses against civilians attributed to the rebel movement. Up to June 2009, UNJHRO teams made, insofar as security conditions, logistics and accessibility allowed, 14 fact-finding missions in various locations, including Faradje, Doruma and Dungu and their surroundings, in the districts of Haut-Uélé and Bas-Uélé in Orientale province. Some missions were mixed, including UNJHRO staff and representatives of Congolese political and/or administrative authorities.

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<sup>7</sup> A/RES/59/314, paragraph 139.

18. All these missions were conducted under conditions of very limited access to affected areas because of prevailing insecurity. UNJHRO teams based their investigations on individual and group interviews, including with displaced people, survivors, victims and witnesses, while respecting the principles of confidentiality and protection. Over 300 interviews were conducted as well as 20 visits to sites for the displaced and to health centres that received the wounded, and more than 35 meetings were held with government officials, leaders of public and security services deployed in the region, and representatives of the civil society. Finally, UNJHRO teams participated in synergies of information exchange, consultation and coordination with agencies of the United Nations system and international and national NGOs active in this region.

19. In March and May 2008, two field missions aimed at assessing the threat posed by the LRA took place in Dungu. The first one reached, under conditions of increasing insecurity, Duru (90 km north of Dungu). These early missions revealed that LRA fighters committed recurrent human rights violations in the region, while the LRA leader, Joseph Kony, dithered in the peace process in Juba. They also found that it was necessary and urgent to make rapid deployments of security forces to restore state authority, to protect civilians and to restrict the actions of LRA rebels.

#### **IV. Background of LRA attacks and responses from the various parties to the conflict**

20. The LRA problem arises in a context characterised by a multiplicity of stakeholders with various and unclear objectives, in a challenging geographical environment, which makes the resolution of the problem complex.

21. Driven out of Uganda in 2002 and Southern Sudan in 2005, the LRA took refuge in the DRC in the northeast of Orientale Province in the territory of Dungu in Garamba National Park. During the peace process in Juba in Southern Sudan, LRA members committed human rights violations against the civilian population, while demanding the lifting of international arrest warrants issued by the ICC against Joseph Kony and his top lieutenants, prior to the conclusion of peace negotiations. Joseph Kony showed no interest in the discussions that took place between his movement, the Ugandan government and the International Criminal Court (ICC) regarding the implementation of arrest warrants allowing the signing of the final peace agreement originally scheduled for the 10 of April 2008.<sup>8</sup>

22. In early 2009, the LRA expanded its attacks against civilians in almost all localities within the Dungu and Faradje territories, and also in some localities in the northern territories of Niangara and Watsa in Haut-Uélé, and Ango and Poko in Bas-Uélé.

23. The context in which LRA attacks were perpetrated since September 2008, became more difficult to control and the protagonists involved became more aggressive because no solution was forthcoming to the problems that arose. A difference of opinion has gradually developed between victim communities and government authorities as a result of two factors: first, because FARDC officials have committed human rights violations with impunity such as rape, looting of humanitarian aid and arbitrary arrests - including from the ranks of self-defence groups, which had hitherto provided security; second, due to official pronouncements tending to minimise the threat

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<sup>8</sup> Joseph Kony did not attend the signing ceremony and has since refused to sign the agreement despite repeated promises, demanding the lifting of prior arrest warrants issued against him and his key lieutenants by the ICC in 2005.

of the LRA, while the population continued to suffer human rights violations by the LRA. According to this official storyline, the LRA has been destroyed and now only consists of bandits, highway robbers, Congolese poachers, traditional leaders and young people from local self-defence groups who form small groups posing as the LRA for the purpose of committing theft and looting.

24. Between September 2008 and June 2009, several waves of attacks by the LRA on localities within the districts of Haut-Uélé and Bas-Uélé have been identified. They all followed the same *modus operandi*.

#### **4.1. Chronology of the attacks**

##### **4.1.1 Attacks from September to November 2008**

25. On 17 September 2008, members of the LRA simultaneously attacked, in groups of about 50 fighters armed with AK-47 rifles and knives, 16 localities between 45 and 90 km from the edge of Garamba National Park, northeast and northwest of Dungu.

26. According to information collected by the UNJHRO, during these attacks, LRA members:

- killed at least 76 people, mostly men;
- shot and stabbed more than 10 people;
- abducted more than 177 children;
- subjected men and children to forced labour carrying loot and to forced recruitment, and subjected women to sexual slavery;
- looted and burned almost all houses, shops and public buildings, including schools, health centres and hospitals, churches, markets, and the traditional seats of chiefdoms;
- caused the displacement of over 50,000 people, including around Dungu Ngilima, Bangadi in the district of Haut-Uélé and Yambio in Southern Sudan.

27. The attacks became daily until early November 2008. Several localities within a radius of 130 km around Dungu were attacked. Then, on 19 October 2008, LRA members attacked Bangadi. They entered the town at 4 o'clock in the morning and burned the houses before attacking the localities of Makosa and Zangaime. Incidents of looting and torching of homes were also recorded in the locality of Kitili.

28. Finally, the city of Dungu was attacked in early November by about fifty members of the LRA. The attack began in the airport area of Dungu targeting FARDC positions at the General Staff Command of the FARDC. The latter were only able to push back the LRA elements after about two days of clashes. Records drawn up at the end of November 2008 reported at least 106 civilians killed, 320 persons kidnapped or missing, and 70,000 persons displaced (including people from Dungu, and internally displaced persons who had come to Dungu as refugees following attacks on the surrounding communities).

#### **4.1.2 December 2008 attacks**

29. According to information collected by the UNJHRO, the LRA attacked Faradje and 9 surrounding villages and 13 towns within 7 to 17 km around Doruma from 24 to 28 December 2008. It committed violations of human rights and international humanitarian law against hundreds of civilians.

#### **4.1.3 Attacks from January to June 2009**

30. From January to June 2009, LRA attacks continued with less coordination but with the same violence, and they continue still. Since March 2009 they have spread to two territories in the district of Bas-Uélé, where the first major attack took place in Banda, in the Anglo region. This attack resulted in civilian casualties and displaced nearly 20,000 people from Dingila in the Bambesa territory. Continuing its human rights violations, on 19 April 2009, members of the LRA attacked the Madi community, located 105 km from the city of Poko, where 20 people, including two children, were abducted before being released two days later.

31. Although, over time, attacks have been less deadly, abductions and disappearances have continued, without if being possible at present time to have a complete assessment of the number.

#### **4.2. Mobile groups and *modus operandi***

32. The information gathered during fact-finding missions conducted by the UNJHRO shows that the LRA, driven by criminal intent and military strategies of defence and survival, has sought to:

- (a) abduct the maximum number of people, especially children who are more malleable and easily conditioned in order to strengthen its labour and fighting forces in case of attack;
- (b) kill and destroy more people and property in the communities it accuses of encouraging and facilitating the desertion and demobilisation of its fighters through the DDRRR programme of MONUC; and
- (c) punish people allied with, or whose country is allied with, the original enemy, the Ugandan government, who fight against the LRA in military operations in order to disrupt or dismantle it.

33. To achieve their ends, LRA members used subterfuge. They entered targeted localities under pretexts in order to gain the trust of the people before killing inhabitants with knives or firearms. They gained entry sometimes by passing as deserters from the LRA wishing to join the DDRRR programme about which the people had been made aware, as Uganda People's Defence Force (UPDF) soldiers, as FARDC soldiers arriving to assure security of the region, or sometimes as mentally disturbed people.

34. LRA members have always used the same procedure during their attacks. During the attacks from September 2008, the aforementioned members gained entry to the localities under the pretext of going to join the DDRRR and MONUC and, afterwards, engaged in starting fires and the systematic destruction of homes located in the centres of these localities. They grouped the men,

women and children, into three separate groups. The group of men was then divided into small groups of two or three, which were successively taken away from other groups to be killed with axes, clubs, machetes or knives. Testimonies indicate that LRA rebels uttered threats against the victims (women, children and the elderly) such as, *"it is you who are making our soldiers and ranking officers desert. You'll see what we do to people like you"*. With regard to the children, victims reported that they were tied one behind the other connected by a rope and forced to carry out looting along with some adults who were then executed.

35. At Faradje and around Doruma during attacks from 24 December 2008, corroborating testimonies confirmed that members of the LRA were dressed in military uniform. Most of them according to these testimonies had hair *"like mad people"* and did not speak the local languages. They presented themselves as members of the Ugandan UPDF, or even the FARDC coming to protect the population. The first people found at the entrance to the city were certain to be the first victims. They were killed using knives. In localities around Doruma, the intention was to kill more people, while at Faradje, they captured people who were used to carry looted property. The information collected, both at Faradje and Doruma, allows the UNJHRO to conclude that the attacks which took place between 24 and 28 December 2008 were planned. LRA members obviously waited until the people gathered in public places for the Christmas celebrations to surround them and ensure a greater number of victims.

36. LRA members continued to kill indiscriminately, looting property and abducting civilians, including children. Despite the losses in their ranks, and the collapse of their chain of command, they tried to demonstrate their capacity for harm. They attacked towns with a large military presence and ambushed the FARDC.

#### **4.3. Responses of the various parties to the conflict**

##### **4.3.1 Response of the Congolese authorities and the international community**

37. During the first half of 2008, Congolese security forces were virtually absent from the territories of Dungu and Faradje and several other districts of Haut-Uélé and Bas-Uélé, despite repeated attacks by the LRA. Only some members of the FARDC in charge of Nagero Park (128 km east of Dungu) and fewer than 200 officers without equipment or coaching, all from the former Congolese rebellions, were present in the region. Given this lack of security forces and state authority, the LRA developed an active presence committing, with complete impunity, human rights violations against the civilian population.

###### **4.3.1.1 Operation Rudia - September 2008**

38. The distress of the populations of these regions, backed by the pleas of the United Nations and other partners on the ground, led the Government of the DRC to put in place in September 2008, the first FARDC military operation called *Rudia* (meaning return in Swahili). MONUC provided, as far as resources would allow, logistical support for the FARDC in the form of food rations and transportation. As part of Operation *Rudia*, troops from the Congolese army were deployed in the territory of Dungu to protect civilians and limit incursions by, and supply to, the LRA. This was also to keep the pressure on the LRA's military and spiritual leader, Joseph Kony, and his fighters

so they would get involved and adhere to the peace process in Sudan and be disarmed and demobilised. The deployment of troops was made in conjunction with a campaign for the demobilisation of LRA fighters who wished to return home in the framework of the DDRRR process.<sup>9</sup>

39. The fact that the military command for Operation *Rudia* was established in Kinshasa affected the cohesion and coordination of the various FARDC units coming from across the country. The FARDC did not master the terrain and did not have adequate logistics to move and communicate. The FARDC were deployed early in September 2008 with many delays and difficulties.

40. Despite the deployment of 3,000 FARDC troops at the end of October 2008, no determined or decisive action to protect civilians appeared to have been implemented by the DRC government or the international community. The general sentiment that the authorities were indifferent felt by the affected populations brought about the emergence of "*local self-defence groups*" making the situation more delicate.

#### **4.3.1.2 Operation *Lightning Thunder* – December 2008**

41. Operation *Lightning Thunder*, the joint military operation between the DRC, Uganda and Sudan, with technical support from the U.S. military, began on 14 December 2008. For a period of 10 days, intensive air bombing was carried out by the UPDF on positions thought to be the bases and headquarters of the LRA. This operation was described as highly organised with a well thought out military strategy. The first statements announced the success of the operation. The outset of Operation *Lightning Thunder* on 14 December 2008 resulted, 10 days later, in attacks by the LRA including around Doruma (210 km northwest of Dungu) and Faradje (147 km northeast Dungu).

42. However, *Lightning Thunder* proved to be insufficiently prepared as an operation because time had not been taken to establish contacts with other partners on the ground to collaborate and consult on the requirements of civilian protection. Precision bombing could also not be guaranteed. The operation officially ended on 15 March 2009. However, Ugandan troops are still present and corroborating information received indicates that clashes between the UPDF and the LRA have occurred. Operation *Lightning Thunder* contributed more to the dispersion of LRA elements, which were initially well localised.

#### **4.3.1.3 Operation *Rudia II* – May 2009**

43. The official end to Operation *Lightning Thunder* led to the launch in May 2009 of Operation *Rudia II* by the FARDC, with the support of MONUC. This support consists of logistical aid in the form of transport of troops, and supplies of fuel and food to nearly 6,000 members of the Congolese army. The FARDC units stationed there, which have become familiar with the terrain, have still not resolved their strategic, technical and logistical weaknesses. This operation is ongoing.

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<sup>9</sup> Disarmament, Demobilization, Repatriation, Rehabilitation and Relocation.

#### **4.3.2 Response of the civilian population - development of local self-defence groups**

44. The general indifference of the authorities felt among the victims of LRA attacks and the failure of national security forces and the international community to protect them during Operation *Rudia* has favoured the emergence of "*local self- defence groups*". These groups, formed mainly by the unemployed and demobilised members of armed groups were tolerated and even encouraged for the relative safety they had produced. They quickly became widespread in almost all localities within the Dungu territory. Composed of nearly 1,800 members, these groups, at first, had only the basic means of defence, including knives and shotguns. They gradually acquired weapons of war on the arms markets on the border with Southern Sudan or recovered weapons after clashes with the LRA.

45. An implied alliance was gradually established between the FARDC and the combatants of these self-defence groups. These groups were encouraged to monitor and defend the towns and their surrounding areas where the FARDC were absent or unable to access. Subsequently, for the FARDC, these self-defence groups were its first contact, and because of their perfect knowledge of the terrain, they served as informants and trackers. Self-defence groups gradually acquired authority by discovering the weaknesses and the lack of commitment of the FARDC. This was the context when Operation *Lightning Thunder* started. Local self-defence groups, very few in number at the beginning of the attacks, increased in all localities within the districts of Haut-Uélé and Bas-Uélé as LRA attacks continued.

### **V. Human rights violations perpetrated by the LRA against the civilian population**

46. Human rights violations committed by the LRA against the civilian population can be classified into two categories. The first consists of violations in geographically limited but widely distributed areas, mostly in villages around their camps, these violations included armed robbery, kidnapping, looting and sexual violence. These are mostly justified by the need to supply the group. These acts are contrasted with those of the second category, which consists of systematic, organised, military attacks carried out against the civilian population in response to threats or attacks from the FARDC and other security forces. The ultimate goal of these attacks appears to be to terrorise the villages attacked and to cause massive displacement of populations. These attacks were also carried out in retaliation (punishment of local people accused of working with the FARDC or other forces), as well as to create terror and strengthen the rebel movement through the recruitment of children and young fighters.

#### **5.1. Violations of the right to life**

47. During its many field missions, the UNJHRO received reports that some 1,200 people were killed during repeated attacks by the LRA between September 2008 and June 2009.

48. On 17 September 2008, at least 17 people were killed in Kiliwa (Dungu territory). Three children aged 12 to 15 years, having escaped the attackers, reported to UNJHRO officials that more than 10 adults abducted by LRA members had been killed after their first day of captivity. These children said they heard screams followed by silence and continued their walk for five days

without these adults. They also said that their village had been devastated, and that they had seen many bodies in a state of advanced decomposition around the town of Yapako and near Kiliwa.

49. According to other testimonies, at least 14 people were killed on 17 September 2008 at Madoro. Five survivors displaced to Dungu said that on 17 September 2008, they witnessed the killing of two people at Namama. Another survivor said that on 21 September 2008 he witnessed the execution of 15 men at Kpaika and saw several bodies by the side of a path.

50. Several other cases of execution committed during the attacks from September to November 2008 were reported at Napopo, where at least two people were killed on 4 October 2008, and at Babete, where more than 10 men were executed. The information has been corroborated by the testimony of a woman from this village, who told UNJHRO officials about the sequence of LRA attacks, during which her husband and brother-in-law were killed. The brother-in-law's daughter was kidnapped and taken to an unknown destination. She also reported seeing the body of her husband and several other bodies before she fled.

51. Between mid-September and early November 2008, witnesses interviewed stated that LRA members had carried out executions in 11 other localities within a radius of 112 km around Dungu.

52. On 25 December 2008, LRA members started their attack around 10 am, in seven localities within a radius of 2 to 8 km around Faradje. While people were assembled in the market square of the town of Faradje to celebrate Christmas, members of the LRA, estimated at 300 by some, attacked the city, looted and systematically burned the homes from 5pm to 7am. At least 147 people, including 16 children, 7 secondary and primary school teachers, a hospital doctor and a police officer on duty at the police station, were killed. On 2 January 2009, members of the LRA killed 10 people at Naguero (45 km west of Faradje). On the 10 and 11 January 2009, around forty people were killed in three localities (Akwa, Tomate and Sambia) within a radius of 100 to 140 km of Dungu.

53. While members of the LRA attacked Faradje and surrounding communities during the Christmas holidays, other members attacked 13 localities within a radius of 7 and 17 km around Doruma, following the same procedure. In Batande for example, members of the LRA killed 80 people—women, children and men who had been locked in a church. The UNJHRO met witnesses and persons who participated in the funerals of the victims. They described mutilated bodies, bound bodies and rapes that took place in a place described by the witnesses as a "*place of slaughter*". At least 330 people were killed around Doruma.

54. According to testimonies received, the attacks in December 2008 and human rights violations that followed were obviously well prepared. In more than a score of towns, in places remote from each other by nearly 400 km, two groups of 100 to 150 LRA fighters killed at least 477 civilians within 24 hours. The provisional report, prepared at the end of January 2009 for the localities for which data was collected was as follows: at least 703 civilians were killed, 630 adults and 700 children were abducted or missing, dozens of houses and public administrative buildings, markets, health centres and educational and religious buildings were systematically looted and burned, and more than 100,000 people were displaced.

55. According to information collected by the UNJHRO during its missions to Doruma and Faradje, 292 persons have been identified among the total of 477 people killed in attacks between 24 December 2008 and early January 2009. A list of 189 people killed was also received in relation to the massacres around Doruma in Dungu territory, while another list of 103 people killed in the city of Faradje and its surroundings was obtained by the UNJHRO team.

56. On 15 March 2009, LRA rebels attacked the town of Banda (120 km west of Doruma) in the territory of Ango, in the Bas-Uélé district, killing at least thirty people and looting homes. On 21 March 2009, the town of Boso (60 km south of Banda) was in turn attacked. The death toll rose by at least two deaths.

### **5.2. Rape, sexual slavery and other violations of physical integrity**

57. LRA rebels inflicted serious injury on their victims during their attacks. Injured persons were generally those who had been left for dead. LRA rebels sometimes raped their female victims before killing them. They also forced captive girls into sexual slavery.

58. A victim of the attacks at Duru on 17 September 2008, treated at the general referral hospital, informed the UNJHRO that, given the cruelty with which the LRA executed people with knives, she pleaded with LRA members to kill her with a firearm. Wounded, she collapsed and was left for dead.

59. On 31 December 2008, the UNJHRO sought to talk to four victims from Faradje at the general referral hospital at Dungu. The injuries, shock and trauma suffered were so severe that three of the four survivors were unable to speak. They all had large body gashes. The fourth victim was seriously injured in the neck after being hit with axes and machetes. At the general referral hospital at Doruma the UNJHRO encountered several seriously injured people, some as young as 2 to 6 years who received blows to the head. A 6-year-old girl, suffering from upper and lower limb hemiplegia on her right side, could no longer speak. On 17 January 2009, the UNJHRO counted 62 wounded in the initial attacks at Faradje and Doruma on 25 December 2008.

60. During the Batande church massacre (7 km from Doruma), it is probable that LRA members raped a number of women before killing them. The testimonies of those who took part in burials confirm a dozen women had their hands tied, clothes torn and legs apart. Several children who escaped from the LRA camps have confirmed to the UNJHRO the sexual slavery to which the captive girls were subjected. During the mission done to Dungu between 7 and 14 January 2009, among the five children who managed to leave Garamba Park following the bombing, there was a 17-year-old girl of Central African nationality who was 7 months pregnant.

### **5.3. Abductions of civilians**

61. According to information collected by the UNJHRO, 1,400 people were kidnapped or missing, between September 2008 and June 2009.

62. During its first mission, the UNJHRO collected several testimonies confirming that during attacks in the district of Dungu, between 17 September and 4 October 2008, LRA members abducted children, including underage girls. Interviews conducted by the UNJHRO with officials of educational institutions, parents, and survivors from the localities which were attacked, as well as victims who managed to escape, clarify that in 6 of the 16 localities LRA rebels abducted and took away with them approximately 177 minors.

63. In Kiliwa, a 15-year-old student testified that he was abducted on 17 September 2008, from the market at around 1pm, with fifty other girls and boys. According to this witness, they were all tied to each other by a rope at their waists and forced to carry looted goods. They walked all day for six days through the forest on the northeast side of Dungu, before arriving in a place that was probably Garamba Park. The witness said that when they arrived there, still tied, they were placed under a large military tent to be subjected to magico-religious rites. The boy is said to have escaped, on 23 September 2008, along with two other girls, after having cut the rope with which he was tied with a razor blade. Not having found his mother in Kiliwa he reached Dungu on 4 October 2008, after seven days of walking along the river Dungu.

64. Two students who were detained in Garamba and who escaped, told the UNJHRO how abductions took place in their school in Duru (90 km north of Dungu), on 17 September 2008. According to their testimonies, a group of LRA members, armed with machetes and axes, came into their classroom. The rebels closed the doors and began to tie up students with string at the hip and took them out in a row. They then followed the Catholic mission's path carrying looted goods before walking for three days to "*Camp Swahili*", Garamba Park, where they were presented to Joseph Kony who decided to divide them into five groups in different camps. The victims told the UNJHRO that during their captivity, the youths were assigned to pastoral work, while girls were distributed among the rebels. They did their cooking and stayed with them. They said they were sometimes abused. An official of the Institute of Duru confirmed to the UNJHRO that 61 students, including 21 girls, were kidnapped on 17 September 2008.

65. On 17 September 2008, at Nambili at least three children were abducted. Between 21 and 22 September, at least 11 children were abducted in Bayote Tongo Tongo and 50 children at Kpaika. At Kana (95 km northwest of Dungu), five minors were kidnapped on 4 October 2008.

66. According to testimonies collected by the UNJHRO at least 50 people, including 30 children mostly underage girls, were kidnapped after the attack on the city of Dungu by the LRA in early November 2008.

67. During the attacks in late December 2008, the LRA continued its abductions. 225 people, including 106 children, of which 53 were girls, were abducted during the Faradje attack and the attacks on seven surrounding communities on 25 December 2008.

68. LRA rebels carried out the abduction of a large number of people in Bas-Uélé. When they attacked the town of Banda (120 km west of Doruma), on 15 March 2009, the rebels abducted about 200 people, including an unspecified number of children. A mission of the Provincial Assembly of Kisangani that visited Ango and met IDPs from Banda, confirmed to the UNJHRO

that abductions had occurred in this locality. On the night of 2 to 3 June 2009, the attack on the city of Dakwa (67 km from Dinguila) led to the removal of nearly one hundred people, whose fate is still unknown.

#### **5.4. Forced displacement**

69. On 18 June 2009, according to the United Nations High Commissioner for Refugees, 16,454 refugees fled to both the Central African Republic and Sudan. On 16 June 2009, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), LRA attacks displaced 198,011 people in the district of Haut-Uélé and 30,206 others in the district of Bas-Uélé; a total of 228,217 persons displaced as a result of LRA attacks, between September 2008 and June 2009.

70. The repeated attacks by the LRA in the districts of Haut-Uélé and Bas-Uélé led to massive and continuous displacement of populations. The UNJHRO saw, between 30 September and 2 October 2008, groups of displaced persons moving towards the city of Dungu, following attacks by the LRA in the surrounding communities. At the time of the UNJHRO interdisciplinary mission to Poko, Bas-Uélé, a mother stated she had walked for three days with her children before reaching the city of Poko, following the attack on 20 April 2009, from the chiefdom of Soronga, located 100 km from Poko. *"We slept under the stars and lived by begging."*

71. The UNJHRO found that people converged on towns or localities where there was a police (PNC) or military (FARDC) presence. The displaced persons were also subjected to harassment, extortion, rape and summary executions committed by the Congolese security forces. However, these shelter locations where IDPs were thought to be safe were also attacked by the LRA, causing new displacement. Thus Dungu, Bangadi, Ngilima and Faradje were, in turn, attacked despite the presence of the FARDC deployed under Operation *Rudia* or the presence of Ugandan soldiers from the UPDF.

### **VI. Conclusions and recommendations**

#### **6.1. Conclusions**

72. The cumulative provisional assessment of cumulative human rights violations perpetrated by LRA members, between September 2008 and the end of June 2009, based on information gathered during 14 missions in the field by UNJHRO teams both in the territories of Haut-Uélé and Bas-Uélé, is at least: (a) 1,200 people killed, (b) 1,400 others abducted or missing, including nearly 600 children for whom 265 cases have been documented, (c) 228,217 people displaced within their own country who have fled their home towns and 16,454 refugees to Southern Sudan and the Central African Republic. Moreover, 1,800 people have joined local self-defence groups, which have emerged in almost all the localities affected, in the absence of state authority, and which have contributed to the trafficking and illicit proliferation of small arms and war arms in this part of Orientale province. LRA members and its leader, Joseph Kony, are clearly guilty of war crimes and crimes against humanity, they must be held accountable under international law.

73. These human rights violations against the civilian population as well as violations of international humanitarian law, which continue despite the successive past and present military

operations, sharply raise the issue of protection of civilians. This requires, first, the rapid implementation of adequate concepts and mechanisms for effective protection, and second, the recognition that the responsibility to protect civilian populations is a universal fundamental legal obligation that should be considered in all policy decisions, declarations and military operations.

74. The LRA is undoubtedly, at present, a complex regional problem requiring a balanced mix of political, judicial and military solutions. The various pressures and strategies, including military strategies implemented against it for over 20 years, have just provided the LRA with the opportunity to become an international movement, to spread and extent its actions over three neighbouring countries of the region and to commit human rights violations against the civilian population and serious violations of international humanitarian law in retaliation and as part of its survival strategy.

## **6.2. Recommendations**

### **6.2.1 To the Government of the DRC**

- Recognise that the LRA, despite the apparent disruption of its command, still remains a serious threat to the peace and security of the civilian population, and that it is the Government of the DRC which has the primary responsibility to protect its civilian population;
- Conduct a realistic assessment of its capacities to defend and protect the civilian populations in order to present to the international community a precise inventory of financial, technical and logistical requirements for reforms that would allow it to conduct a military operation that takes into account the duty to protect the civilian population and to solicit, if necessary, the appropriate support;
- Deploy, consequently, in the affected areas, alone or in strategic coordination, reformed and professional security force(s) (FARDC, PNC or other security services) as necessary, focused on the protection of civilians with adequate judicial personnel to investigate all allegations of violations of human rights and international humanitarian law attributed to their members, and support the effective control and punishment of alleged perpetrators;
- Mobilise and allocate sufficient resources, both in terms of daily food supplies and logistical support to the armed forces, so that once deployed, the troops do not become a source of insecurity for the population they are supposed to protect;
- Manage and inhibit the local self-defence group phenomenon that has emerged in response to the LRA, by deploying political-administrative, judicial and security officials, both civilian and military, to restore the authority of the State throughout the territory affected and to implement a peaceful mechanism for the final demobilisation of these groups.

### **6.2.2 To military coalition States other than the DRC**

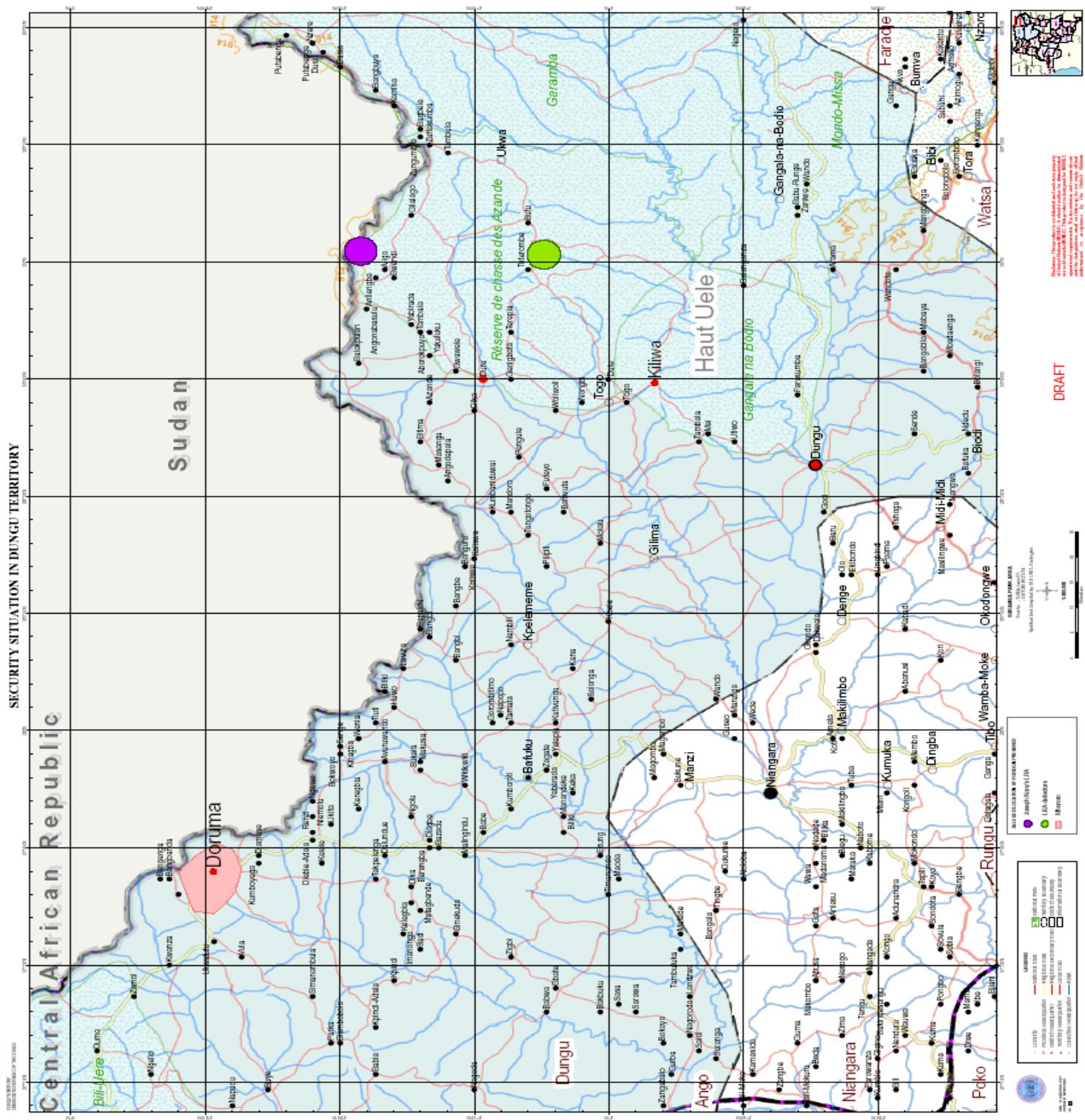
- Incorporate appropriate and specific measures and mechanisms for the protection of civilian populations and the safe delivery of emergency humanitarian aid in all policy making and strategic options against the LRA, reviewing and taking into account recommendations and advice of partners on the ground;
- Conduct a realistic assessment of their capacities to defend and protect civilian populations in order to present to the international community a precise inventory of financial, technical and logistical needs for the optimal implementation of a military operation aimed at protecting civilian populations;
- Take all necessary measures to allow humanitarian and human rights organisations access to areas vacated by the LRA to determine the toll of the attacks and to assess the current humanitarian and human rights situation.

### **6.2.3 To the international community**

- Provide adequate reinforcements to MONUC to enable it to comply with its obligation to fully assist the DRC to protect civilians in Orientale province;
- Encourage and urgently assist, without compromise or substitution, the Government of the DRC in its primary responsibility to implement effective military operations for the security and protection of its civilian populations and support its policy of security sector reform, taking into account the request of the Security Council reiterated for the third time in its Resolution 1856 of December 2008;
- Assist the DRC to establish a vetting system to improve the quality of the Congolese security forces and their capacity to protect civilians as required under international law and international humanitarian law;
- Cooperate with the ICC in investigating, arresting, and transferring all LRA leaders accused of international crimes covered by the Rome Statute;
- Contribute to the rehabilitation and long-term development of affected communities through, for example, the construction of basic infrastructure and support for income generating activities.

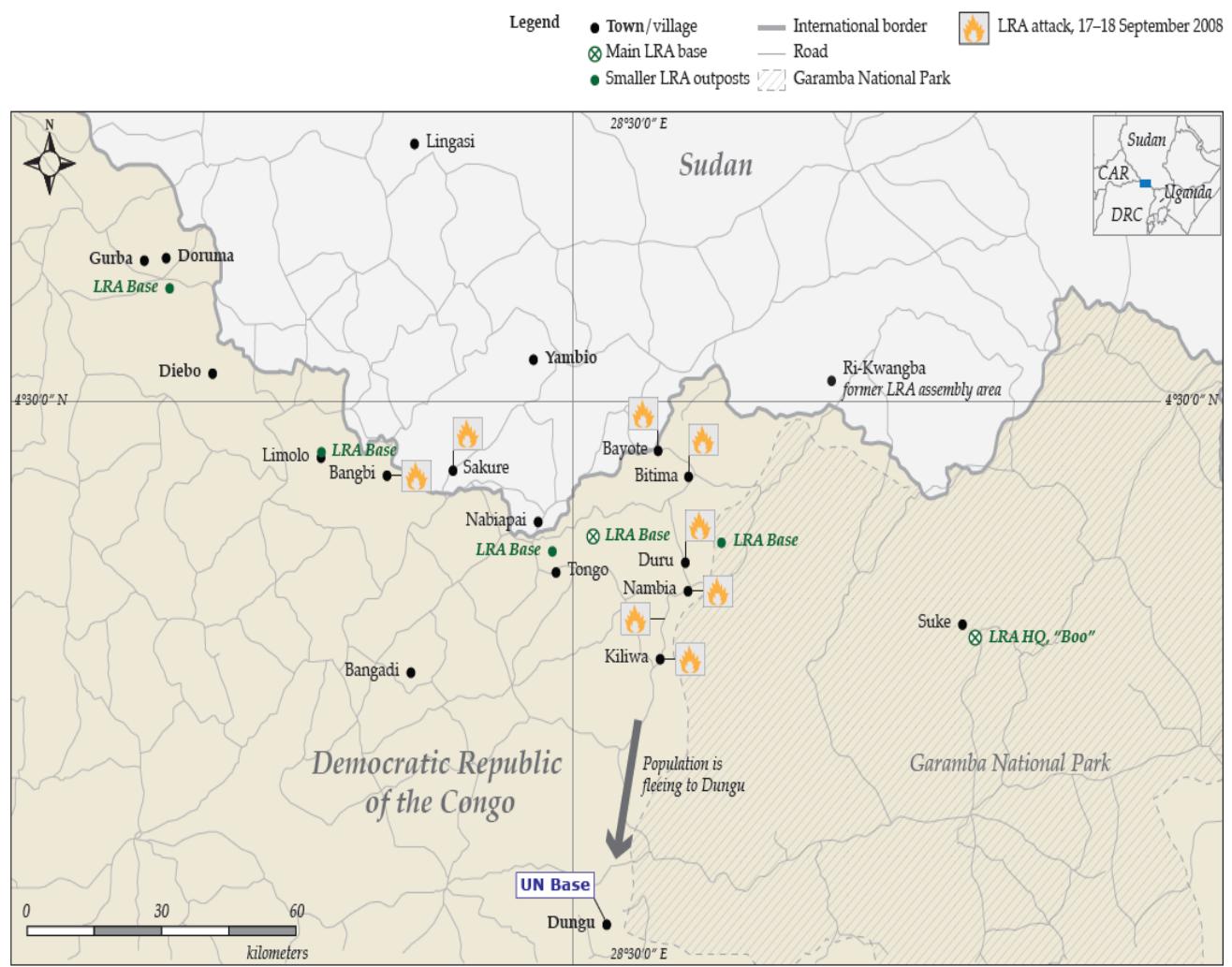
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## APPENDIX I: MAP OF DUNGU TERRITORY

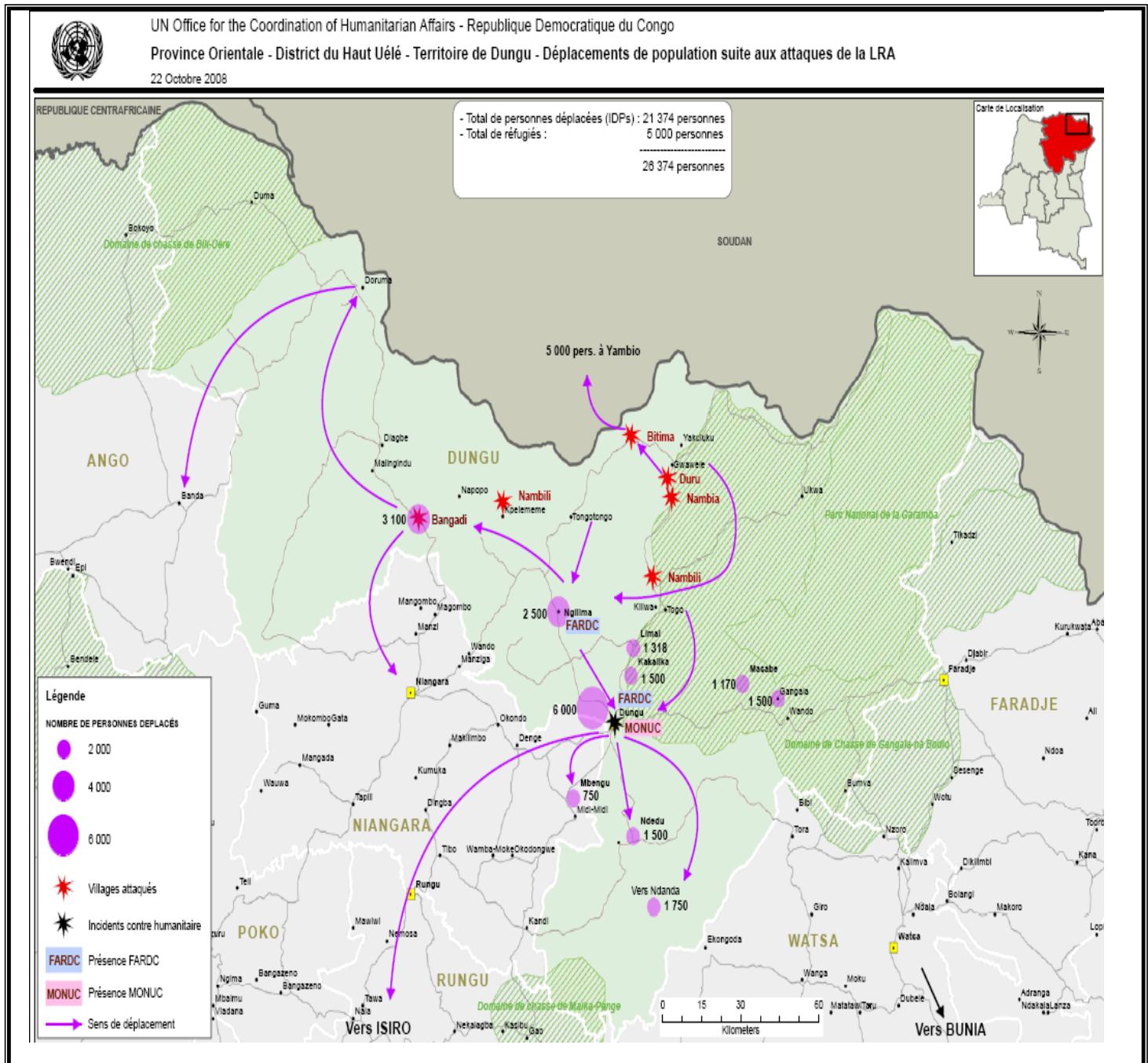


## APPENDIX II: LRA ATTACKS - 17-18 SEPTEMBER 2008

## Reported LRA attacks, 17–18 September 2008



## **APPENDIX III: DISPLACEMENT OF POPULATION FOLLOWING LRA ATTACKS – 22 OCTOBER 2008**



## **APPENDIX IV: DISPLACEMENT OF POPULATION FOLLOWING LRA ATTACKS SINCE SEPTEMBER 2008**

