

Conflict and Displacement in the Kasai

January 2018



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The International Refugee Rights Initiative (IRRI) was founded in 2004 to inform and improve responses to the cycles of violence and displacement that are at the heart of large-scale human rights violations.

Over the last 13 years, we have developed a holistic approach to the protection of human rights before, during, and in the aftermath of displacement, by focusing on:

- identifying the violations that cause displacement and exile,
- protecting the rights of those who are displaced, and
- ensuring the solutions to their displacement are durable, rights respecting, safe and timely.

We work to ensure the voices of the displaced and conflict affected communities are not only heard but heeded at the international level through our evidence based advocacy that is built on solid field based research and analysis.

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ABOUT THIS PAPER

Thijs Van Laer conducted the field research and drafted the report. Tigranna Zakaryan, Lucy Hovil and Andie Lambe provided input and support. The team would like to express their enormous gratitude to the people who helped in facilitating this research and to all those who gave their time and participated in the study.

Cover Photograph: view of Cacanda Reception Centre, 2017 © IRRI

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Table of Contents

Executive Summary	4
Maps	6
Recommendations.....	7
Methodology.....	9
Background.....	10
How the Violence Started.....	10
A Serious Displacement Crisis.....	12
The National Context.....	13
Violence in the DRC.....	15
Cinq: Not Just Ethnic Killings	15
Kamako: Militia Atrocities, Army Brutality.....	18
Sumbula: “They Shot at Everyone”	21
The Wider Picture	23
Links to the national political situation.....	23
Individual Responsibility.....	24
International Reaction.....	26
Conclusion	27

Executive Summary

Serious atrocities have been committed in the Kasai region in the Democratic Republic of Congo (DRC) since mid-2016, forcing many to leave their homes and even their country. While many are returning, the situation in the Kasai remains volatile, with the possibility of similar conflicts emerging elsewhere in the DRC, as the wider political situation continues to deteriorate.

The conflict in the Kasai, a previously stable but impoverished part of the country, broke out after Congolese security forces killed Jean-Pierre Mpandi, a customary leader, prompting his supporters to create an anti-government militia, known as the *Kamuina Nsapu*. Asylum seekers, interviewed by International Refugee Rights Initiative (IRRI) in Angola described how in March and April 2017, this militia killed state officials, and on some occasions ordinary citizens, in towns in the south of the Kasai.

When the military managed to retake control over towns from the militia, they committed serious human rights abuses. Witnesses described to IRRI how instead of protecting civilians who had suffered from the militia's presence, soldiers went on to rape women, kill civilians and pillage their goods. They also used disproportionate violence in their operations against the poorly armed militia, which was mainly composed of children.

In one of the towns from which asylum seekers fled, a pro-government militia, the *Bana Mura*, defeated the *Kamuina Nsapu* militia, and then went on to target citizens, especially those from the ethnic group associated with the *Kamuina Nsapu*. They were supported by local officials. According to the UN, ethnic killings by the *Bana Mura*, named after a division of the presidential guard, may amount to crimes against humanity.

Provincial officials, when alerted about the violence, failed to take action to stop the violence. Despite trials against military members and the arrests of many militia members, accountability has been limited, and initiatives by the Congolese government to end the violence have proven insufficient.

Despite the strong ethnic dimension to this conflict, it is imperative that it is not simplified into an exclusively ethnic issue. Politicised ethnic tensions are an ongoing phenomenon in the DRC and are commonly manipulated by political actors – at the local and national level - to further their interests. This is also the case for the local violence documented in this report.

The DRC is currently undergoing a profound political crisis. National elections to elect a successor to President Joseph Kabila should have been organised in November 2016, but have repeatedly been delayed. Protests against the *de facto* extension of Kabila's stay in power have been violently repressed by security forces, who have a long record of serious human rights abuses.

IRRI's research highlights the links between the localised violence in the towns from which asylum seekers originated and wider political developments in the DRC. The *Kamuina Nsapu* militia mobilised around an anti-government discourse related to Kabila's overstay in power and abuses by security forces. Interviewees said that the flawed 2011 presidential elections had created tensions in their towns, with different ethnic groups favouring different candidates. The creation of new provinces in 2015 also had repercussions on relations between ethnic groups present in those areas, contributing to the violence described in this report.

In October 2017, IRRI interviewed 45 Congolese asylum seekers in Angola, who described their ordeal before crossing the border, mostly between March and May 2017. Most people whom IRRI

talked to initially fled into the bush. Some tried to reach other towns but came across roadblocks, where they witnessed further killings. As soon as they heard Angola had opened its border, they moved toward the border.

Those asylum seekers IRRI spoke to, fled mainly from three towns in the south of Kasai Province, along the border zone with Angola. The events described in this report do however reflect the violence and displacement in the wider Kasai region and are intrinsically linked to the wider national crisis. Understanding the dynamics of this conflict might help in understanding the local consequences of the national turmoil and could feed into necessary efforts to prevent similar local conflicts erupting in other areas of the country, as the political situation in the DRC deteriorates.

While the humanitarian situation in Angola is gradually improving, none of the asylum seekers in Angola had been granted refugee status. The Angolan government has restricted freedoms for asylum seekers and harassed many of them. Several interviewees told IRRI that people who they believed could qualify as asylum seekers and refugees were being sent back to the DRC, which could be in violation of the principle of *non-refoulement*.

Angola currently hosts more than 27,000 asylum seekers who fled the violence described in this report and more than 800,000 people continue to be internally displaced in the wider Kasai region, despite significant returns.

Repeated condemnations by the UN and other international actors of the violence and the role by government forces in the Kasai increased after two UN experts were murdered and over 80 mass graves were discovered in the region. This resulted in the redeployment of the UN mission, MONUSCO, to the area, which it had previously vacated due to its focus on the eastern Kivu provinces. In July 2017, the United Nations Human Rights Council (UNHRC) adopted a resolution mandating three experts to investigate the situation in Kasai.

Maps



The Kasai region, as discussed in this report, consists mainly of the provinces of Kasai, Kasai Central, Kasai Oriental, Sankuru and Lomami. Most events described in more detail in this report took place in the south of the province of Kasai. Before 2015, these provinces were part of two larger provinces: Kasai Occidental (which was split into the current Kasai Province and Kasai Central Province) and Kasai Oriental (which was split into the current Kasai Oriental Province, Lomami Province and Sankuru Province). © Wikimedia commons



Map of the main towns where asylum seekers live in Angola and come from in DRC. IRRI was unable to obtain the geographical coordinates of the town of Cinq. © IRRI 2017

Recommendations

To the Congolese government:

- Fulfil its primary obligation to protect civilians against serious human rights abuses committed by militias and by government forces;
- Urgently put an end to the violence and serious human rights abuses committed by its security services, by publicly condemning abusive acts, calling for respect for Congolese and international law and ensuring accountability for such abuses;
- Adopt measures to de-escalate the national political crisis, including the release of political prisoners, a halt to repression of peaceful protesters and the timely organisation of credible elections;
- Take action to disband militias, both those aligned to, as well as those opposed to, the central government, in full respect of human rights;
- Investigate and, where appropriate, prosecute affiliated military, civilian officials and political leaders responsible for human rights violations, including incitement to violence and support to militias. Ensure that their right to a fair trial is respected and that officials are suspended during legal proceedings;
- Investigate and, where appropriate, prosecute militia members from the *Kamuina Nsapu* and *Bana Mura*, responsible for serious human rights abuses, including the targeting of state officials and civilians. Ensure that their right to a fair trial is respected and that the conditions of their detention are in accordance with the law;
- Fully collaborate with the three UNHRC mandated experts in order to ensure an independent, impartial investigation into the violence and ensure adequate follow-up for any of their recommendations;
- Continue to take initiatives to promote reconciliation between communities, peacebuilding and nonviolent dialogue.

To MONUSCO:

- Ensure that its military and civilian components are sufficiently flexible to promptly and effectively react to any crisis in the DRC.

To the government of Angola:

- Ensure that individual protection issues are fully investigated and that appropriate actions are undertaken to increase the security of Congolese asylum seekers;
- Ensure that no asylum seeker is returned or feels pressured to return to the DRC against their will and refrain from any statements or actions that might place undue pressure on asylum seekers.

To the three experts mandated by the UN Human Rights Council:

- Investigate the chain of command and support structures of local militias and the allegations of weapons and other transfers by government officials to the militia, and publish the results of these investigations;
- Suggest options for international accountability mechanisms in case those responsible for the violence are not duly prosecuted and judged in accordance with international standards inside the country.

To donors and other states:

- Provide MONUSCO with the necessary means to deal with local violence and the national political crisis;
- Provide sufficient political and other support to the experts mandated by the UNHRC, including by issuing clear statements during the UNHRC debates on its reporting, and ensure that its report is followed by concrete measures to provide accountability and sanction perpetrators of serious human rights abuses;
- Increase funding to humanitarian relief in the Kasai provinces and to UNHCR's appeal for Angola;
- Urge the Congolese government to
 - o put an end to abuses by its national security forces, especially the army
 - o fully support and provide accountability for crimes committed in the Kasai, and
 - o fully cooperate with the three UNHRC mandated experts and any other international investigations.

Methodology

In October 2017, IRRI conducted field research in Lunda Norte Province in Angola. IRRI conducted interviews with 45 Congolese asylum seekers, in most cases assisted by a translator. 21 interviews were conducted in Cacanda reception centre, 15 in Lovua refugee settlement and nine others in the towns of Dundo, Fucauma and Nzagi (see map on page 6). For security and privacy purposes, names and other identifying information of respondents have been withheld.

Most people IRRI spoke to had arrived between March and May 2017, primarily from the towns of Cinq, Kamako and Sumbula. Other asylum seekers came from peripheral towns situated close to those three larger towns, such as Shamahundu, Mwakaanga and Mahachangu. IRRI did not include information on those other locations in this report because it was unable to confirm this information. 19 were women and 26 were men.

Interviews with children were done in the presence of a trusted adult and in a safe setting. Extra care was being taken to avoid re-traumatisation and to ensure interviewees fully understood and consented to the objective of the interview.

Because the asylum seekers interviewed by IRRI originated mainly from towns close to the Angolan border in the southern part of Kasai Province, realities in other parts of the Kasai region may differ. IRRI believes however that many of the patterns described in this report contain relevance beyond the situation in these towns.

IRRI recognises that testimonies can be coloured by respondents' personal situations and experiences. To mitigate this, IRRI only included those testimonies which were part of a pattern and/or which it was able to corroborate via other sources. Most findings in this report are corroborated by a UN human rights report published in August 2016 and by a report published by the *Fédération internationale des ligues des droits de l'homme* (FIDH) in December 2017.²

IRRI wrote to the DRC authorities with a summary of the report's findings and questions on 2 November 2017 and to the Angolan authorities on 16 November 2017, but had received no response at the time of publication.

² OHCHR, "Report of a Mission of the United Nations High Commissioner for Human Rights – accounts of Congolese fleeing the crisis in the Kasai region, in the Democratic Republic of the Congo", August 2017, available at <http://www.ohchr.org/Documents/Countries/Africa/OHCHRMissionreportonaccountsofKasairefugees.docx> (accessed on: 5 October 2017). (OHCHR, August 2017); FIDH, "Massacres au Kasai : des crimes contre l'humanité au service d'un chaos organisé", December 2017, available at https://www.fidh.org/IMG/pdf/massacres_au_kasai_rapportfidh_dec2017.pdf (accessed on: 3 January 2018) (FIDH 2017).

Background

To understand the findings of this report, it's important to describe how the crisis in the Kasai erupted and how an apparent localised crisis, resulting in a serious human rights, displacement and humanitarian disaster, fits into the larger national crisis in the DRC.

How the Violence Started

The crisis in the Kasai started in the Bajila Kasanga chieftaincy in Central Kasai, but quickly spread throughout the greater Kasai region. In 2016, the Congolese government refused to recognise Jean-Pierre (also known as Jean-Prince) Mpandi as the *Kamuina Nsapu*, a local customary leader in Kasai Central Province, and instead favoured other customary leaders. Such traditional leaders play a considerable role in land and cultural issues in the DRC, but need approval by the central government. After the government turned down his recognition, Mpandi became increasingly critical of the central government, including of President Joseph Kabila and of the stalled electoral process (see below), and started opposing state authority.³

After security services visited his town to search for weapons in April 2016, Mpandi accused them of violating sacred sites and of harassing citizens, including some of his family members. He mobilised many people, including children, from surrounding towns, set up barricades and instigated several attacks against state properties.⁴ The situation escalated. Members of the Congolese national army (*Forces Armées de la République Démocratique du Congo*, FARDC) killed Mpandi and several of his followers on 12 August 2016.⁵

After the killing of Mpandi, attacks by his followers under the banner of *Kamuina Nsapu* intensified. They staged a series of attacks against state buildings and agents, including by killing government officials, and against people accused of performing witchcraft (for more details, see Box 1 below).⁶ Most of his followers are from the Luba ethnicity.

The response by the security forces, especially the FARDC, was characterised by disproportionate violence, brought to light in February 2017 with a widely shared and condemned video showing what appears to be a group of Congolese soldiers massacring civilians alleged to be militia members.⁷ Several of the commanding officers involved in the operations in the Kasai already had a record of human rights abuses.⁸

The UN has documented serious human rights abuses committed by the *Kamuina Nsapu* militia, as well as by state agents, including the military, resulting in the deaths of thousands of victims and the discovery of over 80 mass graves.⁹ In June 2017, the Catholic Church published one of the

³ S. Rolley, "RDC: Violences au Kasai", *Radio France Internationale*, available at <http://webdoc.rfi.fr/rdc-kasai-violences-crimes-kamuina-nsapu/chap-01/> (accessed on: 5 October 2017).

⁴ Ibid.

⁵ H. Hoebeke, "*Kamuina Nsapu* Insurgency Adds to Dangers in DR Congo", *International Crisis Group Commentary*, 21 March 2017, available at <https://www.crisisgroup.org/africa/central-africa/democratic-republic-congo/kamuina-nsapu-insurgency-adds-dangers-dr-congo> (accessed on: 5 October 2017) (Hoebeke 2017)

⁶ OHCHR, August 2017.

⁷ J. Gettleman, "Look, They Are Dying': Video Appears to Show Massacre by Congolese Soldiers", *New York Times*, 17 February 2017, available at <https://www.nytimes.com/2017/02/17/world/africa/democratic-republic-congo-massacre-video-html> (access on: 5 October 2017). A group of soldiers were arrested and later convicted, including for murdering civilians, though there are questions

⁸ S. Rolley, "RDC: Violences au Kasai. Chapitre 2: La réaction de l'armée", *Radio France Internationale*, available at <http://webdoc.rfi.fr/rdc-kasai-violences-crimes-kamuina-nsapu/chap-02/> (accessed on: 5 October 2017).

⁹ OHCHR, August 2017, p. 5 & Reuters, "U.N. identifies 38 more mass graves in Congo's Kasai region", 12 July 2017, available at <https://www.reuters.com/article/us-congo-violence/u-n-identifies-38-more-mass-graves-in-congos-kasai-region-idUSKBN19X1UA> (accessed on: 5 October 2017).

few credible statistics on the number of victims, estimating that close to 3,400 people were killed in the conflict since mid-2016.¹⁰

On 12 March 2017, two members of the UN Group of Experts, Michael Sharp and Zaida Catalán, were executed when on a mission to the region. It is still unclear as to who was responsible for the killings. According to a report by the same Group of Experts “the available evidence does not preclude the involvement of different actors such as (pro- or anti-Government) *Kamuina Nsapu* factions, other armed groups and members of State security services.”¹¹

The violence spread from towns in Kasai Central Province to the wider Kasai region, including to broader parts of the provinces of Kasai, Kasai Central, Kasai Oriental and Lomami.¹² A UN investigation pointed to the development of a “more pronounced ethnic dimension”, especially following the creation of another militia, the *Bana Mura*, consisting of individuals that are part of the Pende, Tetela and Tshokwe ethnic groups.¹³ This militia, allegedly supported by local leaders and military officers, undertook a campaign aimed at eliminating members of the Luba community, who they accused of supporting the *Kamuina Nsapu* militia (see below). Both the *Bana Mura* and the *Kamuina Nsapu* are accused of ethnic targeting, but according to the UN, the actions by the *Bana Mura* may amount to crimes against humanity.¹⁴

In March 2017, the government struck a deal with Mpandi’s family, including the return of his body, a procedure for the appointment of the traditional leader and the release of political protesters.¹⁵ In September 2017, a peace forum was organised in Kananga, the capital of Kasai Central province, attended by customary chiefs from the Kasai region and high-level politicians, including President Kabila.¹⁶ However, several opposition figures refused to participate in this forum, highlighting instead the need for accountability for those responsible for the violence.¹⁷

Since the height of the violence, the situation has been calmer in the region, but tensions remain between different ethnic groups. The FARDC continue to conduct operations in the region, possibly, given their track record, accompanied by serious human rights abuses against civilians.¹⁸

The crisis in the Kasai, which is one of the poorest regions of the DRC, also had severe humanitarian consequences beyond the direct consequences of the violence. About three million

¹⁰ A. Kasongo, “Tueries dans le Kasai : près de 3 400 morts selon l’Église catholique, Kinshasa ne se prononce pas”, *Jeune Afrique*, 20 June 2017, available at <http://www.jeuneafrique.com/449434/politique/rdc-3300-personnes-mortes-kasai-selon-document-de-leglise-catholique-congo> (accessed on: 3 November 2017). The Catholic Church is the only one to have published a credible death count of victims of this conflict.

¹¹ UN Group of Experts, “Final report of the Group of Experts on the Democratic Republic of the Congo”, 10 August 2017, S/2017/672, available at http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/672/Rev.1 (accessed on: 3 November 2017), p. 33.

¹² Ibid. p. 32.

¹³ In local languages, people speak of, for example, Bapende when talking about a group, Mupende when talking about and individual, etc. When referring to ethnic groups, throughout the report the prefixes Ba- and Mu- will be omitted, for the sake of clarity.

¹⁴ OHCHR, August 2017, p. 5.

¹⁵ H. Hoebeke, 2017.

¹⁶ RFI, “Forum pour la paix au Kasai en RDC: des questions perdurent, 22 September 2017”, available at <http://www.rfi.fr/afrique/20170922-forum-paix-kasai-rdc-questions-perdurent> (accessed on: 3 November 2017).

¹⁷ UN Secretary-General, “Report on the United Nations Mission for Stabilisation in Democratic Republic of Congo”, S/2017/824, 2 October 2017, available at <https://monusco.unmissions.org/sites/default/files/n1729874.pdf> (accessed on: 2 November 2017) p. 8. (MONUSCO October 2017)

¹⁸ Ibid.

people face critical food insecurity,¹⁹ an increase of 600% between 2016 and 2017.²⁰ About 400,000 children are running a risk of malnutrition²¹ and in October 2017, the UN declared the DRC at its highest level of humanitarian emergency.²²

A Serious Displacement Crisis

The violence in the Kasai, coupled with a humanitarian crisis resulted in a large-scale displacement. 762,000 are displaced within Kasai Province (also the province of origin of most asylum seekers in Angola) and about 53,000 in neighbouring provinces.²³

While the majority of the displaced have stayed inside the region, whole towns have been uprooted, with many seeking relative safety in makeshift camps. Given the insecurity and other challenges faced by humanitarian actors, access to basic necessities has been limited.

Many of those living close to the border sought protection in Angola, which currently hosts over 27,000 registered asylum seekers.²⁴ Many of those had first fled inside the DRC, but subsequently opted to move to the border, especially after the news had spread that the border had been opened for refugees. Many spent days, even weeks, in extremely dire conditions, waiting at the Congolese side of the border before they were transported, by air or by road, to reception centres near the town of Dundo, in Lunda Norte province of Angola.

Initially, most asylum seekers were hosted in two reception centres, Mussungue and Cacanda, while others stayed with Angolan host families. With hundreds of asylum seekers fleeing into Angola each day, both centres quickly became overcrowded and humanitarian actors struggled to respond to the situation. Once it became clear the vast majority was unlikely to return anytime soon, the Angolan government and its partners opened a new settlement in Lovua, about 94 kilometres west of Dundo. All asylum seekers from Mussungue have already been transferred to Lovua, with transfers from Cacanda ongoing. There are also asylum seekers in urban settlements such as Nzagi, Fucauma and Dundo.²⁵

As the violence decreased, and despite the risk of renewed instability, many internally displaced people have opted to return to their homes. In some areas of Lomami and Kasai provinces, there have recently been important return movements of internally displaced persons (IDPs), estimated by humanitarian actors as going up to 90 percent of the population.²⁶ In total, more than 710,000 IDPs have returned in Central Kasai, Lomami and Eastern Kasai, almost half of the previously displaced population of 1.4 million.²⁷ However, many have returned to find their

¹⁹ OCHA, "Urgence complexe dans la région du Kasai, R.D. Congo", Situation report 14, 23 October 2017, available at <https://reliefweb.int/report/democratic-republic-congo/urgence-complexe-dans-la-r-gion-des-kasa-rd-congo-rapport-de-7> (accessed on 3 November 2017). (OCHA October 2017)

²⁰ Ibid., p. 9.

²¹ OCHA, "DRC: More than 1 million people uprooted from their homes by lingering violence in Kasai", 25 September 2017, available at <https://www.unocha.org/story/drc-more-1-million-people-uprooted-their-homes-lingering-violence-kasai> (accessed on 9 November 2017).

²² Norwegian Refugee Council, "UN 'Level 3 emergency' declared in DR Congo highlights scale of crisis" 23 October 2017, available at <https://www.nrc.no/un-level-3-emergency-declared-in-dr-congo-highlights-scale-of-crisis> (accessed on: 3 November 2017).

²³ OCHA, October 2017. It is however recognised that the complexity of the situation makes such movements difficult to monitor.

²⁴ UNHCR, "Inter-agency operational update", 3 October 2017, available at <http://reporting.unhcr.org/sites/default/files/Angola%20Inter-Agency%20Operational%20Update%20-%2030OCT17.pdf> (accessed on: 1 November 2017).

²⁵ IIRI will publish more information on the situation of Congolese asylum seekers in Angola in a forthcoming publication.

²⁶ OCHA, 8 September 2017.

²⁷ OCHA, October 2017

houses burned and their possessions looted, and continue to face risks of insecurity, malnutrition and health problems.²⁸

There have also been significant waves of returns from Angola to the DRC. A Congolese NGO has registered 13,406 asylum seekers who had returned voluntarily to Kamonia district in Kasai Province, including many to Kamako.²⁹ IIRI witnessed a dozen people registering for return and crossing at a border crossing between the DRC and Angola. Some returns have caused violent tensions in communities, as a result of the increased ethnic cleavages in the Kasai region.³⁰

The National Context

The crisis in Kasai is interlinked with the broader national political crisis in the DRC. While the country has a history of state fragility, violent conflict and authoritarian governance, much of the current crisis is connected to delays in the DRC government's organisation of general elections, which were supposed to be held in November 2016. President Kabila is at the end of his second elected term, the maximum number of terms allowed in the Constitution. As a consequence, his party is attempting to extend his stay in power, through various means, including by delaying elections.

Many obstacles were put forward by the government and the electoral commission as justification as to why it was necessary to delay the organisation of elections in 2016, including the security situation in the Kasai region and other parts of the country. On 31 December 2016, Kabila's ruling coalition and a significant part of the opposition signed an agreement which concluded, amongst other things, that presidential, parliamentary and provincial elections have to be organised before the end of 2017 and without the participation of Kabila.

The preparation of the polls has, however, been repeatedly delayed since this agreement with the opposition. For example, the electoral commission cited the insecurity in the Kasai region, which has delayed the voter registration process, as a reason for the continued delays in the preparations.³¹

In October 2017, the head of the electoral commission announced that elections could not take place before April 2019, due to the need for a period of 504 days to ensure all voters were registered. However, in November 2017, after a visit of the US ambassador to the UN Security Council, the electoral commission then announced that elections would be organised on 23 December 2018.³²

Opposition and several civil society organisations have repeatedly condemned the continuous delaying of the elections as a strategy to keep Kabila in power. On several occasions in 2016 and 2017, protests erupted in Kinshasa and other major towns, which were heavily clamped down

²⁸ N. Peyton, "As fighting subsides, Congolese return home to scenes of destruction", *Thomson Reuters Foundation*, 1 November 2017, available at http://news.trust.org/item/20171101175911-be9d6?utm_source=OCHA+ROSEA+Master+List&utm_campaign=cdbd2b7a5f-SEA MEDIA SWEEP 2017 +02_11&utm_medium=email&utm_term=0_319edf26b8-cdbd2b7a5f-107640149 (accessed on: 3 November 2017).

²⁹ OCHA, October 2017p. 2.

³⁰ MONUSCO October 2017 p. 7 & 8.

³¹ MONUSCO September 2017 & A. Ross, "Congo election risks delay due to militia violence: commission president", *Reuters*, 12 May 2017, available at <https://www.reuters.com/article/us-congo-politics/congo-election-risks-delay-due-to-militia-violence-commission-president-idUSKBN1882EA> (accessed on: 14 December 2017).

³² P. Ligodi & A. Mwarabu, "Congo sets presidential election for December 2018", *Reuters*, 5 November 2017, available at <http://www.reuters.com/article/us-congo-politics/congo-sets-presidential-election-for-december-2018-idUSKBN1D50YI> (accessed on: 9 November 2017).

upon by security services, with the UN documenting dozens of deaths and arrests of protesters.³³ Several opposition leaders remain in prison or in exile.

In addition to this clampdown on government critics, the Congolese security services have been responsible for many serious human rights violations over the years. The FARDC is the result of several processes of integration of armed movements. The standard response to striking deals with armed groups, especially in the east, was to offer their commanders senior positions in the army and incorporate its rank and file, regardless of their human rights record. Many of these individuals have committed atrocities or been involved in illegal commercial activities, especially in the country's most volatile eastern provinces or elsewhere, but accountability for such abuses has been largely absent.

Within the DRC's political framework, customary chiefs continue to play an important role in political processes. They are, by law, empowered to deal with traditional-cultural issues, but are also part of the state apparatus and have to be officially recognised by the public authorities.³⁴ The succession and appointment of customary chiefs has on several occasions been accompanied by conflict and political meddling by local and national politicians, for electoral, economical or other power-related reasons.³⁵ Customary chiefs are often economically connected and influential and continue to have a certain degree of legitimacy in their community. Issues such as the succession and appointment of customary leaders therefore often transcend the local and interrelate with other issues of national political relevance, such as elections and decentralisation.³⁶

³³ See for example, UN, "DR Congo: 'Heavy-handed and irresponsible response' to protests could lead to further conflict, warns UN rights chief", 23 December 2016, available at <http://www.un.org/apps/news/story.asp?NewsID=55869#.WgQBp2h-rIU> (accessed on: 9 November 2017).

³⁴ Law N° 15/015 "Fixant le Statut des Chefs Coutumiers", 25 August 2015, available at http://www.droitcongolais.info/files/1.11.1.-Loi-du-25-aout-2015_Statut-des-chefs-coutumiers.pdf (accessed on: 9 November 2017).

³⁵ See for example J. Verweijen, "Customary power struggles in the Kivus: Looking beyond the local", 31 May 2016, available at <http://riftvalley.net/news/customary-power-struggles-kivus-looking-beyond-local#.WgQNcGi0PIV> (accessed on: 9 November 2017).

³⁶ Ibid.

Violence in the DRC

IRRI spoke to asylum seekers in Angola who fled the towns of Cinq, Kamako and Sumbula. All three towns are located in Kasai Province, Kamonia *territoire*, not far from the border between the DRC and Angola (see map on page 6).

Cinq: Not Just Ethnic Killings

IRRI interviewed 14 asylum seekers who lived in the town of Cinq before fleeing to Angola. They described how Cinq is inhabited by people belonging to a number of different ethnic groups: mainly Luba, Pende, Tchokwe and Tetela. People in Cinq, about 10,000 in total, as elsewhere in the DRC, strongly identify with their ethnic peers and this has been a source of conflict in the past in Cinq. Interviewees, however, told IRRI that before the arrival of the *Kamuina Nsapu* militia, they had lived together without serious problems.³⁷

This gradually began to change as the wider political situation deteriorated and the threat of the *Kamuina Nsapu* spilling over from Kasai Central Province became more imminent. Alliances started forming between the Pende, Tchokwe and Tetela, apparently stirred up by local and customary leaders, against the Luba, the majority in the province of Kasai and the ethnicity of most *Kamuina Nsapu* militia members.³⁸ A teacher said he thought the Tchokwe were just joking when they started singing songs about the Luba and their connection to the *Kamuina Nsapu*.³⁹

To the surprise and concern of many people of Luba origin, many citizens belonging to those three ethnic groups (Pende, Tchokwe and Tetela) started to leave the town in March 2017. The UN has reported that “[i]n the town of Cinq (sometimes written Singe), for example, the non-Luba inhabitants were told to leave certain areas by local officials before an attack, leaving only Tchiluba-speakers in the towns.”⁴⁰ Despite reassurances by local leaders, those remaining started getting nervous, deciding to leave as well and move to Tshikapa, the nearby provincial capital.

To do so, however, they had to cross areas that were controlled by roadblocks manned by militiamen linked to the three ethnic groups who had already left, allegedly to identify Luba. A nurse told IRRI that when he tried to leave Cinq he was stopped at a roadblock by a local leader. “The chief told me: ‘Here, the Tchokwe are killing the Luba.’ He said the reason was that the Luba are militia members of *Kamuina Nsapu*.”⁴¹ Another man interviewed by IRRI said: “My family members who went to Tshikapa were killed. They put up roadblocks and asked from which tribe you are. As soon as you said you’re a Luba, they killed you.”⁴² The combination of what seemed to have been warnings for members of several ethnic groups and the putting up of roadblocks seems to confirm the idea that attacks were being planned.⁴³

The *Kamuina Nsapu* militia arrived in Cinq in early April 2017. Many inhabitants fled into the bush, while others initially supported the group, as they promised to provide protection against the Tchokwe. Some residents of Luba ethnicity reportedly even requested the *Kamuina Nsapu* to come to the town.

³⁷ This was also confirmed by FIDH, see FIDH, 2017, p. 50.

³⁸ OHCHR, 2017, pp. 5 – 6.

³⁹ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

⁴⁰ OHCHR, 2017, p. 6.

⁴¹ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 10 October 2017.

⁴² IRRI interview with Congolese asylum seeker, Lovua, Angola, 16 October 2017.

⁴³ FIDH, 2017, p. 73.

When they arrived, the militia members announced they would spare the population, but target the military, as well as government agents and suspected witchdoctors (see Box 1). Some said they asked for telephones and SIM cards.

Despite such promises, the militia, a few dozen strong, targeted and killed several people in the town. A young man described their arrival to IRRI:

They were dressed in red, with a red band on their heads. They told the population: ‘We give three days for each person with arms to bring them to us. If you are a soldier, bring us your weapon and your uniform. If you have any red garments, don’t wear them, but bring them to us.’ Anyone who resisted would be killed. In my presence, four people had their heads cut off. I saw it being done, they did it with a machete. [...] When we saw those heads being cut off, we started to get afraid. The only solution was to flee. But there were also those roadblocks, manned by the Tchokwe. We couldn’t flee. We had to sit it out. We didn’t say anything, we didn’t tell anything, we tried not to look sad.⁴⁴

Box 1: Myths and Fetishes

Many people interviewed by IRRI said they believed the *Kamuina Nsapu* militia employed magical powers in their conflict with the Congolese state.⁴⁵

According to those interviewed, they carried fetishes (objects assumed to have magical powers) and sang songs containing mystical messages. As soon as they arrived in a new area, they not only targeted state officials, but also ordered citizens to hand over any fetishes they possessed. Citizens who refused to do so, or who were accused of being witchdoctors, ran the risk of being killed.

Some even believed that the presence of fetishes in the town was the reason the militia came in the first place. Several asylum seekers told IRRI that some time before the arrival of the militia, a man with a white mosquito net visited the towns and had asked the residents to hand in all the fetishes. He warned that he would be succeeded by people with a red mosquito net, who would employ violence to remove the fetishes. Many believe the *Kamuina Nsapu*, who wore red garments, were the successors with the red mosquito net.

As described in more detail in Box 2, militia members also had to undergo a series of rituals to be able to be fully integrated into the militia, which included various magical ceremonies in their “Tshota” – which acts as both their camp and a place of worship.

In their confrontations with the Congolese army, the militia as well as many citizens believed that they could employ magical powers to fight off the better trained and well-armed military. Several witnesses told IRRI that during battles some militia members threw sand which turned into explosives while others swallowed the bullets that were shot at them.

This belief in the powers and magical strength of the untrained poorly armed militia, also had an impact on the military engaging them, as the latter bought into much of the stories they heard about the militia and consequently feared to confront them.⁴⁶

⁴⁴ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

⁴⁵ The use of myths and magical beliefs is not limited to the conflict in the Kasai. Many Mai-Mai groups active in the Eastern Kivu provinces employ a similar mix of mythical narratives. See for example K. Hoffman, “Myths Set in Motion: The Moral Economy of Mai Mai Governance” in *Rebel Governance in Civil Wars*, Cambridge University Press, 2015, pp. 158 – 179.

⁴⁶ OHCHR, August 2017, p. 15.

On 24 April 2017, a militia composed of Tchokwe, Tetela and Pende attacked the town. They called themselves *Bana Mura*, named after a division of Kabila's presidential guard. Estimations of their numbers varied between 300 and 500. The *Kamuina Nsapu*, heavily outnumbered and suffering many losses, fled the town.

Over the next days, the *Bana Mura* came back, encircled the town and attacked those who had stayed there. Many IRRI spoke to described the systematic attack and the ruthless cruelty employed by this militia. A female farmer told IRRI: "They killed the men and cut off their genitals. Nobody was safe. [...] They killed my cousin's pregnant wife. They cut her with a machete and cut off her breasts."⁴⁷

IRRI talked to several asylum seekers who lost family members during the attack, including an adolescent who witnessed the killing of her mother and two sisters and a young man who saw his uncle being shot dead by the militia.⁴⁸ Some confirmed killings in a hospital and a pharmacy which were mentioned in a UN human rights report.⁴⁹

A trader who was in Cinq at the time said:

That group [*the Bana Mura*] killed a lot of people. My brother-in-law was killed the day they attacked. His house and all his belongings were burned. His son stayed with the body for three days. [...] My brother-in-law was killed by his neighbour, who told him: 'You're a Luba, so you're a *Kamuina Nsapu*.'⁵⁰

A young man explained to IRRI that: "Their objective was to fight against the Luba, but it became something against the whole population. They killed everyone."⁵¹ This was repeated by several respondents who told IRRI that the militia didn't make any distinctions with regards to who they killed. A young man from the Tetela ethnic group, some of whose members had joined the militia, confirmed the indiscriminate killings: "A lot of people were killed in Cinq. They killed my neighbours, I saw it happening. They came for everyone, they killed anyone."⁵²

A teacher explained to IRRI that despite the clear ethnic dimension, the situation was more complex:

I am a Luba. The *Kamuina Nsapu* [who are mainly composed of Luba] came when they heard that the Tchokwe were going to kill us. [But] the population didn't support the *Kamuina Nsapu*. The Tchokwe militia, they killed everyone, even maybe Tchokwe civilians. They also had Pende and Tetela amongst their ranks.⁵³

Several people told IRRI that *Bana Mura* militia was well armed with rifles and machetes, and that some even wore military uniforms. "The Tchokwe and Pende collaborated to kill people. They had calibre 12 [rifles usually used for hunting]. [...] These people who were fighting, they were in military fatigues, but they weren't military."⁵⁴

The authorities didn't intervene to protect its citizens when the killings started. A man told IRRI that the two policemen in Cinq were of the Pende ethnic group and supported the attack. One

⁴⁷ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

⁴⁸ IRRI interview with Congolese asylum seekers, Lovua & Cacanda, Angola, 16 & 17 October 2017.

⁴⁹ Also mentioned in the OHCHR report. See OHCHR, August 2017.

⁵⁰ IRRI interview with Congolese asylum seekers, Lovua, Angola, 17 October 2017.

⁵¹ IRRI interview with Congolese asylum seeker, Cacanda, 12 October 2017.

⁵² IRRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁵³ IRRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁵⁴ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

allegedly even video recorded the events.⁵⁵ One interviewee said he tried to call the mayor of Tshikapa, while two others said they called people close to the governor of Kasai province to alert them to the violence and to call for help. One of them received a response stating: “We can’t protect you, it’s a tribal war.”⁵⁶ No action was taken.

For most people, it was impossible to estimate how many people were killed. “There were plenty of corpses on top of each other. We didn’t have time to count them all”, one resident said.⁵⁷ Another man recalled approximately 20 people he had seen killed when he was fleeing the town, including his younger brother, sister and a seven-year-old child.⁵⁸ The UN compiled a list of 116 people who were allegedly killed during the attack on Cinq.⁵⁹

Almost all of Cinq’s inhabitants who survived fled. One of them described the situation as he fled into the bush:

I was hiding in a ditch. Then I saw there was a calm, and I ran. I found dead bodies everywhere, I had to step on them to flee. [...] I saw more than 10 bodies. It still hurts when I think about it.⁶⁰

After the killings, anything of value was pillaged by the *Bana Mura*, and a large part of the town was burned down. Some said people were locked up in their houses, which were then set on fire. “Cinq is a desert now, there is nobody there, there are no houses left. They took all our possessions”, a businessman who fled told IIRI.⁶¹ Satellite pictures obtained by the UN confirm the heavy destruction of several towns in the area.⁶²

Kamako: Militia Atrocities, Army Brutality

IIRI talked to 17 asylum seekers in Angola who witnessed events in Kamako, a town not far from the border. The first attack by the *Kamuina Nsapu* militia on this town took place on 6 March 2017. Members of the militia tried to burn down the local police post, but fled when the security forces responded to the attack. Some militia members retreated to neighbouring towns; IIRI spoke to inhabitants of those towns who said they saw them killing local officials and military.

Several weeks later, on 13 April 2017, the militia came back in larger numbers. A farmer described how they entered the town:

They created a lot of disorder. They started to kill people, they cut off their heads, to burn them in their Tshota [their camp which also doubles as a place of worship]. They targeted the whole population, anyone could be killed. They came with a discourse saying: ‘We are here to protect the population, stay calm.’ But their acts were the contrary.⁶³

Again, the military intervened quickly, after being alerted. But this time around, the militia managed to defeat them. They killed the local police commander, a man called Dario Anzandi

⁵⁵ IIRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁵⁶ IIRI interview with Congolese asylum seeker, Lovua, Angola, 17 October. FIDH confirmed the fact that provincial authorities had been informed about the attacks and its humanitarian consequences. See FIDH, 2017, p. 78.

⁵⁷ IIRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

⁵⁸ IIRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁵⁹ OHCHR, August 2017, p. 10. FIDH states that several hundreds of civilians were summary executed in Cinq. FIDH, 2017, p. 54.

⁶⁰ IIRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁶¹ IIRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁶² OHCHR satellite pictures, available at

http://www.ohchr.org/SiteCollectionImages/Countries/CD/UNOSAT_Kasai.zip (accessed on: 3 November 2017).

⁶³ IIRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

Joseph, himself accused of extrajudicial killings of presumed militia members. His beheading was witnessed by four people who IRRI spoke to, and prompted many to flee.

IRRI spoke to a demobilised soldier, the husband and daughter of government workers and the wife of a former soldier who all fled from Kamako to Angola out of fear of being targeted by the militia. All four witnessed the arrest and beheadings of government officials by the militia. Family members of state employees expressed the fear that they would be targeted themselves if the militia members couldn't find their primary targets.⁶⁴ Several others said they saw the militia beheading thieves and people accused of possessing fetishes, which the militia was known for targeting.⁶⁵

Several witnesses told IRRI they heard militia members singing "the land is ours" or "we revolt against the Tchokwe who took up arms to kill the Luba", which was interpreted by some as a threat against other ethnic groups. Views differed, however, about whether the militia also targeted civilians. Many said they only targeted state officials, however others said:

The militia didn't only kill state agents, they also killed civilians. They cut off the head of my uncle, in my presence. Some citizens were spared, especially Luba. But [people from ethnicities] Tetela, Pende or Tchokwe were killed.⁶⁶

Another man, a baker, said he fled because he was afraid he would be killed given his Pende ethnicity: "When they entered Kamako, they immediately started creating havoc and pillaging the population. If they identified you as someone from Bandundu [a region in the DRC], as a Tetela, a Tchokwe or a Pende, they cut off your head."⁶⁷

Some said Luba inhabitants of Kamako had requested the militia to come to the town and assisted them by pointing out who belonged to other ethnic groups. According to a young man, this explained why the militia targeted certain civilians:

The *Kamuina Nsapu* targeted officials and the military. But they hired local people who had some outstanding issues with other citizens. I can't support the militia because they created my misery. But the militia didn't target any civilians, unless they [the citizens assisting them] had issues with them, or if they worked for the state.⁶⁸

After multiple attempts, the military eventually managed to defeat the militia in April 2017. They reportedly used heavy weaponry and indiscriminately killed adults and children.⁶⁹ Most people had already left Kamako by then, but for some, especially Luba, it was this takeover which prompted them to flee. A construction worker explained why he fled:

What convinced me to leave was that the military said: 'We will kill the Luba, one by one. We will start in this province, we will kill you all.' That language disturbed me. [...] They could falsely accuse any Luba who stayed in Kamako and kill him.⁷⁰

⁶⁴ IRRI interviews with Congolese asylum seekers, Cacanda & Lovua, Angola, 12 & 13 October 2017.

⁶⁵ IRRI interviews with Congolese asylum seeker, Cacanda, Angola, 12 & 14 October 2017.

⁶⁶ IRRI interview with Congolese asylum seeker, Lovua, 13 October 2017.

⁶⁷ IRRI interview with Congolese asylum seeker, Lovua, 13 October 2017.

⁶⁸ IRRI interview with Congolese asylum seeker, Dundo, Angola, 14 October 2017.

⁶⁹ FIDH, 2017, p. 45.

⁷⁰ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

He also accused the military, who intervened to fight the *Kamuina Nsapu*, of committing acts of sexual violence.⁷¹ Four interviewees confirmed witnessing soldiers raping women, killing civilians and pillaging goods in Kamako.⁷² One of them said:

The military came to protect us. But as soon as they arrived, they changed their mission and started raping women. I have seen it myself. The military knocked on the door of my friend. They entered and handcuffed him. Then they raped his wife. He couldn't do anything. I saw it happening. There were 12 [of them]. After raping her, they stuck a piece of wood in her. Fortunately, she still lives. Those military, they were enraged because they were confronted by the militia. They pillaged and committed a lot of violence.⁷³

Allegedly some members of the *Kamuina Nsapu* had, over time, infiltrated themselves amongst the general population. This became widely known, resulting in the military associating any Luba with the militia, and using that as justification for their targeting of civilians.⁷⁴

According to a father of five, the commanding officer prohibited his soldiers from raping women after several had been accused of doing so. As a consequence, however, he said, those soldiers changed strategy and took these women as their wives, which seemed to be accepted by the commander.⁷⁵ Some soldiers were arrested for a few days, but released without charge. A soldier called Manassé, who was mentioned by three asylum seekers and accused of killing civilians, had his weapon confiscated, but was never arrested.

Those that fled Kamako went to Angola or to nearby areas in Congo. Many have since returned. According to these returnees, the town is still heavily militarised.

Again, many stated that there was no conflict between different ethnic groups in Kamako prior to these events.⁷⁶ A few, however, mentioned that tensions had been simmering for a long time but that these were manageable on a day to day basis. According to an old man, himself a Pende, "between Pende and Tchokwe on the one hand, and Luba on the other hand, there have always been problems. We had a lot of reservations towards each other."⁷⁷

Box 2: forced recruitment of children by *Kamuina Nsapu*

IRRI talked to two children who had been forcibly enlisted by the militia and fled to Angola when the military attacked. They were both visibly traumatised and have been isolated due to the risks of being attacked by displaced victims of the militia and to protect them from the stigma that will result should their former roles become known to the broader community.

The first, a 16-year-old girl, only spent three days with the militia. She was recruited in Kamako when militia members wanted to kill her father. She said she had to go with them, out of fear of being killed if refusing. She then underwent an induction ceremony. She said she was in charge of preparing food, and was not involved in the fighting.

⁷¹ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

⁷² IRRI interviews with Congolese asylum seekers, Dundo & Cacanda, Angola, 14 & 16 October 2017.

⁷³ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 16 October 2017.

⁷⁴ OHCHR, 2017, pp. 7 & 8.

⁷⁵ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 12 October 2017.

⁷⁶ This was also the conclusion of the August 2017 OHCHR report. See p. 7.

⁷⁷ IRRI interview with Congolese asylum seeker, Lovua, Angola, 13 October 2017.

Only three days after her forced recruitment, the military attacked Kamako. “They eliminated all the *Kamuina Nsapu*, I saw it. There was no resistance, they attacked at once and massacred all the *Kamuina Nsapu*. Those who still lived fled, others were arrested.”⁷⁸

She fled to Angola, but as soon as she arrived at the border she was arrested and brought to a detention centre managed by the Angolan security services. There, she was allegedly raped by an Angolan soldier and kept for several months, before being transferred to a secure house in Dundo.

The other girl, only ten years old, was abducted when she was fetching water. The *Kamuina Nsapu* introduced her to their rituals and decided to appoint her as “La Mama”, a role reserved for young girls who are believed to possess spiritual powers that protect the militia against attacks. They are supposed to shake their skirts to repel bullets and even reportedly drink the blood of victims.⁷⁹ She described the ceremony: “They washed us, gave us wires and pieces of paper. They gave us power [...] I was La Mama, I was supposed to help them during the battle. But I never fought.” When they were attacked, she fled. Out of the ten members of the militia she was with, eight were killed. She fled to Angola, together with another young boy who had also survived. She has lost touch with her parents.⁸⁰

The *Kamuina Nsapu* militia has massively recruited children in its ranks. According to a UNICEF report, up to 60% of the militia members are children, which constitutes a war crime. It has registered more than 500 cases in which children were used as human shields or as combatants.⁸¹

Sumbula: “They Shot at Everyone”

In Sumbula, most of the victims were the result of the disproportionate force employed by the Congolese military in their operations against the *Kamuina Nsapu* militia, eight asylum seekers told IRRI. The UN discovered seven probable mass graves in Sumbula.⁸²

The militia arrived in Sumbula on 27 March 2017, and as was the case in other towns, mainly targeted state officials. A judicial official, for example, told IRRI he was arrested by the militia: “They brought me to their hut and wanted to strangle me, but I was defended by the population. I stayed [in Sumbula]. They didn’t destroy anything.”⁸³

Others were less lucky. A young man told IRRI he witnessed three of his family members being killed by the militia, allegedly because of the profession of their father:

We were hiding in our house: me, my siblings and my parents. But the militia entered. They killed my mother and my father. They cut off their heads, I saw it happening. They also killed my sister, who was five years old. My brother and I fled, each in another direction. My sister had fallen asleep. My father was a school supervisor.⁸⁴

⁷⁸ IRRI interview with Congolese asylum seeker, Dundo, Angola, 14 October 2017.

⁷⁹ OHCHR, August 2017, p. 59.

⁸⁰ IRRI interview with Congolese asylum seeker, Dundo, Angola, 14 October 2017.

⁸¹ UNICEF, “Children, Victims of the Crisis in Kasai”, July 2017, available at <https://www.unicef.be/content/uploads/2017/08/kasai-crisis-eng.pdf> (accessed on: 4 January 2018)

⁸² Jeune Afrique, “RDC : l’ONU évoque 38 nouvelles fosses communes dans le Kasai”, 16 July 2017, available at <http://www.jeuneafrique.com/457017/societe/rd-congo-lonu-evoque-38-nouvelles-fosses-communes-kasai/> (accessed on : 3 January 2018).

⁸³ IRRI interview with Congolese asylum seeker, Fucauma, Angola, 11 October 2017. There are other reports that the militia did spare government officials when the local population intervened to spare their lives. See FIDH, 2017.

⁸⁴ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 16 October 2017.

According to the UN, the militia arrived well-armed and in large numbers in the town, and slit the throats of five police agents and the head of the *Direction Générale de Migration (DGM)*.⁸⁵

The situation escalated when the Congolese army, who had initially fled the militia, attacked the town. Several testimonies confirmed the use of heavy weaponry and indiscriminate firing. A father of two said:

The *Kamuina Nsapu* only targeted state agents and they didn't destroy anything. But the FARDC, when they entered the town, they shot at everyone. They destructed a lot of property and killed a lot of people. They killed a priest because they accused him of being a member of *Kamuina Nsapu*. It was a slaughterhouse. [...] They targeted civilians because they needed money. They even shot at people who buried bodies.⁸⁶

A young woman described to IRRI how she fled after the FARDC killed her neighbour, who had given his motorbike to the *Kamuina Nsapu* militia, and these military had raped a woman she knew at gunpoint.⁸⁷ Another said her two brothers had been killed by the military:

They killed my brothers of 16 and 18 years old. They killed them in my presence, I saw it happening. They found them in a hut, and shot them. Even when they killed my brothers, I wasn't allowed to cry. They burned the corpses, using a car tyre. [...] The reason for their behaviour was that the population had welcomed the *Kamuina Nsapu*. So the military showed their anger towards the population. They killed people every day.⁸⁸

As was the case in Cinq, according to a young mother, the military operation was also an opportunity for certain members of other ethnic groups to retaliate against the Luba population for the actions of the *Kamuina Nsapu*:

The Tchokwe told the military that their people had been killed by the *Kamuina Nsapu*. Subsequently, the military started to massacre the Luba. I saw the Tchokwe killing people, but we couldn't stay, we had to flee. They had hunting guns and pistols, while the army was using heavy weapons.⁸⁹

A woman told IRRI that everyone left the town after the military assault: "Nobody stayed there, everyone had to leave. There is still trouble there. Some went back to look for their family members, but they also left again."⁹⁰

⁸⁵ OHCHR, August 2017, p. 15.

⁸⁶ IRRI interview with Congolese asylum seeker, Fucauma, Angola, 11 October 2017.

⁸⁷ IRRI interview with Congolese asylum seeker, Fucauma, Angola, 11 October 2017.

⁸⁸ IRRI interview with Congolese asylum seeker, Nzagi, Angola, 11 October 2017.

⁸⁹ IRRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

⁹⁰ IRRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

The Wider Picture

As said earlier, the local violence in the towns of Sumbula, Cinq and Kamako has to be understood in light of the wider national, political crisis, the involvement of local and national actors in supporting the violence and the international reaction.

Links to the national political situation

The Kasai region is a stronghold of the opposition against President Kabila. Etienne Tshisekedi, the renowned opposition leader who died on 1 February 2017, is a native of Kasai Central Province and of Luba ethnicity. In the last presidential elections in November 2011, heavily criticised for its irregularities, Tshisekedi received more than 70 percent of the votes in both Kasai provinces (they have since been split up in five provinces, see page 6 and below), yet Joseph Kabila was announced the winner.⁹¹

In 2015, the government decided to implement what was already laid down in the Constitution: dividing up the 11 provinces of the DRC into a total of 26.⁹² The current Kasai Province was formerly part of the larger province of Kasai Occidental, which was separated in two – now called Kasai Province and Kasai Central Province – when the 26 provinces were created. The government's move to belatedly implement what was laid down in the Constitution, was seen by observers as a strategy intended to weaken political opponents, particularly Moïse Katumbi, then-governor of the mineral rich Katanga Province.⁹³ Following the creation of the new provinces, the central government reportedly appointed several new local administrators, the majority of whom are from the Tchokwe ethnic group.⁹⁴

Asylum seekers in Angola pointed out how unresolved grievances related to the 2011 election and subsequent decentralisation process continued to stir up tensions in the towns. A man from Cinq told IRRI:

Since the 2011 election, they [the Luba] said Kabila would have to leave power and that Tshisekedi would replace him. The Tchokwe resented this. Every time there was a discussion, this escalated. The Tchokwe supported Kabila, because he had promised them a province if they would vote for him. He had promised that they would get the majority of the members of government.⁹⁵

A woman from Cinq said the creation of a new province aggravated the conflict between different ethnic groups:

When they created these new different provinces, the Tchokwe and the Tetela organised meetings. As these tribes are aligned to PALU [Unified Lumumbist Party, *Parti Lumumbiste Unifié* in French, a political party aligned with Kabila] and they heard

⁹¹ Radio Okapi, "Présidentielle-RDC : 6 provinces sur 11 acquises à Joseph Kabila", 10 December 2011, available at <https://www.radiookapi.net/actualite/2011/12/10/presidentielle-rdc-6-provinces-sur-11-acquis-joseph-kabila> (accessed on: 6 October 2017).

⁹² G. Grossman & J. Lewis, "The Democratic Republic of Congo might break up its provinces. Then what?" in *Washington Post*, 4 June 2015, available at https://www.washingtonpost.com/news/monkey-cage/wp/2015/06/04/the-democratic-republic-of-congo-might-break-up-its-provinces-then-what/?utm_term=.5e3a0ec050cf (accessed on: 1 November 2017).

⁹³ C. Wille, "Carving Up Congo: President Kabila's Latest Ploy to Stay in Power" in *Foreign Affairs*, 21 May 2015, available at <https://www.foreignaffairs.com/articles/democratic-republic-congo/2015-05-21/carving-congo> (accessed on: 1 November 2017).

⁹⁴ FIDH, 2017, p. 37.

⁹⁵ IRRI interview with Congolese asylum seeker, Cacanda, 10 October 2017.

Tshikapa would become [the capital of] a province, they decided to chase all the Luba from Tshikapa.⁹⁶

As described earlier, the *Kamuina Nsapu* militia also mobilised on a political discourse against President Kabila and his government. While the violence started as a local conflict, it quickly turned into a more general challenge towards the authority of the state.⁹⁷ Anyone connected to the state consequently became a target for the militia.

People aligned with pro-government political parties were also attacked by the group. A man from a neighbouring town to Kamako, for example, told IRRI that he was arrested by the *Kamuina Nsapu* when the latter found a flag in his house with the party symbols of PALU. He said the *Kamuina Nsapu* told him: "It's PALU who has given force to Kabila". They took him to their basecamp in Kamako, which he managed to escape when the militia fled after a military attack on the town.⁹⁸ PALU leaders have been accused of supporting the *Bana Mura* militia.⁹⁹

In addition, when the *Kamuina Nsapu* militia, the majority of which is composed of people from the Luba ethnic group, started creating chaos in the wider Kasai region, other ethnic groups, stirred up by local and customary leaders, started threatening the Luba in the towns from which asylum seekers fled, even before the arrival of the militia there. A man of Cinq told IRRI: "The Tchokwe said: 'We want all the Luba to go. They want to take our province.' [...] When there was a war in Kananga, when *Kamuina Nsapu* started killing people, they said: 'You Luba, you can't stay here.'"¹⁰⁰

Many also linked the local leaders who allegedly supported the *Bana Mura* militia, to the government and to Kabila directly. Some said they were delegates of the president, that they were supported directly by him, or that they were his ardent supporters. An asylum seeker explained to IRRI that such political leaders used the ethnic dimension for their own political gain: "This political conflict has stigmatised this ethnic question. The politics is hiding behind it and has reinforced the scale. There has always been such a conflict, but not like today."¹⁰¹

Individual Responsibility

Many asylum seekers IRRI interviewed in Angola mentioned names of officials involved in the serious human rights abuses committed in Cinq, Kamako and Sumbula.

Nine asylum seekers who came from Cinq mentioned Muyej, a customary leader and chief of the *groupement*¹⁰² with the same name, as the primary organiser of the *Bana Mura* militia and instigator of the massacres committed there. They accused him of organising the distribution of weapons and uniforms and of inciting the militia members. According to some, he had been arrested, but IRRI has not been able to confirm this information.

He was allegedly assisted by two state officials, one working for the DGM, and another working for the *Agence Nationale de Renseignement* (ANR). Both agencies, especially the ANR, have been regularly accused of involvement in human rights abuses, throughout the country.

⁹⁶ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 11 October 2017.

⁹⁷ H. Hoebeke, 2017

⁹⁸ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 14 October 2017.

⁹⁹ FIDH, 2017, p. 71.

¹⁰⁰ IRRI interview with Congolese asylum seeker, Lovua, Angola, 17 October 2017.

¹⁰¹ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 10 October 2017.

¹⁰² An local administrative entity

According to FIDH, local authorities, members of the security forces and customary chiefs organised meetings to plan and incite these massacres in Cinq and other towns.¹⁰³ Several people whom IRRI spoke to also mentioned the alleged involvement of provincial and national politicians, including ministers and members of parliament, who played a role in the preparation or the instigation of the violence. One even said he had seen parliamentarians distributing arms to citizens, which would later be used to massacre civilians: “When those arms came to Tshikapa, I was there. I saw the members of parliament [...]. We thought they were weapons for hunters.”¹⁰⁴ IRRI was unable to confirm these accusations, however the UN has confirmed that local officials supported the operations of the *Bana Mura* and used the population as proxies to conduct operations.¹⁰⁵

Asylum seekers who fled Kamako mentioned abuses committed by a police officer known as Captain Dario Anzandi Joseph, who was subsequently killed by the *Kamuina Nsapu* militia. A former judicial official, for example, told IRRI:

Three men were undressed at the bank of the river. Then, Captain Dario took a red band and said the three men were *Kamuina Nsapu*. He put these red bands on their heads and destroyed their voter cards [used as an ID in DRC]. He accused them of being *Kamuina Nsapu*. He killed them.¹⁰⁶

Several other names, including FARDC commanders, were mentioned by former inhabitants of Kamako and Sumbula, but IRRI was not able to corroborate their involvement in the atrocities.

On 6 July 2017, eight military personnel were sentenced to jail terms ranging from 12 years to life for killings civilians in the Kasai region. One was acquitted. They were prosecuted following the release of a video that showed the military shooting at, and killing, civilians armed with batons in the town of Mwanza Lomba.¹⁰⁷ The UN human rights office in the DRC criticised the state’s decision not to prosecute them for crimes against humanity.¹⁰⁸

More than 270 suspected members of the *Kamuina Nsapu* have been arrested since the beginning of the crisis and are currently in detention. Very few trials have started and the conditions of their detention have been criticised by a local human rights group.¹⁰⁹

In reaction to the trials of members of *Kamuina Nsapu* and FARDC in Kasai Central and Kasai Oriental Provinces, a UN report criticised the fact that these trials “did not lead to the conviction of officials bearing command responsibility for the crimes committed.”¹¹⁰ IRRI wrote a letter to the Congolese government requesting more information about any other trials against militia members or members of the security services, but received no answer at the time of publication of this report.

¹⁰³ FIDH, 2017, p. 47.

¹⁰⁴ IRRI Interview with Congolese asylum seeker, Cacanda refugee camp, Angola, 10 October 2017. FIDH confirmed the involvement of members of parliament in the organisation of the Bana Mura. See FIDH, 2017, p. 71.

¹⁰⁵ OHCHR, August 2017, p. 5.

¹⁰⁶ IRRI interview with Congolese asylum seeker, Cacanda, Angola, 14 October 2017.

¹⁰⁷ Jeune Afrique, “RDC : lourdes peines pour les militaires accusés de meurtres de civils dans le Kasai”, 6 July 2017, available at <http://www.jeuneafrique.com/454955/societe/massacres-kasai-huit-militaires-congolais-condamnes-a-de-lourdes-peines-de-prison> (accessed on : 1 November 2017).

¹⁰⁸ AFP, “UN denounces DR Congo tribunal’s decision in Kasai trial”, 26 June 2017, available at <http://www.dailymail.co.uk/wires/afp/article-4640522/UN-denounces-DR-Congo-tribunals-decision-Kasai-trial.html> (accessed on: 1 November 2017).

¹⁰⁹ Radio Okapi, “L’OCDH dénonce la détention prolongée des présumés miliciens *Kamuina Nsapu* à la prison de Kananga”, 21 October 2017, available at <https://www.radiookapi.net/2017/10/21/actualite/justice/locdh-denonce-la-detention-prolongee-des-presumes-miliciens-kamuina> (accessed on: 3 November 2017).

¹¹⁰ September 2017

International Reaction

Following the violence, MONUSCO has reinforced its presence in the area, by deploying civilian and police personnel to the main towns in the wider Kasai region and by deploying peacekeepers to each of the three major towns: Tshikapa, Mbuyi-Mayi and Kananga. A UN review of MONUSCO commended the mission for its response and its ability to “re-establish a significant presence in an area from which it had largely withdrawn, in order to help to prevent a further deterioration of the situation.”¹¹¹

While this purported reduction in threats and insecurity is welcomed, arguably it would have been more effective to deploy MONUSCO at the height of the violence to prevent its massive human cost. Most asylum seekers had not seen any presence of MONUSCO. One said: “MONUSCO was very late. A lot of people had already been killed and had left when they passed by.”¹¹²

In its public response to the violence in the Kasai, MONUSCO mentioned the decision in 2014 by the UN Security Council to focus the mission on Eastern DRC and “a drastic reduction of military and civilian personnel affecting the Mission’s presence in Kananga”.¹¹³ Further budget cuts to the mission after the latest mandate renewal in March 2017 are likely to further intensify this problem.

In June 2017, the UNHRC decided to send a team of international experts to the DRC to investigate violations of international human rights and humanitarian law. Its findings have to be forwarded to the Congolese judicial authorities and presented at the UNHRC session in June/July 2018.¹¹⁴ A coalition of NGOs, including IRRI, had called for a Commission of Inquiry.¹¹⁵ In July 2017, the UN High Commissioner for Human Rights appointed a team of three experienced experts to lead the investigation.¹¹⁶

¹¹¹ MONUSCO September 2017

¹¹² IRRI Interview with Congolese asylum seeker, Cacanda refugee camp, Angola, 10 October 2017.

¹¹³ MONUSCO, “Monusco Strongly Condemns the Persistent Violence in the Kasai Provinces”, 11 February 2017, available at <https://monusco.unmissions.org/en/monusco-strongly-condemns-persistent-violence-kasai-provinces> (accessed on: 9 November 2017).

¹¹⁴ OHCHR, “Human Rights Council decides to dispatch team of international experts to the Democratic Republic of the Congo”, 23 June 2017, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21799&LangID=E> (accessed on: 2 November 2017).

¹¹⁵ IRRI et al, “DR Congo: UN Should Investigate Kasai Violence”, 1 June 2017, available at <http://www.refugee-rights.org/Publications/PR/2017/DR%20Congo%20Kasai%20Violence%2020170531%20-%20EN.pdf> (accessed on: 2 November 2017).

¹¹⁶ Reuters, “UN names 3 rights experts to probe mass killings in Congo”, 26 July 2017, available at: <https://www.reuters.com/article/us-congo-violence-un/u-n-names-3-rights-experts-to-probe-mass-killings-in-congo-idUSKBN1AB1D0> (accessed on: 2 November 2017).

Conclusion

Asylum seekers in Angola suffered horrible atrocities in the towns of Cinq, Kamako and Sumbula, in the south of the Kasai Province of the Democratic Republic of Congo. What was once one of the more peaceful parts of the DRC is now characterised by violence, displacement and an ever increasing humanitarian crisis.

This situation could have been prevented. If the Congolese authorities had better managed the dispute with a customary chief and had opted for dialogue instead of disproportionate military action, the mobilisation of his followers, the *Kamuina Nsapu* militia, would not have had the devastating effect it has had. If the Congolese military had opted for targeted operations instead of the use of brutal, indiscriminate force against the poorly armed militia and civilians alike, many deaths would have been avoided.

If local and provincial officials had protected their citizens instead of dismissing the attacks by the *Bana Mura* militia as a local, tribal conflict, and even worse, had not actively supported the militia, it would have been less likely that crimes against humanity would have been committed.

If MONUSCO had been able to maintain its presence in the region, it might have been able to react more quickly and effectively, to implement its mandate to protect civilians.

As a consequence of such failures, possible crimes against humanity have been committed in the Kasai region.¹¹⁷ Accountability for such international crimes is key to prevent recurrence both in those towns and elsewhere in the region, to deter politico-military actors in other parts of the country from instigating similar conflicts and to allow citizens, especially those considering returning to their homes, to regain a minimal level of trust in their country's institutions. To date, unfortunately, this has been very limited.

This violence was not just a spontaneous outbreak of ethnic disputes, but was reinforced and even organised by individuals connected with provincial and national elites and institutions. The links between the local dynamics of this conflict and the wider political crisis are indisputable. As the national political crisis continues to deteriorate, as abuses by security forces continue unabated and local power brokers manipulate ethnic dynamics for their own political gain, so the risk increases that more local conflicts and displacement crises will occur.

It is past time to address these problems. The Congolese authorities must take urgent measures to end the political crisis, address violations by security services and cooperate with international inquiries. International actors must pressure them to do so and ensure that any failure to do so has real consequences and they must optimise the rapid response capacity of MONUSCO throughout the whole country. As long as such steps are not taken, similar conflicts risk breaking out in other parts of the country, many thousands more will die and be displaced and international actors will have to continue to fund serious emergencies in the DRC and its refugee hosting neighbours.

¹¹⁷ OHCHR, 2017, p. 17.