



DEMOCRATIC REPUBLIC OF CONGO

Trail of Death

LRA Atrocities in Northeastern Congo

HUMAN
RIGHTS
WATCH



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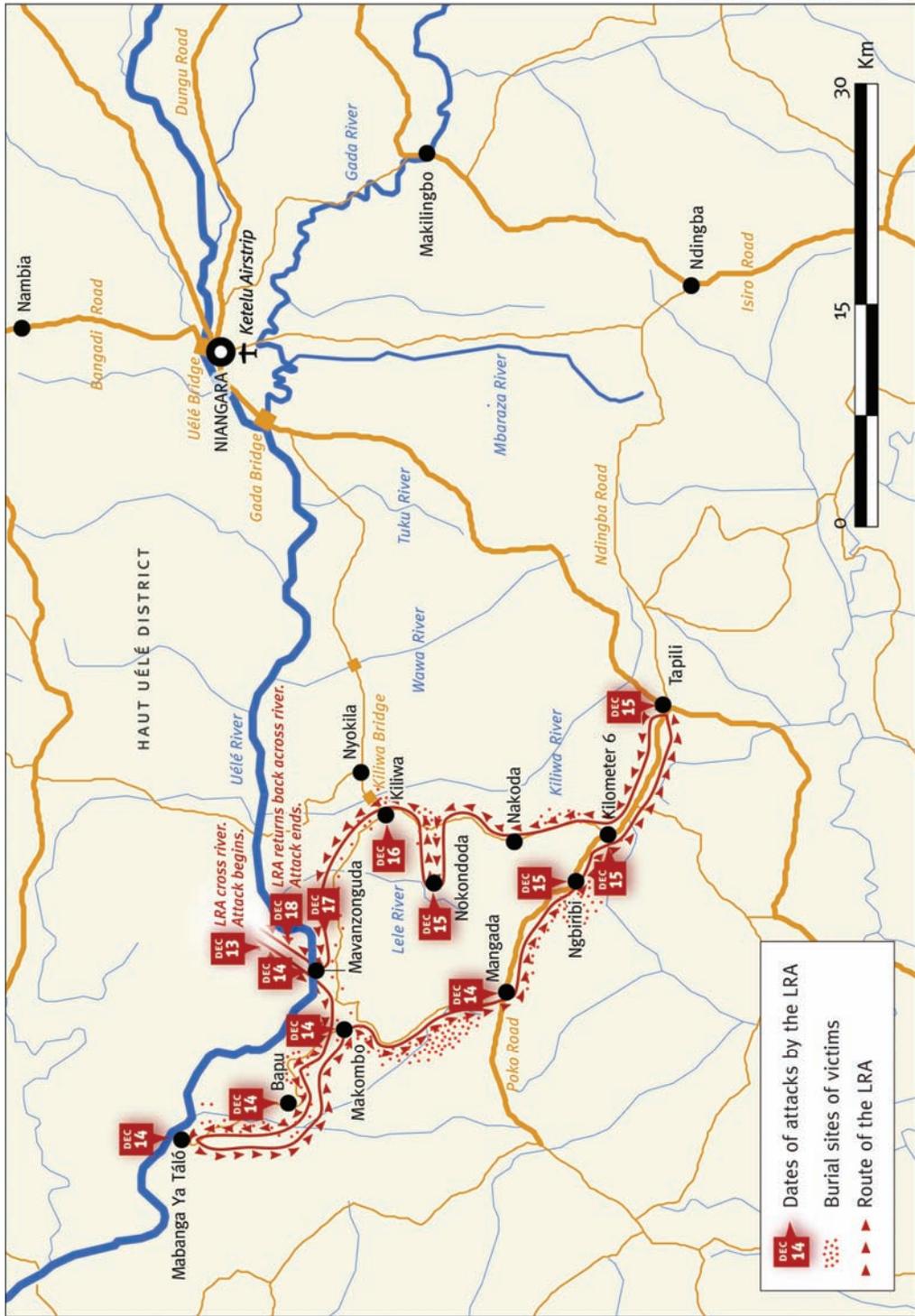


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LRA Massacre in the Makombo Area, December 14 to 17, 2009

I. Summary

We have been forgotten. It's as if we don't exist. The government says the LRA are no longer a problem, but I know that's not true. I beg of you, please talk to others about what has happened to us.

—80-year-old traditional chief, grieving for his son killed by the LRA, Niangara, February 19, 2010

Between December 14 and 17, 2009, the Lord's Resistance Army (LRA), a Ugandan rebel group, carried out a horrific attack in the Makombo area of Haut Uele district in northeastern Democratic Republic of Congo, near the border with Sudan. In a well-planned operation, the LRA killed more than 321 civilians and abducted more than 250 others, including at least 80 children. The vast majority of those killed were adult men who were first tied up before LRA combatants hacked them to death with machetes or crushed their skulls with axes or heavy wooden sticks. Family members and local authorities later found battered bodies tied to trees; other bodies were found in the forest or brush land all along the 105-kilometer round journey made by the LRA group during the operation. Witnesses told Human Rights Watch that for days and weeks after the attack, this remote area was filled with the “stench of death.” The attack was one of the largest single massacres in the LRA's 23-year history.

The LRA used similar tactics in each village they attacked during their four-day operation: they pretended to be Congolese and Ugandan army soldiers on patrol, reassured people in broken Lingala (the common language of northern Congo) not to be afraid, and, once people had gathered, captured their victims and tied them up. LRA combatants specifically searched out areas where people might gather—such as markets, churches, and water points—and repeatedly asked those they encountered about the location of schools, indicating that one of their objectives was to abduct children. Those who were abducted, including many children aged 10 to 15 years old, were tied up with ropes or metal wire at the waist, often in human chains of five to 15 people. They were made to carry the goods the LRA had pillaged and then forced to march off with them. Anyone who refused, walked too slowly, or who tried to escape was killed. Children were not spared.

Despite the enormous civilian death toll, the attack in the Makombo area made no headlines. Congolese and Ugandan soldiers based in Haut Uele district arrived in the area of the killings on December 18, 2009, alerted by reports of an LRA attack. But the remoteness of the region and the lack of telephone communications meant the news of the attack traveled

slowly. On December 26, the Congolese army sent a small investigation team to look into the incident. After three days, the team returned, concluding that a large massacre had occurred, perpetrated by the LRA. The Congolese army sent soldiers to the area who established a base nearby, but no further action was taken by the Congolese government or army to help the affected communities. Ugandan soldiers attempted to pursue the LRA assailants but without success.

Publicly, the governments of Uganda and Congo both maintain that the LRA is no longer a serious threat in northern Congo and that the bulk of the rebel group has either moved to CAR or been neutralized. The LRA clearly remains a threat to civilians. While the LRA may have been weakened and dispersed as a result of the military campaign, the group's ability to attack and abduct civilians remains intact, as illustrated by the gruesome operation in the Makombo area. Such public declarations by the Congolese and Ugandan governments may have contributed to the burying of information about ongoing LRA attacks. One effect has been that many people in northeastern Congo feel utterly abandoned and ignored.

At the end of December, the United Nations peacekeeping mission in Congo, MONUC, received information about the attack. With its resources thinly stretched and limited intelligence on the location of LRA groups, MONUC was in no position to avert the Makombo massacre, but it took no immediate steps to follow up on the reported LRA attack and to investigate what had happened. At the time, MONUC had some 1,000 peacekeepers in Haut Uele district but its focus was on responding to rumors of a possible LRA attack on the district capital, Dungu, and other large population centers. MONUC also remained concentrated on the crisis in the Kivu provinces of eastern Congo leaving limited resources to respond to LRA-affected areas to the north. With many staff away for the Christmas holidays, no decision was made to change priorities. In January 2010, MONUC officials again received reports indicating that as many as 266 people may have died in the Makombo area, but no investigation was launched. Only on March 11, 2010, nearly 10 weeks after first receiving reports of the attack, and after briefings from Human Rights Watch, did MONUC send a team of human rights specialists to the area.

The attack on the Makombo area was led by at least two LRA commanders: Lt. Col. Binansio Okumu (also known as Binany) and a commander known as Obol. According to abductees who later managed to escape and Ugandan military sources, these two commanders report to one of the LRA's senior leaders, Gen. Dominic Ongwen, sought on an arrest warrant from the International Criminal Court (ICC) for crimes committed in northern Uganda. Ongwen is believed to command the LRA's forces in northeastern Congo. According to escaped captives of the LRA, Ongwen met with his commanders, including Binany and Obol, during the 2009

Christmas period to celebrate the “success” of the Makombo attack, including the large numbers of people killed and abducted. Following the celebrations, the new abductees were divided up among the LRA commanders and separated into multiple smaller groups, each heading in a different direction. Human Rights Watch calls upon the ICC and the Congolese government to investigate the three LRA commanders – Ongwen, Binany and Obol—for their role in committing or ordering alleged war crimes and crimes against humanity.

The Makombo massacre may not be the only unreported large-scale attack. Human Rights Watch has also received reports of LRA attacks in remote regions of Central African Republic (CAR) that have received little attention or follow-up from the CAR government or the UN.

The Makombo massacre is part of a longstanding practice of horrific attacks and abuses by the LRA committed in four countries in the central African region: Uganda, southern Sudan, CAR, and Congo. Initially restricted to northern Uganda, the LRA has evolved into a regional threat. Pushed out of northern Uganda in 2005 by the Ugandan army, the LRA now operates in the remote border areas between southern Sudan, Congo and CAR. Despite successive military operations against the group over the years, the LRA has proven remarkably resilient and able to regroup to continue their attacks against and abductions of civilians. In December 2008, the governments in the region led by the Ugandan military, with intelligence and logistical support from the United States, launched another military campaign against the LRA’s bases in northeastern Congo, known as Operation Lightning Thunder. It too failed to neutralize the LRA leadership, which escaped. In retaliation for the military campaign, the LRA attacked numerous Congolese villages over the 2008 Christmas period and into January 2009, slaughtering over 865 civilians and abducting hundreds more.

On March 15, 2009, Operation Lightning Thunder officially ended, following pressure from the Congolese government, which found it politically difficult to support a continued Ugandan army presence on Congolese territory. But the military campaign continued, moving into a covert stage, with the quiet approval of the Congolese president, Joseph Kabila. This new phase of military operations permitted limited coordination, planning and intelligence sharing between the national armies of the region and the various UN peacekeeping missions on enhancing protection for civilians at risk of continued LRA attacks.

Military commanders from the affected countries hold meetings every few months to discuss the LRA and some steps have been taken to improve coordination between the four UN missions operating in the central African region, but these efforts are far from adequate. The Makombo massacre, and other atrocities by the LRA documented in this report, illustrates that the LRA’s ability to attack civilians is far from over. More focused and directed efforts

are required by the UN's Department of Peacekeeping Operations (DPKO) and regional government to establish an effective coordination mechanism for civilian protection in LRA-affected areas across the UN missions, including coordination with all relevant national armies.

One source of hope has come from the US government. On March 11, 2010, the US Senate unanimously passed the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act, which if enacted into law, requires the administration of President Barack Obama to develop a regional strategy to protect civilians in central Africa from attacks by the LRA, work to apprehend the LRA leadership, and support economic recovery for northern Uganda. The bill is currently pending before the US House of Representatives.

On February 24, 2010, US Secretary of State Hillary Clinton testified before the Senate Foreign Relations Committee about the LRA. She said, "I have been following the Lord's Resistance Army for more than 15 years. I just don't understand why we cannot end this scourge. And we [the US government] are going to do everything we can to provide support we believe will enable us to do that."

The US and other concerned governments should work together with regional governments and the UN to urgently turn this commitment into action. High-level attention, bold steps and courageous leadership are necessary to develop and implement a comprehensive regional strategy that resolves the LRA threat, with a focus on protecting civilians from further attacks, rescuing abducted persons, and apprehending LRA leaders wanted by the ICC.

The people of northeastern Congo and other LRA-affected areas across the central African region have suffered for far too long. They are waiting for strong, effective action to end the LRA's atrocities, to see the safe return of their children and other loved ones who remain with the LRA, and to let them know they are not forgotten.

II. Methodology

This report is based on an eight-day Human Rights Watch field research mission to Haut Uele district in northeastern Democratic Republic of Congo from February 18-25, 2010, as well as additional research in Kinshasa and Goma in Congo, and Kampala in Uganda. Three Human Rights Watch researchers participated in the research, altogether conducting 128 interviews.

In Haut Uele, researchers visited the towns and villages of Niangara, Tapili, Bangadi, Dungu, and Faradje, where they interviewed dozens of victims, family members, and eyewitnesses to the Makombo massacre and other attacks on civilians. Among these were individuals who helped bury the dead, children and adults who had been abducted by the LRA and later escaped, local authorities, religious leaders, civil society representatives, Congolese army (FARDC) commanders, Ugandan army (UPDF) commanders, MONUC officials, and representatives of nongovernmental organizations and UN agencies. In Tapili, one of the towns in the Makombo area that the LRA attacked during the massacre, researchers interviewed survivors and saw the houses the LRA used to imprison adults and children.

In Goma, researchers interviewed two former Ugandan LRA combatants who surrendered to the Congolese army near Doruma in late December 2009, as well as MONUC officials, diplomats, and representatives of UN agencies. In Kinshasa, researchers interviewed diplomats, MONUC officials, Congolese government officials, and representatives of UN agencies. Human Rights Watch also interviewed Ugandan military intelligence and army officials in Kampala, and received an official communication responding to many of our questions. Human Rights Watch researchers were also in communication with officials from the United States African Command (AFRICOM) and the US State Department.

This report also benefited greatly from information collected by civil society organizations, local authorities, and Congolese army officials, as well as UN, US and other official documentation.

Statistics on the numbers killed during the Makombo massacre and in other attacks are based on interviews with those who buried the dead. Those left unburied have not been included in our calculations. Statistics on the number of people abducted by the LRA during the Makombo massacre are based on interviews with witnesses and children and adults who were captured by the LRA during the attack and later managed to escape.

III. Recommendations

To the Lord's Resistance Army and Its Representatives

- Immediately cease all attacks on civilians and other violations of international humanitarian law.
- Immediately release all abducted children and adults.

To the Governments of DR Congo, Uganda, Central African Republic, and Southern Sudan

- In coordination with UN missions in each country, promptly develop a comprehensive regional strategy to resolve the LRA threat, with a focus on civilian protection, rescuing abducted persons, apprehending LRA leaders wanted by the ICC, and facilitating the surrender of LRA combatants.
- Make the protection of civilians and rescue of abducted persons a priority for any military operations against the LRA. Deploy troops and logistical support as necessary to protect civilian populations from LRA retaliatory attacks in areas most likely to be targeted or where LRA combatants are known to be operating.
- In partnership with the private sector and international donors, urgently expand mobile phone communication networks to LRA-affected areas, especially in northern DRC and southeastern CAR, to ensure attacks on civilians are rapidly reported and to improve response time to such attacks.
- Give priority to the rehabilitation of children captured or escaped from the LRA by promptly transferring them to UNICEF and appropriate local and international nongovernmental organizations.
- Transfer to the International Criminal Court surrendered or captured LRA leaders who are sought under ICC arrest warrants.

To the Congolese Government and Armed Forces

- Urgently establish mechanisms to implement the announced “zero tolerance” policy to end abuses by Congolese army soldiers during military operations, including those committed by the “Ours” battalion in Bangadi, and establish joint investigation teams with MONUC to investigate military abuses and hold those responsible to account, regardless of rank.

- Improve/Provide communication equipment for soldiers operating in LRA-affected areas, including satellite phones and radios, to allow a rapid response for civilian protection.
- To discourage looting and other abuses, ensure all soldiers receive a regular and adequate salary and food rations.
- Consider establishing a special judicial mechanism within the Congolese civilian justice system, with Congolese and international judges, prosecutors, and other relevant experts, to investigate serious international crimes, including crimes committed by senior LRA leaders on Congolese territory who are not sought on arrest warrants by the International Criminal Court.

To the Ugandan Armed Forces

- In countries where Ugandan forces are deployed, enhance coordination and detailed information-sharing with UN peacekeeping missions and national armies to improve protection for civilians at risk of LRA attack.
- Deploy a liaison team to Dungu to regularly interact with the UN and Congolese forces based there.
- Make the protection of civilians and rescue of abducted persons a priority for any military operations against the LRA

To the UN Department of Peacekeeping Operations (DPKO) and UN Peacekeeping Forces in the Region (UNMIS, MONUC, MINURCAT, UNAMID)

- Under the leadership of the Under-Secretary-General for Peacekeeping Operations, urgently establish an effective UN coordination mechanism for civilian protection in LRA-affected areas across the UN missions, including coordination with all relevant national armies. Prioritize improving coordination between MONUC and the Ugandan and Congolese armies.
- Identify full-time personnel to act as focal points on LRA issues in each peacekeeping mission to regularly share information, plans for military operations, and civilian protection deployments. Coordinate these activities through DPKO headquarters in New York.
- Urgently increase UN peacekeeping troops and UN civilian staff in LRA-affected areas, especially in Haut and Bas Uele (Congo), and in Haut-Mbomou (CAR), and urgently reassess the current deployment of the existing force strength to maximize the number of temporary field bases in northeastern Congo.

- Together with the governments of the region, organize a high-level conference to develop a comprehensive regional strategy to resolve the LRA threat.
- Ensure that UN field base commanders in LRA-affected areas are supported by community liaison officers capable of facilitating regular communication with local authorities, traditional chiefs, civil society and displaced person representatives in their area of responsibility. Give special attention to threats to children and how to mitigate such risks.
- Building on MONUC's experience in North Kivu province, establish a "priority protection planning mechanism" for LRA-affected areas, and in other areas as appropriate, to identify and respond to threats where civilians are most at risk.
- Increase the frequency of the deployment of "joint protection teams" to areas where civilians are most at risk and ensure the full implementation of their recommendations.
- Increase the logistical support, including further aerial support, for the Congolese armed forces and other forces as necessary, to ensure rapid deployment of troops for the purpose of civilian protection. Ensure the full application of the UN's human rights conditionality policy for support to national armies.
- As part of a strategy to enhance protection of civilians, consider providing logistical and other types of support to mobile phone companies seeking to establish a mobile phone network in LRA-affected areas.
- Support the establishment of community-run radio stations in LRA-affected areas to assist efforts to facilitate LRA combatants to surrender and to provide accurate and timely information to civilians about LRA attacks.
- Assist the Congolese and Ugandan armed forces in setting up reception points for LRA defectors and abducted persons.
- Create a demobilization program for non-Ugandan LRA combatants, and request UN member states to provide the necessary financial resources.
- Deploy more human rights staff to LRA-affected areas to permit rapid documentation of abuses by all parties to the conflict and to allow for frequent and timely public reporting.

To the UN Security Council

- Direct UN missions operating in Congo, Sudan and CAR, under the leadership of the Under-Secretary-General for Peacekeeping Operations, to develop a comprehensive regional policy to resolve the human rights challenge posed by the LRA and enhance civilian protection.

- Support a strategy to apprehend LRA commanders wanted by the ICC and others who have committed war crimes or crimes against humanity, taking all feasible precautions to minimize risk to civilians, and request member states to provide the necessary financial and operational resources.
- Request regular briefings from relevant UN agencies and missions on LRA abuses.

To UNICEF and Other Child Protection Agencies

- Urgently increase teams working in the countries affected by the LRA to document abductions and the mistreatment of children and set up programs to support tracing as well as psychosocial assistance, family reunification, and rehabilitation for those who have fled the LRA.
- Ensure all funding gaps for implementation partners are urgently resolved and increase support to LRA-affected areas.

To the UN Special Representative of the Secretary-General on Sexual Violence in Armed Conflict

- Investigate and report on rape and other sexual violence committed against women and girls in LRA-affected areas. Call for a focused and coordinated cross-border response from UN agencies and UN peacekeeping missions to address sexual and gender based violence by the LRA and other armed forces operating in LRA-affected areas.

To the International Criminal Court Prosecutor

- Investigate recent alleged crimes by the LRA in Congo, Central African Republic and southern Sudan with a view to expanding the charges for those LRA leaders already subject to ICC arrest warrants and to bring new charges against additional commanders responsible for attacks on civilians.

To International Donors, Concerned Governments, and Regional Bodies

- Support the organization of a high-level international conference to develop a comprehensive regional strategy to resolve the LRA threat.
- Provide UN peacekeeping missions in LRA-affected areas and national armies with the necessary logistical capacity (with a particular focus on helicopter support), intelligence, communications, and other resources to adequately protect civilians

from LRA attacks, rescue abducted persons, and facilitate the surrender of LRA combatants.

- Encourage capable UN member states to deploy a small, highly trained military unit to assist the peacekeeping missions and national armed forces in the apprehension of LRA leaders wanted by the ICC, taking all feasible precautions to minimize risk to civilians.
- Cooperate with governments in the region and relevant peacekeeping missions to apprehend LRA leaders wanted by the ICC, taking all feasible precautions to minimize risk to civilians.
- Consider providing financial support, such as through private/public partnerships, to urgently expand mobile phone communication networks to LRA-affected areas to ensure attacks on civilians are rapidly reported and to improve response time to such attacks.
- Enhance emergency support to UN agencies and local and international nongovernmental organizations to assist the victims and the communities affected by LRA violence.

To the United States

- Take strong leadership in coordination efforts to resolve the LRA threat by: (i) supporting the organization of a high-level international conference to develop a comprehensive strategy on resolving the LRA threat; (ii) developing an interagency framework, including with UN agencies, to enhance the response to threats to civilians; and (iii) developing a specific LRA mechanism, building on the Tripartite Plus Commission, with governments in the region and the UN DPKO, to enhance diplomatic and military responses to the LRA, and to help ensure apprehension of LRA commanders wanted by the ICC.
- Continue to provide accurate and timely intelligence to UN peacekeeping missions and national armed forces operating in the region to enhance protection of civilians and strategies to apprehend LRA leaders.
- Publicly condemn any abuses by national armed forces operating in LRA-affected areas and urge that those responsible are held to account.
- Pass the LRA Disarmament and Northern Uganda Recovery Act currently pending before Congress and ensure rapid and full implementation of its provisions.

IV. Introduction

The Lord's Resistance Army (LRA), an armed rebel group led by Joseph Kony, has been fighting the Ugandan government since 1987. Initially confined to northern Uganda, the LRA has evolved to become a regional threat operating in the remote border areas between southern Sudan, the Democratic Republic of Congo and the Central African Republic (CAR). Throughout its history, the LRA has been responsible for numerous atrocities, including massacres, summary executions, torture, rape, pillage and forced labor. The LRA's brutality against children has been particularly grotesque: it continues to replenish its ranks through the abduction of children, forcible training and use of children in combat operations, and compelling compliance through threats, violence, and mind control. While Ugandan counter-insurgency operations brought an end to LRA attacks in Uganda in 2006, and other armed forces have conducted their own anti-LRA operations, the group has retained the ability to carry out devastating and widespread attacks against civilian populations elsewhere in the region.

In the late 1980s the LRA had some popular backing from the Acholi people of northern Uganda, a population marginalized by the central government. But the group's support waned as its violence against civilians escalated.¹ Over subsequent years, the LRA frequently moved between northern Uganda and southern Sudan, carrying out attacks in both countries. The Ugandan army, the Ugandan People's Defence Forces (UPDF), repeatedly tried to defeat the LRA through counter-insurgency campaigns, some of which also involved serious human rights violations by Ugandan soldiers,² but each time the LRA was able to regroup. In 2005 and 2006, renewed Ugandan military campaigns compelled the LRA to relocate its forces from Uganda and southern Sudan to the remote region of the Garamba National Park in northeastern Congo.

Attempts to negotiate peace with the LRA have repeatedly failed, either due to intransigence by the rebels or the Ugandan government. In 2006, the Ugandan government engaged in new peace negotiations with Riek Machar, the vice-president of southern Sudan, acting as mediator. The effort was supported by then UN Special Envoy for the LRA-affected areas, former president of Mozambique, Joaquim Chissano. These talks, known as the Juba peace

¹ In March 1991, the Ugandan Army launched "Operation North," a campaign to eliminate the LRA threat and end support for the LRA among the local community. Both sides committed abuses against the civilian population and the campaign failed. For more on abuses committed during the 1990s, see Human Rights Watch, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*, September 1997, <http://www.hrw.org/en/reports/1997/09/18/scars-death>.

² Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, vol. 15, no. 12(a), July 14, 2003, <http://www.hrw.org/en/reports/2003/07/14/abducted-and-abused-o>.

process, progressed further than previous attempts, but they too ultimately failed. Some claimed that LRA leaders entered talks in part to avoid prosecution by the International Criminal Court (ICC).³ The ICC prosecutor had issued arrest warrants for the LRA's top five leaders, including Joseph Kony, in July 2005,⁴ following an earlier decision by Ugandan President Yoweri Museveni to refer LRA crimes in northern Uganda to the court's jurisdiction.⁵ But others claimed the LRA entered the peace process only to gain time to regroup, and never intended to reach a viable agreement.⁶

Whatever the reason for entering the talks, Kony repeatedly failed to sign the Juba peace agreement in 2008. While relative calm lasted through the beginning of the peace process, from January to April 2008 the LRA carried out a series of well-organized operations from their base in Garamba National Park to abduct persons from CAR and southern Sudan. A few months later, in September and November 2008, the LRA attacked Congolese civilians in communities bordering the park, killing at least 167 civilians and abducting some 316 children.⁷ On November 30, 2008, Kony was given a final chance to sign the peace agreement, but did not turn up at the agreed meeting point.

Operation Lightning Thunder and its Aftermath

With peace prospects stalled, Uganda, Congo, and southern Sudan entered an agreement to launch a joint military campaign against the LRA supported by substantial planning, logistical, and intelligence assistance from the United States military. On December 14, 2008, the campaign, called Operation Lightning Thunder, was put into action with a surprise aerial

³ After unprecedented consultations throughout Uganda on accountability and reconciliation, the parties agreed in February 2008 to establish a special division of the Ugandan High Court to try war crimes committed during the conflict. This option could satisfy LRA demands to avoid trial in The Hague, while meeting requirements under the ICC statute. See Annex to the Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement, Juba, Sudan, June 29, 2007, February 19, 2008, paras. 7, 10-14. For more detailed analysis of the justice issues in the Juba talks, see Human Rights Watch, *Benchmarks for Justice for Serious Crimes in Northern Uganda*, September 2, 2008, <http://www.hrw.org/en/news/2008/09/01/benchmarks-justice-serious-crimes-northern-uganda>.

⁴ The five wanted on arrest warrants are: Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, and Dominic Ongwen. Lukwiya died in 2006 and Otti is believed to have been killed on the orders of Joseph Kony in late 2007.

⁵ "Prosecutor of the International Criminal Court opens an investigation into Northern Uganda," ICC press release, July 29, 2004, <http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/2004/prosecutor%20of%20the%20international%20criminal%20court%20opens%20an%20investigation%20into%20northern%20uganda> (accessed March 24, 2010). Once the court exercises its jurisdiction, it has the authority to prosecute crimes by any individual, regardless of affiliation, provided the crimes were committed after 2002. Despite evidence of serious abuses by Ugandan army troops, the ICC has not issued warrants for any Ugandan government officials or military officers.

⁶ Human Rights Watch interviews with international analyst and diplomats, Kampala, January 20 and 23, 2009.

⁷ "DR Congo: Protect Civilians From Brutal Rebel Attacks Killings, Abductions, and Pillaging by Lord's Resistance Army Continue," Human Rights Watch news release, November 13, 2008; Human Rights Watch, *The Christmas Massacres: LRA Attacks on Civilians in Northern Congo*, February 2009, <http://www.hrw.org/en/reports/2009/02/16/christmas-massacres-o>.

strike on the main LRA camp in Garamba National Park. The strike failed to neutralize the LRA leadership, which escaped.⁸

Using tactics similar to those it had previously used in northern Uganda and southern Sudan, the LRA attacked civilian populations in apparent retaliation for the military campaign against them. During the Christmas 2008 holiday season and in the weeks thereafter, the LRA with brutal efficiency simultaneously attacked locations hundreds of kilometers apart in northern Congo and southern Sudan, killing more than 865 civilians and abducting at least 160 children.⁹ Tens of thousands of civilians fled for their lives, seeking shelter from LRA attacks in the towns, and sparking a humanitarian crisis in an already impoverished area.

National armed forces' planners had not prepared for the attacks on civilians and had failed to make adequate contingency plans in the event that their strike on the LRA base in Garamba National Park failed. The 2,000 Congolese army soldiers who had been deployed to the area in the months before the strike were largely based in the Haut Uele district capital of Dungu and were unable to prevent or effectively respond to the LRA Christmas attacks. The 200 peacekeepers from the UN Mission in Congo, MONUC, present in the area at the time of the strike, had been excluded from the planning of Operation Lightning Thunder and were in no position to provide protection to communities at risk.¹⁰

Operation Lightning Thunder was intended to last only a few weeks. On March 15, 2009, the operation officially ended following pressure from the Congolese government, which found it politically difficult to support a continued Ugandan army presence on Congolese territory.¹¹ The Ugandan and Congolese governments both maintained publicly that the LRA were no longer a serious threat in northern Congo and that the bulk of the rebel group had either moved to CAR or had been neutralized.¹² The Congolese government said it would continue to conduct "mop-up" operations with the support of the remaining Ugandan military advisors and MONUC against the few LRA groups said to be present.¹³

⁸ For further details on the strike and its failures, see Human Rights Watch, *The Christmas Massacres*.

⁹ Ibid.

¹⁰ MONUC Public Information Division, Transcript of MONUC Press Conference by Alan Doss, Kinshasa, December 17, 2008.

¹¹ "Uganda to End DR Congo Rebel Mission," Agence France-Presse, February 20, 2009.

¹² President Joseph Kabila, Address to the Nation, December 7, 2009. "LRA is history, says President Museveni," State House Online, February 2, 2009, <http://www.statehouse.go.ug/news.php?catId=1&item=457> (accessed March 24, 2010); "Ugandan President says Rebel Chief is Likely in Darfur," Agence France-Presse, March 13, 2010.

¹³ Ibid.

Despite the official end of Operation Lightning Thunder, the Ugandan army continued military operations in the LRA-affected areas of northern Congo. Quietly approved by the Congolese government, this new phase of military operations has been largely covert, possibly to allow President Kabila to continue claiming publicly that Ugandan troops had withdrawn from Congo. The Ugandan army moved its main base from Dungu, in northern Congo, to Nzara, in southern Sudan, and opened up a series of smaller and less visible bases in Nambia, Doruma, and Bangadi in Haut Uele district, and in Banda in Bas Uele district of northern Congo.¹⁴ The Ugandan army also established new bases in Obo and Djema in CAR.¹⁵ Military experts estimate that some 3,000 to 5,000 Ugandan soldiers still operate in the three countries against the LRA, of which some 2,000 to 3,000 soldiers are based in northern Congo.¹⁶ Since the operations are covert, the objectives and timescales for ongoing Ugandan-led military operations against the LRA are not known.

Strength of the LRA

The number of LRA combatants who remain is difficult to estimate accurately. Following the aerial strike on the LRA's main camp in Garamba National Park on December 14, 2008, the LRA dispersed into multiple smaller groups divided up among Congo, southern Sudan and CAR. Since September 2009, a number of LRA commanders have surrendered, including the director of operations in the Faradje area, Lt. Col. Charles Arop. Ugandan army records state that since December 14, 2008, 305 LRA combatants have been killed, 50 captured, and a further 81 have defected,¹⁷ but these figures could not be independently verified. In interviews with Human Rights Watch, Ugandan army officers and UN officials estimate that between 200 to 250 Ugandan LRA combatants remain in the three countries.¹⁸ These estimates do not take into account the number of abductees still held by the rebels nor how many children abducted over the recent years may have become LRA combatants.

The LRA's three most senior leaders—Joseph Kony, Okot Odhiambo, and Dominic Ongwen—remain at large and are still believed to direct and coordinate the group's activities. The LRA leaders previously communicated via satellite telephone and Motorola radios, but military

¹⁴ Human Rights Watch interviews with Ugandan army officer, Haut Uele, February 2010, and UN officials, Dungu and Goma, February 24 and 28, 2010.

¹⁵ Ibid.

¹⁶ Military experts estimate four UPDF battalions are based in northern Congo. Human Rights Watch interviews with Congolese and international military experts, and UN officials, northern and eastern Congo, February 19-28, 2010, and the United States, March 18, 2010.

¹⁷ General Summary of the Achievements Against the LRA, December 14, 2008-February 22, 2010. Records obtained from the Ugandan Chieftaincy of Military Intelligence, Kampala, February, 26, 2010. On file at Human Rights Watch.

¹⁸ Human Rights Watch interviews with Ugandan and UN military officials, northern and eastern Congo, February 19-28, 2010.

experts and former LRA combatants say that since Operation Lightning Thunder, the communication between the groups of LRA combatants is conducted through “runners,” to minimize any possible tracking of their locations, as well as through face-to-face meetings at pre-determined meeting points.¹⁹ Kony and Odhiambo are presumed to operate along the CAR/Sudan border, with some reports claiming that Kony may have moved to southern Darfur under the protection of the Sudanese military.²⁰ Ongwen allegedly remains in northern Congo with an estimated 80 to 120 combatants.²¹

Contrary to a December 29, 2009 statement by the Ugandan military spokesperson that “the LRA’s capacity to create havoc is no more,”²² the continued military operations have not weakened the LRA’s ability to conduct attacks against civilian populations. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), in 2009 the LRA killed 1,096 civilians and abducted 1,373 adults and 255 children in Haut and Bas Uele districts of northern Congo. While all reports of LRA attacks have not been independently verified, it is clear that the LRA maintains its capacity to kill, abduct, and terrorize the civilian population. By January 2010, OCHA estimated that 282,661 people were displaced from their homes in these districts, including 224,594 people in Haut Uele and another 58,067 in Bas Uele.²³ These figures and the brutal attacks against civilians carried out by the LRA documented in this report undermine the claims made by President Kabila of Congo and President Museveni of Uganda that the LRA threat has substantially reduced. For the people of northern Congo, the LRA remains a constant and dangerous threat, one that requires an effective and coordinated strategy to better protect civilians and bring those responsible for these horrific abuses to justice.

¹⁹ Human Rights Watch interviews with Ugandan and UN military officials, northern and eastern Congo, February 19-28, 2010; Human Rights Watch interview with former LRA combatants who surrendered in late December 2009, Goma, March 16, 2010.

²⁰ “Lord’s Resistance Army Finds Safe Haven in Darfur,” Enough Press release, March 11, 2010, <http://www.enoughproject.org/news/lord%E2%80%99s-resistance-army-finds-safe-haven-darfur> (accessed March 24, 2010).

²¹ In DRC, the LRA mostly operate in the areas north of Dungu around Duru towards the border with Sudan; north of the Uele River around Bangadi, Ngilima, and Diagbe; and in Ango Territory (Bas Uele) around Banda and Dakwa. Human Rights Watch interviews with Ugandan army officer, Haut Uele, February 2010; Congolese army officer, Haut Uele, February 2010; and UN official, February 28, 2010.

²² “Army Lists Gains Against LRA in 2009”, *The New Vision* (Kampala), December 29, 2009, <http://www.newvision.co.ug/D/8/13/705441> (accessed on March 15, 2010).

²³ UN OCHA Statistics, February 2010. On file at Human Rights Watch.

V. Massacre in the Makombo Area

From December 14 to 17, 2009, the LRA carried out one of the most devastating single attacks in the group's sordid history.²⁴ During a four-day operation in northern Congo—the Makombo area and its surroundings, in Niangara Territory, Haut Uele district, near the Sudan border—the LRA killed at least 321 civilians and abducted more than 250 others, including at least 80 children. The vast majority of those killed were adult men, but among the dead were at least 13 women and 23 children. The youngest victim was a three year-old girl; the eldest was a 72-year-old man.²⁵ Most of those killed were tied up before the LRA hacked them to death with machetes or crushed their skulls with axes, clubs, or heavy sticks. The victims were often deliberately taken away to be killed in the more remote forest and brush land away from village centers or roads, possibly in an attempt to cover up the crime. Some were tied to trees before their skulls were crushed with axes. Those who were abducted but walked too slowly, refused or were unable to carry the heavy loads, or who tried to escape were also killed. Bodies were later found by family members and local authorities all along the 105-kilometer round journey made by the LRA through the Makombo area and toward the small town of Tapili. According to witnesses interviewed by Human Rights Watch, for days and weeks after the attack, this vast area was filled with the “stench of death.”²⁶

The attack was well-planned and organized. Under the leadership of at least two LRA commanders, Lt. Col. Binansio Okumu (also known as Binany)²⁷ and a commander known as “Obol” (see below), LRA combatants attacked a succession of villages and towns, each time posing as Ugandan or Congolese army soldiers first, then killing and looting, before taking with them large numbers of abductees tied together. The tactics used by the LRA during the Makombo operation indicate that their purpose was to kill, abduct, and pillage. The operation may in part have been to re-supply the group with new recruits and essential supplies, such as salt, sugar, batteries, and clothes. LRA combatants specifically searched out areas where people might gather—such as markets, churches, and water points—and

²⁴ Other major massacres by the LRA include Lamwo, in Kitgum territory (northern Uganda), January 1994; Barlonyo displacement camp, Lira district (northern Uganda), February 21, 2004; Atiak town, Gulu district (northern Uganda), April 20, 1995; and Doruma area (DRC), December 24-29, 2008. There were also reports of killings by the LRA in the Imotong Mountains of Eastern Equatoria (southern Sudan) in June 2002 that have yet to be fully documented.

²⁵ Registration list of those killed by the LRA during the Makombo massacre prepared by local human rights activist, March 2010. On file at Human Rights Watch. The work of registering the dead continues.

²⁶ Human Rights Watch interviews with witnesses who took the route days and weeks after the massacre, Niangara, February 18 and 19, and Tapili, February 20, 2010.

²⁷ Lt. Col. Binansio Okumu, aka Binany. He may also be called Vincent Okumu. Witnesses also said that he referred to himself as “Captain Joseph.”

repeatedly asked those they encountered about the location of schools, indicating that one of their objectives was to abduct children. The LRA used similar tactics in each village they attacked during their four-day rampage: they pretended to be Congolese and Ugandan army soldiers on patrol, reassured people in broken Lingala (a common language in northern Congo) not to be afraid, and, once people had gathered, captured their victims and tied them up, often in human chains of 5 to 15 people long. Then the LRA forced their captives to march off with them. Adult men who were considered to be of no use, possibly because they were more unruly and difficult to control, those who confronted them, or those who just had the misfortune of finding themselves near the end of the line were killed along the way.

Identification of the LRA

Those who witnessed the killings and those who were captured but escaped days or weeks later identified their attackers as the LRA and described them in detail to Human Rights Watch. The LRA forces altogether numbered between 25 to 40 combatants who operated in two or three separate groups, often coming together at night. Dozens of witnesses interviewed by Human Rights Watch consistently described the LRA as wearing either camouflage army uniforms similar to those of the Ugandan army (some with the Ugandan flag on the sleeve) or olive drab green uniforms similar to those of the Congolese army. Many of the uniforms appeared new.²⁸ Witnesses said the uniforms were not dirty or torn, although some were older. Some of the LRA had short razored hair, while others had long or “rasta-like” hair and had an unkempt appearance. In their attempts to pose as Ugandan and Congolese soldiers, the LRA often left behind those with long or dirty hair on village outskirts or hid their hair under hats to minimize suspicion about their true identity.²⁹

Witnesses repeatedly told Human Rights Watch that the LRA spoke poor Lingala with a strong accent, which they recognized as foreign.³⁰ The LRA also spoke a mixture of other languages including Swahili, English, French, Zande and other Ugandan languages which the local population did not understand.³¹

²⁸ Ugandan and Congolese army officers told Human Rights Watch that the LRA took uniforms from soldiers who had been killed in battle or were stolen. In some cases the LRA may have bought the uniforms. Human Rights Watch interviews, Haut Uele, February 20 and 23, 2010.

²⁹ Human Rights Watch interviews with 35 witnesses and victims of the Makombo massacre—including those who were captured but later escaped from the LRA, Niangara, Tapili, Bangadi, and Dungu, February 19-25, 2010.

³⁰ The Makombo area is largely populated by people from the Mangbetu tribe who speak both Mangbetu and Lingala.

³¹ Children held by the LRA for many months, who later escaped, told Human Rights Watch that a common language used by the LRA commanders operating in Congo was Acholi, the northern Ugandan language of LRA’s original territory. A number of these children had learned to speak Acholi. Human Rights Watch interview with children who escaped the LRA, Bangadi and Dungu, February 22 and 24, 2010.

Known LRA commanders were present during the attack on Makombo, providing clear indications that the assailants were the LRA.³² For example, dozens of witnesses described one LRA commander, known as “Obol” who operated as a senior leader during the operation and was easily identifiable, as he was missing one eye, was very tall, and appeared well over 60 years old. (See below for further information.)³³ In the weeks following the Makombo massacre, the LRA combatants, together with their captives, joined other LRA forces at what was likely a pre-arranged meeting point near where the Kapili and Uele Rivers meet.³⁴ According to abductees who later escaped, Gen. Dominic Ongwen, one of the top three leaders of the LRA, sought on an arrest warrant from the ICC, was present at this meeting.

The tactics documented in this report are typical LRA tactics used in northern Uganda, southern Sudan and in Congo over many previous years.

Day One: The Attack Begins

Since 2008, when the LRA first began to attack Congolese civilians, the LRA had rarely ventured south of the Uele River, a major waterway that cuts through Haut Uele district. As a result, the communities who live south of the river suffered less from LRA attacks than those to the north, and few had organized local self-defense groups, as had those in the north. On December 13, 2009, this changed. A group estimated at between 25 to 40 LRA combatants quietly arrived on the northern bank of the Uele River, just across from the Makombo area, a small fishing and farming region of around 700 inhabitants. Early in the morning on December 14, the LRA crossed the river at the small hamlet of Mavanzonguda and began their attack.

A 64-year-old woman preparing breakfast for her family in Bapu, a village just west of Mavanzonguda, saw the LRA approach soon after dawn. Seeing the military uniforms, she believed the strangers were soldiers from the Congolese army and called out a greeting to them in Lingala. She told Human Rights Watch:

They called back to me and asked “What’s new?” I said, “Oh nothing much.”
Then they asked me, “Where do the local children study, and is there a

³² LRA spokespeople frequently dismiss claims of attacks on civilians by the group, claiming that other groups pose as the LRA in order to give them a bad name. See Human Rights Watch, *The Christmas Massacres*, p. 46.

³³ Human Rights Watch interviews with 46 witnesses and abductees taken during the Makombo operation, Niangara and Tapili, February 19 and 20, 2010.

³⁴ Human Rights Watch interview with military sources, Bangadi, February 22, 2010 and former abductees, Bangadi and Dungu, February 22 and February 24, 2010.

school?” I replied that our school was not really functioning. Then they asked me, “Is there a church nearby where Christians might be praying?” I said no and that since it was not Sunday there was no one at the church. Then they asked, “Is there a market nearby where there might be lots of people?” I said, “Oh yes, there is a fishermen’s market at Mabanga Ya Talo, not too far away,” and I pointed in the market’s direction. I thought their questions were strange, and they spoke Lingala with a foreign accent.³⁵

After she had answered their questions, the LRA combatants quickly turned on the elderly woman. They broke into her home, stole items they found there, and forced her to carry the looted goods. They marched her toward a local water point in the direction of the fishermen’s market at Mabanga Ya Talo, where another group of LRA combatants had already begun rounding up the local population. The elderly woman described what she saw there:

At the water point, there were many LRA and they were tying people up, including men, women, and children. They were tying them together in a line with a cord around their waists. I saw my son there and also some of my neighbors and their children. The man giving the orders was very tall and big and had only one eye. He would give orders with gestures and a shake of his head. He was very mean and was hitting people. The LRA all had weapons. There were many of us there and at one point, when they were not watching, I managed to slip away into the forest to hide. I was terrified and stayed hidden for two days. It was only days later when I went looking for my family that I discovered they had killed my son.³⁶

The LRA continued on to Mabanga Ya Talo. One group of LRA combatants, including some of those who had the “rasta-like” hair, stayed behind and out of sight to guard the people they had already captured, while a second group, including LRA combatants who spoke some Lingala, entered the busy fishermen’s market. According to witnesses, the LRA pretended to be Congolese army soldiers and told people in broken Lingala they had come to protect them. They were assisted in their efforts by the president of the local fishermen’s collective, a Mr. Amokabo, who worked alongside the LRA and told people not to be afraid.³⁷ A few days

³⁵ Human Rights Watch interview with woman, 64, from Bapu village, Niangara, February 19, 2010.

³⁶ Ibid.

³⁷ Human Rights Watch interviews with witnesses present at the Mabanga Ya Talo market during the attack, Niangara, February 19, 2010.

earlier, Amokabo had informed local residents that the Congolese army was coming and had urged them to start collecting food rations for the soldiers.³⁸ The arrival of the LRA, some wearing green uniforms very similar to those of the Congolese army, therefore initially raised few suspicions.

Once in the market and surrounded by people, the LRA quickly turned on the population and began to capture and to kill. An elderly man from Mabanga Ya Talo told Human Rights Watch that his 22-year-old daughter was abducted that day, along with at least 30 other young women and girls and another 10 boys. His two sons were also abducted and killed during the attack. He later found their bodies tied to two other men; all of them had large cuts from a machete on the back of their heads.³⁹ Another man at Mabanga Ya Talo market saw the LRA combatants capture his brother and uncle and then tie them up.⁴⁰

After abducting people, the LRA continued toward Makombo village some eight kilometers away. En route, they began to kill the adult men they had captured. Dozens of victims were later found with their hands tied and their skulls crushed either by an axe, large wooden sticks, or by machete. The witness from Mabanga Ya Talo who had seen his brother and uncle abducted hid in the forest for two days. When he emerged from his hiding place he found a trail of death. He said:

[When I came out] on Wednesday [December 16], I found bodies everywhere, all along the road..., including those of my older brother and uncle. I buried 22 bodies that day, between one and six kilometers from Mabanga Ya Talo. I saw at least another 40 bodies that I didn't have time to bury because I was scared and wanted to get to Niangara. Some of the victims were tied together in groups of three or four. They were all killed with four blows of the axe on the back of the head... Some of the bodies had pieces of wood stuck in the side or the chest. Some of the bodies were on the road; others were 10 meters off the road.⁴¹

³⁸ Human Rights Watch interviews with witnesses present at the Mabanga Ya Talo market during the attack, Niangara, February 19, 2010.

³⁹ Human Rights Watch interview with elderly man present at the Mabanga Ya Talo market during the attack, Niangara, February 19, 2010.

⁴⁰ Human Rights Watch interview with witness present near Mabanga Ya Talo during the attack, Niangara, February 19, 2010.

⁴¹ Ibid.

At least 10 men were tied to trees in the forest in small groups of two or three, a short distance from the road. Their skulls were crushed with the blows of an axe, which family members later found nearby covered in blood. Some of the men also had their throats slit and had stab wounds on their stomachs and chests.⁴² Among the dead tied to a tree was the 37-year-old deputy chief of the area, Marco Mbale; a well-known businessman, Florentine Maraze; and a 17-year-old boy, Dieu Donne Mando Assiayagwene. Many of the others were fishermen who often worked at the Mabanga Ya Talo market. One victim, a 22-year-old man who was also tied to a tree and left for dead by the LRA, described to Human Rights Watch what happened to him:

The [LRA] came into my house and immediately tied me up. I didn't know who they were. They first took me to the [market at the] river and there they captured other people. They pillaged everything in all the houses and then continued toward Makombo. Along the way, they killed groups of people. There were two groups of LRA: one that was well-dressed in military uniforms and another group of combatants with long, dirty hair. I was captured by the clean-cut group. The "dirty group" was behind, and their job was to kill people. There was one commander with one eye. He was in the "dirty group," behind me.

When we were close to Makombo, the combatants took another cord [not the one tied around my arms] and tied me to a tree. Then they struck me over the head twice with a machete and left. I stayed there all alone, tied to the tree, until Wednesday [December 16]. Finally people found me and came to untie me. I made it back to my home, but the entire village had fled. I didn't have the strength to go anywhere, and after a week, my family came back to look for me and they were able to take me to the hospital in Niangara.⁴³

When interviewed by Human Rights Watch on February 19, 2010, the young man was still recovering from the serious wounds to his head and those on his arms and shoulders caused by the cords used to tie him to the tree.

Upon their arrival in Makombo village on December 14, the LRA used similar tactics as at Mabanga Ya Talo, abducting dozens of people, including children, before they forced those

⁴² Human Rights Watch interviews with witnesses present during the attack and those who later buried the bodies, Niangara, February 18 and 19, 2010.

⁴³ Human Rights Watch interview with victim, Niangara, February 19, 2010.

they had captured to march at a quick pace toward the next village, Mangada. One woman from Makombo village told Human Rights Watch that her three children—her 12 and 13-year-old daughters and her 15-year-old son—were captured by the LRA during the attack at Makombo.⁴⁴

On the 16-kilometer stretch between Makombo and Mangada, the LRA continued to kill adult men as well as other abductees who were either too slow or who tried to flee. Those who later buried the dead told Human Rights Watch that the largest concentration of bodies was found in the forest and brush along this stretch of road. The victims were found alone or in small groups of two or three. Many had been tied up before they were killed with blows to the head.⁴⁵

According to witnesses, the LRA camped the night of December 14 at Mangada, guarding those they had abducted. Here too they killed more of their captives, specifically adult men. A 52-year-old man, Moponi Galaga, who watched the LRA kill his two sons and brother, bravely tried to confront the LRA. Early in the morning of December 15, he emerged from his hiding place. According to a witness who was hiding in the bushes nearby, Moponi was overcome with emotion and anger. He approached LRA leader Obol and demanded to know why they had killed his family. The LRA chief did not respond but took a large wooden stick and struck Moponi repeatedly on his head and body until he died.⁴⁶

At Mangada the LRA also killed Mobaya Pelagi, the 30-year-old daughter of a local chief. Family members later found her body naked, with her arms and legs spread apart. It appeared she had been raped. The naked body of Danga Atinengwe, the son of a chief from Tapili, was found on top of her. Both had been hit on the head with axes and stabbed multiple times.⁴⁷

Day Two: Attack on Tapili

Early the next day, December 15, the LRA left Mangada in the direction of Tapili, the largest village in the area about 34 kilometers away. Word had begun to spread of the LRA attack, but in an area with no telecommunication networks, the information was sketchy. At Ngiribi village people were preparing to flee when the LRA arrived. Many were quickly captured.

⁴⁴ Human Rights Watch interview with elderly woman from Makombo, Niangara, February 19, 2010.

⁴⁵ Human Rights Watch interviews with five persons who helped to bury the dead including local authorities, Niangara and Tapili, February 19 and 20, 2010.

⁴⁶ Human Rights Watch interview with witness to the Mangada killings, Niangara, February 19, 2010.

⁴⁷ Human Rights Watch interviews with a family member and those who later buried the bodies, Niangara, February 19, 2010.

Those who later buried the dead found dozens of bodies of adult men in the forest and brush nearby.⁴⁸ One resident told Human Rights Watch, “The LRA captured nearly everyone from this village.”⁴⁹

As the LRA progressed rapidly on foot, community leaders in Tapili met to discuss the rumors that the LRA were approaching. They had received information about the attack on Mabanga Ya Talo, but since the fishermen’s market was some 56 kilometers away, they believed it was unlikely the LRA would arrive so quickly. The community leaders decided to verify the information and sent the administrative chief (the *chef de poste*), Pascal Bolongo, and a Congolese army soldier, 1st Sgt. Maj. Jon Dbere Alati, who happened to be in Tapili that day, to go and check.⁵⁰ At about 10 a.m., the two set off on a motorcycle in the direction of Mangada. But they did not return. Three kilometers out of Tapili they were ambushed by LRA combatants, who shot and killed them. The LRA stripped the soldier of his uniform and gouged out his eyes. They cut off one of Chief Bolongo’s fingers and then set fire to the motorcycle and the two bodies.⁵¹

Upon hearing the shots and failing to see the return of Chief Bolongo and Sergeant Alati, the population of Tapili began to flee. But the LRA were marching quickly and soon arrived in the village. Similar to the attacks on the other villages, the first LRA to arrive at Tapili pretended to be Ugandan and Congolese army soldiers carrying out a joint patrol. A group of about a dozen LRA combatants, some who spoke a bit of Lingala, attempted to assure the population they would do them no harm and gestured to people to approach them. This reassured the population. One 19-year-old student told Human Rights Watch:

They said we should not be scared, so I and a small group of others went over to them. One of them spoke Lingala and asked us questions. He wanted to know where to find batteries, where the local Catholic parish was, the name of the priest, where the school was, and if it was functioning. We answered their questions. Then they asked us to come with them to the

⁴⁸ Human Rights Watch interviews with five persons who helped to bury the dead including local authorities, Niangara and Tapili, February 19 and 20, 2010.

⁴⁹ Human Rights Watch interview with a witness from Ngiribi village, Niangara, February 20, 2010.

⁵⁰ Human Rights Watch interviews with community leaders, Tapili, February 20, 2010.

⁵¹ Human Rights Watch interviews with Tapili community leaders, family members, those who later saw the bodies and those who buried the dead, Niangara and Tapili, February 19 and 20, 2010.

market area, which we did. We thought they really were Congolese army soldiers.⁵²

At the market, the LRA combatants began to buy goods, paying well above the asking price. This tactic reassured people further and attracted others to the market eager to make a profit. As soon as a large group had gathered, the LRA turned on the population. They quickly captured people and tied them up in human chains, specifically focusing on children. Possibly because Tapili was really a small town, much bigger than the villages the LRA had attacked the previous day, the LRA guarded those they had captured in two houses used as temporary holding areas while they pillaged houses and shops. One holding area was a small thatch house near the market; the other was a more solid concrete home about 400 meters away.⁵³ A 17-year-old boy captured by the LRA in Tapili told Human Rights Watch what happened to him:

I was trying to run away but they captured me. They tied me at the waist together with others. There were 14 in my chain. They hit us with their guns and told us not to scream. They spoke to us in bad Lingala, some French, and also some English. They put us in the small house near the market and made us all sit on the floor. We were packed in very tightly as there were many of us, both adults and children. There was another house they used as a prison where they also guarded people. I spent at least seven hours in the house before they forced us to leave with them.⁵⁴

While one group of LRA abducted and pillaged in Tapili, another waited a few kilometers away with the people they had abducted from Mabanga Ya Talo and Makombo. A trader and his wife on their way to the market in Tapili came across them on the road. The trader said:

It was about noon and we came across three LRA. They first captured my wife who was ahead of me on the road and then I approached them to try to discuss her release. They were young and spoke Zande. My wife said she needed to go to the toilet and they let her go into the forest. I called after her in our local language [Mangwetu] to go and hide. They got angry when she did not return. They took me into the forest and told me to call her, but I

⁵² Human Rights Watch interview with abducted person who later escaped, Tapili, February 29, 2010.

⁵³ Human Rights Watch researchers visited Tapili and were shown both homes that had been used by the LRA to temporarily hold people, Tapili, February 20, 2010.

⁵⁴ Human Rights Watch interview with abducted person who later escaped, Tapili, February 20, 2010.

again shouted in our local language that she should run away. They tied up my hands and my feet, threw me on the ground, began to beat me and walked on me. They cocked their gun to shoot me but I pleaded for my life. Then another LRA shouted from the road that they should come. They untied my feet, grabbed me and forced me to walk with them. On the road, about a kilometer away, we came across a big group of people who had also been captured and who were being guarded by a group of about 12 LRA. I was tied up at the waist to a group of nine other people making me the tenth in the chain. There were about 40 people who were captured like me, maybe more. They told me they had been captured at Mabanga Ya Talo and that I should not try to flee as there were LRA everywhere in the surrounding forest.⁵⁵

As evening fell, the LRA group in Tapili moved those they had captured from the holding areas into a long line and gave each abductee goods to carry that they had pillaged from the market and other homes, including heavy bags of salt, sugar, and batteries. They forced the terrified adults and children at gunpoint to march out of Tapili back down the road toward Mabanga. According to witnesses and the abductees who later managed to escape, nearly 200 people had been captured at Tapili.⁵⁶

About six kilometers out of Tapili, the LRA group joined up with their colleagues who had waited with the abductees from Mabanga Ya Talo and Makombo. They further divided the pillaged goods between the abductees to carry as much as possible and then diverted from the main road onto a narrow footpath in the direction of Kiliwa and back toward the Uele River. According to abductees who later managed to escape, the LRA gave the order that they would kill anyone who tried to flee or who walked too slowly. Many of the abductees could not keep up the fast pace or carry the heavy loads assigned to them. One boy witnessed the LRA kill people that night with blows to the head from an axe for walking too slowly.⁵⁷ Those who later buried the dead found a trail of bodies along the footpath that the LRA had taken.⁵⁸

Late into the evening, about 17 kilometers away from the main road, the LRA camped for the night. According to abductees who later escaped, interviewed by Human Rights Watch, the LRA commanders and the combatants divided up the money they had stolen and the girls

⁵⁵ Human Rights Watch interview with abducted person who later escaped, Tapili, February 20, 2010.

⁵⁶ Human Rights Watch interviews with abducted person who later escaped and civil society leaders, Tapili and Niangara, February 19 and 20, 2010.

⁵⁷ Human Rights Watch interview with abducted person who later escaped, Tapili, February 20, 2010.

⁵⁸ Human Rights Watch interview with those who buried the dead, Niangara, February 19, 2010.

and young women they had abducted. The choice of girls was carried out according to hierarchy with the leader of the group, Binany (see below), having first choice, followed by a commander known as Bukwara, then Obol, and then the others. Once the girls were assigned, many were raped in front of the other abductees. One witness who had escaped the LRA later recounted to Human Rights Watch how he and the others watched as the LRA combatants raped seven girls, some as young as 11 years old.⁵⁹

Days Three and Four: Return to the Uele River

On December 16, the LRA group continued its journey and reached Kiliwa village, some 12 kilometers from where they had camped the previous night. The large group of abductees, many of whom were carrying heavy loads, slowed down the pace of the LRA operation. LRA combatants continued to kill civilians they met along the way and abductees who walked too slowly. One abductee recalled witnessing LRA combatants summarily execute five people in his group as they were marched towards Kiliwa. The night of December 16, the LRA camped at Kiliwa and killed a number of people in the village before moving on the next day, December 17, back toward Makombo and the Uele River.

Early on the morning of December 18, the LRA group, together with an estimated 250 abductees, crossed the Uele River at Mavanzonguda, the same place they had crossed four days earlier. Once on the opposite bank of the river, the girls and women they had captured were forced to wash the uniforms the LRA had worn throughout the four-day operation. The LRA then forcibly marched the large group of adults and children off into the remote and unpopulated savannah terrain north of the river. They left behind them a trail of death and communities devastated and traumatized by the attack.

March into the Wilderness

In the days following the river crossing, the LRA forced their captives to march about 20 kilometers a day. According to those who later escaped, the LRA separated the children from the adults and kept the children close to the commander of the group. The captives remained tied up to each other at the waist with ropes or metal wire in human chains of between 5 to 15 captives, also sleeping tied up. The LRA began to conduct military parades each morning, when the combatants paid homage to the commander, stood for military inspection, and were given their orders for the day. This daily military routine was conducted

⁵⁹ Human Rights Watch interview with abducted person who later escaped, Tapili, February 20, 2010.

in front of the children who had been taken captive, while the adult abductees were excluded from the ceremony. The LRA also began to conduct daily counts of their captives.⁶⁰

The 17-year-old boy abducted in Tapili and held for two weeks described his ordeal:

Each day the LRA would kill people who were too slow. They killed Pascal, who was only 12 years old, as he was tired and could no longer walk. They also killed at least two other people I knew. They split the children into a separate group from the adults. I was in the children's group and there were about 30 boys and 50 girls. We were constantly tied up to each other, even when we slept... Each night we slept near to the LRA chief of the group who called himself 'Captain Joseph' [Binany]. Whenever they played music we were all obliged to dance. They said we would also be trained to be soldiers.

They counted us at the beginning and end of every day. This is how I know how many we were. When I escaped there were 186 of us.

One day, when we were crossing a small river where there was a lot of mud, seven of us tried to escape. We were tied to each other but became separated, though I was still tied up to my best friend. We hid and they didn't find us. But they did find the other five and killed them. They included two girls who were 15 years old and three boys. I later saw their bodies. My best friend and I walked for four days to get back. We had no food the entire time. Eventually we found a village that we recognized and we were saved.⁶¹

Those who remained with the LRA continued to march. On around Christmas Day 2009, the LRA group together with their captives from Makombo and Tapili met up with other LRA groups near the confluence of the Uele and Kapili Rivers, in what was probably a pre-arranged meeting place. According to Ugandan military officials interviewed by Human Rights Watch and abductees who later escaped, the meeting included a number of senior LRA commanders and was led by Gen. Dominic Ongwen, a senior LRA commander wanted on an arrest warrant by the International Criminal Court.⁶² The LRA commanders spent several days together, held meetings, and conducted military training of children they had taken

⁶⁰ Human Rights Watch interviews with abductees who later escaped the LRA, Tapili, February 20, 2010.

⁶¹ Human Rights Watch interview with 17-year-old abducted boy from Tapili who escaped the LRA, Tapili, February 20, 2010.

⁶² Human Rights Watch interviews with 16-year-old girl held for eight months by the LRA, Bangadi, February 22, 2010, and Ugandan army officers, Haut Uele, February 2010.

captive. According to the abductees who later escaped, the group celebrated Christmas and the success of the attack at Makombo. The LRA commanders then divided up the new abductees and separated into multiple smaller groups, each heading in a different direction.⁶³

A 16-year-old Congolese girl, held by the LRA for eight months, recalled the meeting. She said:

The LRA group who attacked [Makombo] returned many weeks later. They were very happy. They said they had killed many people. They brought with them others they had captured from Tapili and other places, including a lot of children. It was a big group. Then there was a big celebration that a lot of other LRA commanders came to as well. We all spent Christmas together and they did military training for the children so we could learn how to shoot. I was trained as well. After a few days they divided us up again into smaller groups and we went in separate directions.⁶⁴

Aftermath

Following the Makombo massacre, the population of the area fled. Many sought refuge in Niangara and Ndingba to the east, while others fled south to Isiro and Rungu. By January 2010, Niangara hosted a population of 11,750 internally displaced people and Rungu 14,200.⁶⁵

In the immediate day or two after the killings, those who could find their loved ones quickly buried them before fleeing, but scores of other bodies were left behind. Between Christmas 2009 and New Year 2010, local authorities from Makombo and other residents who had fled to Niangara returned to begin the task of burying the dead.⁶⁶ Frightened that the LRA might return, the teams worked quickly over a three-day period, burying the bodies where they found them to make the task easier and also because the bodies were so badly decomposed it was difficult to move them elsewhere. Those who carried out the burials told Human Rights

⁶³ Human Rights Watch interview with two abductees held for months by the LRA and present at the meeting, Bangadi, and Dungu, February 22 and 24, 2010.

⁶⁴ Human Rights Watch interview with 16-year-old girl held for eight months by the LRA, Bangadi, February 22, 2010.

⁶⁵ UN OCHA, Table of displacement statistics for LRA-affected areas of northeastern Congo, January 2010. On file at Human Rights Watch.

⁶⁶ Human Rights Watch interviews with five persons who helped to bury the dead including local authorities, Niangara and Tapili, February 19 and 20, 2010.

Watch that they buried bodies along nearly the entire 105-kilometer circular journey the LRA had taken during the attack. The largest concentration of bodies was along the 16-kilometer stretch between Makombo and Mangada. On the third day of burials, the teams heard rumors that the Congolese army was approaching. Scared that they might face problems, they halted their work and returned to Niangara. In interviews with Human Rights Watch, they said their tasks had not been completed and that they left behind bodies still unburied.⁶⁷

A number of those who buried the dead were deeply affected by the gruesome task and the horrible deaths their family members, neighbors and friends had endured. One told Human Rights Watch, “I can still smell the stench of death on my clothes and on myself. I wash constantly but I don’t think it will ever go away. What happened to my family and friends is ingrained on my memory forever. No human being should have to die like they died. Those who did this must be punished.”⁶⁸

Based on the interviews with those who buried the dead, including with Congolese army soldiers who assisted in burials in Mabanga Ya Talo on December 18, and in Mangada and Makombo on January 4, 2010 (see below),⁶⁹ Human Rights Watch has calculated that at least 321 people were killed by the LRA in the Makombo area and its surroundings between December 14 and 17, 2009.⁷⁰ Those left unburied have not been included in our calculations.

It is not clear how many of those captured at Makombo and Tapili were killed and how many are still with the LRA. In interviews with those who later managed to escape, Human Rights Watch received information about the deaths of at least nine abductees killed by the LRA after the Makombo massacre, once the LRA had crossed the Uele River,⁷¹ although this information is, at best, only partial. By mid-February 2010, the Congolese army had registered 35 adults and 5 children from Makombo and Tapili who had managed to escape

⁶⁷ Human Rights Watch interviews with five persons who helped to bury the dead including local authorities, Niangara and Tapili, February 19 and 20, 2010.

⁶⁸ Human Rights Watch interview with person who helped to bury the dead, Niangara, February 19, 2010.

⁶⁹ Congolese army soldiers assisted in the burial of 36 bodies. Of these, 17 were bodies found at Mabanga Ya Talo on December 18. A further 19 bodies were found on January 4, including three bodies found in a village near Makombo, four bodies in Makombo, three bodies at Kilometer 14 (between Tapili and Mangada), and a further nine bodies at Kilometer 18 (between Tapili and Mangada). Human Rights Watch interview, FARDC soldiers present at the burials, February 20, 2010.

⁷⁰ Human Rights Watch interviews with five persons who helped to bury the dead including local authorities; with family members who buried their loved ones; and with FARDC soldiers present at other burials, Niangara and Tapili, February 19 and 20, 2010.

⁷¹ Human Rights Watch interviews with those who escaped the LRA, Tapili, Bangadi and Dungu, February 20, 22, and 24, 2010.

the LRA following their abduction. The youngest was eight years old.⁷² Many others remain with the LRA.

Protection arrives too late

Congolese army soldiers based near Niangara were informed of the attack in the Makombo area on December 16, 2009. The armed forces sent soldiers to the area, but since the units were traveling on foot they arrived too late.⁷³ After marching for two days, a small unit of Congolese soldiers arrived at Mabanga Ya Talo on December 18, 2009, after the LRA and their captives had already crossed the Uele River.⁷⁴ Without access to boats to cross the river or communications equipment to inform their superior officers of what had happened, the Congolese army soldiers were unable to pursue the LRA. The soldiers helped to bury 17 bodies found near the market area and returned to Niangara to seek reinforcements.⁷⁵

Ugandan soldiers based in Nambia, just north of Niangara, were also informed about the attack in the Makombo area and on December 16 sent an “intelligence squad” to the area to pursue the LRA. An official communication from the Ugandan Chieftaincy of Military Intelligence to Human Rights Watch on March 17, 2010, said Ugandan soldiers were unable to track the LRA, despite exchanges with the Congolese army about satellite coordinates for the affected area and multiple efforts to find the exact spot where the LRA had crossed the Uele River.⁷⁶ The Ugandan Chieftaincy of Military Intelligence said that the Ugandan army did not have information regarding widespread killing in the Makombo area, though they had been informed about some killings and abductions.⁷⁷ Human Rights Watch was not informed of any further attempts by the Ugandan army to uncover details about the attack or its scale (see below for further information).

At the time of the killings, MONUC had no peacekeepers in Niangara and received no information about the LRA attack until late December when they received an unconfirmed

⁷² “List of Escapees,” registered by the FARDC, Bangadi, February 23, 2010. On file at Human Rights Watch.

⁷³ Human Rights Watch interviews with FARDC soldiers present at Mabanga Ya Talo, February 20, 2010. On December 16, witnesses in Niangara saw Ugandan soldiers marching through the town in the direction of Makombo and Tapili, Human Rights Watch interview with witness, Niangara, February 19 and 20, 2010.

⁷⁴ In an interview with Human Rights Watch, a FARDC officer claimed that the FARDC arrived in Mabanga Ya Talo on December 15. Human Rights Watch researchers discounted this claim since the FARDC had no vehicles, were on foot, and had to cover a distance of 62 kilometers from Niangara. The population in Mabanga Ya Talo and other villages confirmed to Human Rights Watch that the FARDC arrived on December 18, 2009. Human Rights Watch interviews, Niangara, February 19, 2010.

⁷⁵ Human Rights Watch interviews with FARDC soldiers present at Mabanga Ya Talo, February 20, 2010.

⁷⁶ Official communications between Human Rights Watch and the Chieftaincy of Military Intelligence, Kampala, March 17, 2010. On file at Human Rights Watch.

⁷⁷ *Ibid.*

report of possibly 100 civilians dead.⁷⁸ In January the mission received a further report of 266 deaths in the Makombo area but still did not investigate.⁷⁹ MONUC officials told Human Rights Watch that due to the remoteness of the region and competing priorities, its peacekeepers did not immediately conduct detailed investigations into these killings.⁸⁰ MONUC began an investigation on March 11, 2010 following briefings from Human Rights Watch researchers about the extent of the atrocities committed by the LRA (see below).

More than two months after the massacre, very little information had surfaced about what had happened in the Makombo area. One elderly chief still grieving for his dead son said to Human Rights Watch, “We have been forgotten. It’s as if we don’t exist. The government says the LRA are no longer a problem, but I know that’s not true. I beg of you, please talk to others about what has happened to us.”⁸¹

⁷⁸ Human Rights Watch interviews with MONUC officials, Dungu and Goma, February 23 and March 2, 2010.

⁷⁹ MONUC Confidential Daily Situation Report, January 26, 2010. On file at Human Rights Watch.

⁸⁰ Human Rights Watch interviews with UN officials, Dungu, February 23, and Goma, March 2, 2010.

⁸¹ Human Rights Watch interview with a traditional chief, Niangara, February 19, 2010.

VI. Other Attacks by the LRA

While the Makombo area killings were the most deadly attack by the LRA in northeastern Congo since the Christmas massacres of 2008, LRA attacks against civilians have also been perpetrated in other areas in 2009 and 2010. Small groups of LRA combatants operating north of the Uele River, including some groups who later carried out the Makombo massacre, have also carried out dozens of attacks on civilians in villages and farms near the towns of Bangadi and Ngilima, and in the Manziga chieftainship. In these areas, Human Rights Watch has documented the deliberate killing by the LRA of 42 civilians between September 2009 and January 2010. The killings occurred in the villages and towns of Nakwa, Nagilidangue, Diagbe, Napopo, Birisi, Yamba, Kumbari, Bafuka, Kisimu, Lindimbia, Makpesela, Ngulu, Diadupo, Madudu, Badolo, Nandike, Nangula and areas around Nambia.⁸²

The killings documented by Human Rights Watch are likely to be only a fraction of the total. Congolese civil society groups reported an additional 33 civilians killed in the same time period. At least seven others were seriously wounded, often only surviving because their assailants thought they were dead. A further six civilians, four women and two men, were horribly mutilated by LRA combatants who used razors to cut off each victim's lips and an ear. The killings and mutilations spread terror among the local population. Over 19,080 people fled to the towns of Bangadi and Ngilima to seek safety from the LRA attacks.⁸³

Killings

Nakwa

In November 2009, LRA combatants attacked the village of Nakwa, about 15 kilometers south of Bangadi. They attacked a small farm just as the family who lived there had gathered for dinner. A family member told Human Rights Watch:

They came up to our house. There were seven of them and each one had a gun. They said they were not against us but that we should go into the house to eat. We didn't know what to do, and they just came and kicked over the pots of food. Some of my family managed to quickly run away. But they captured the two young boys who were with us, including my son, and then

⁸² Human Rights Watch interviews with those who buried the dead, witnesses, civil society representatives, and local chiefs, Bangadi, February 21 and 22, 2010.

⁸³ UN OCHA, Table of displacement statistics for LRA-affected areas of northeastern Congo, January 2010. On file at Human Rights Watch.

forced eight of us into the house and set fire to it. I tried desperately to open the window and I managed to climb through it. One of the LRA came after me with a large stick of wood and tried to hit me, but failed. Then another one shot at me. The bullet hit my shoulder and came out through the back of my neck. I ran into the forest. My brother also managed to get out of the house though he was badly burned on his arms. The others did not and they were all burned to death.⁸⁴

The dead included four women—three of whom were over 65 years old—and two men.

Nagilidangue

In late December 2009, the LRA surprised a group of farmers harvesting peanuts near Nagilidangue, a small farming community some 45 kilometers southwest of Bangadi. The combatants abducted a man and forced him back to their camp. A few days later, on January 2, 2010, a group of 15 LRA combatants returned to the same area near Nagilidangue with the captured man and brought him to his neighbor's house. The neighbor told Human Rights Watch:

One of the LRA made my neighbor sit down and eat with us while the other LRA combatant pillaged all the goods in my house. My neighbor didn't have an appetite, but the LRA forced him to eat. Once they had taken everything from the house, the LRA told my wife and kids to carry the goods into the forest. I tried to escape, but as I was fleeing, one of the LRA grabbed my clothes, pulled me down, and then started to cut me with his machete—three times on my head, seven times on my back, and twice on my arm.

I tried to escape again, but the LRA shot me in the leg as I was running. I fell on the ground and had no strength left to get up again. The LRA thought I was dead and didn't come over to check. Then I heard gunshots firing in all directions, and the LRA started to pack up the pillaged goods and go into the bush. My wife and children were able to drop what they were carrying and run away. I was left alone and felt like I was already dead. An hour later, a bit of life came back to me and I could hear my child's voice in the distance. I called out to him, and my wife and children eventually found me.⁸⁵

⁸⁴ Human Rights Watch interview with victim who escaped from the burning house, Bangadi, February 22, 2010.

⁸⁵ Human Rights Watch interview with victim, Dungu, February 24, 2010.

The man's 18-year-old daughter was also wounded during the attack. She had tried to flee with her young baby, when one of the LRA combatants shot her in the foot.⁸⁶

The next day, January 3, the same group of LRA combatants attacked another house, about six kilometers away. There they killed Reginard Ngisakumba, 45, and Fuoyo, 50, by blows to the head with large wooden sticks. Fuoyo's wife, Koakpi, was also killed. Those who later buried her body said she had a wooden stick inserted so far up her vagina that it came out through the upper part of her chest. Her skull had also been crushed.⁸⁷

The same day, about two dozen LRA combatants attacked a second home less than a kilometer away, killing the 30-year-old owner of the house and abducting his three young sons, aged 6, 10 and 13; the youngest two later managed to escape. The man's body was found with a piece of wood stuck in his side, a machete wound to his head, and his entire body burned except for his face.⁸⁸ The man's wife described what happened:

They [the LRA combatants] made everyone in the house get on the ground, and then they started pillaging everything. They took my three children and my husband into the forest behind our house. There they started hitting my husband with a wooden stick—on the back of his head, on his eyes, on his side, and on his stomach. After he was dead, they lit him on fire. All this was done in the presence of my three children, just 500 meters from our house. After the killing, some of the LRA came back to my house where I had been hiding. They took our manioc and then set the house on fire. My husband's second wife had escaped. One LRA asked me where she was. I said I didn't know, and then he took out a machete to cut my feet, telling me that this would prevent me from fleeing. Luckily I was wearing thick boots so it didn't cut my skin. Then the group of LRA combatants and the people they had captured spent the night in my compound. In the morning, they left and they didn't try to take me with them. My two youngest sons managed to escape. They showed me where the LRA had killed their father. My eldest son is still missing.⁸⁹

⁸⁶ Human Rights Watch interview with victim, Dungu, February 24, 2010.

⁸⁷ Human Rights Watch interview with those who buried the dead, Bangadi, February 21, 2010; Human Rights Watch interview with witness from Nagilidangue, Bangadi, February 22, 2010; Human Rights Watch interview with witness from Nagilidangue, Dungu, February 24, 2010.

⁸⁸ Human Rights Watch interview with witness from Nagilidangue, Bangadi, February 22, 2010; Human Rights Watch interview with witness from Nagilidangue, Dungu, February 24, 2010.

⁸⁹ Human Rights Watch interview with witness from Nagilidangue, Bangadi, February 22, 2010.

Mutilations

In December 2009, LRA combatants mutilated six civilians near the towns of Bangadi and Ngilima in Congo by cutting off the victims' lips and one ear with a razor. The LRA then released their victims and sent them back to Bangadi and Ngilima with a chilling warning to others that anyone who heard or spoke about the LRA would be punished.⁹⁰ Similar mutilations were a trademark of LRA attacks in the early 1990s in northern Uganda, but previously they had not been reported in Congo

In early December, two women and a man were captured by LRA combatants while they were gathering their sweet potato and cassava harvest from their farm about five kilometers from Bangadi. The LRA combatants tied the three together with a cord around their waists and took them into the forest where a small group of LRA combatants had set up camp. They accused their victims of telling the Congolese army about their locations and said they would leave them with a "sign" to tell the population to stop talking about the LRA.⁹¹ Among the seven LRA combatants were a number of children, including a young Congolese combatant, about 14 years old, who spoke the Zande language, and was likely a child who had been abducted months or years earlier by the LRA.⁹² The next morning, this young combatant carried out the mutilation. One of the victims, a 38-year-old woman, told Human Rights Watch:

In the morning, at around 6 or 6:30 a.m., they started cutting off our lips and ears with a razor. The older Ugandan combatant gave the order to the Congolese boy to cut us. They cut the man first, and then me and the other woman—first the upper lip, then the lower lip, and then one ear. When they finished, they told us to leave and return to our village. We eventually found the path and then met Congolese soldiers along the road who brought us on their bicycles to the Bangadi health center. There was lots of blood. I still have really bad headaches. When I talk, it's like my mouth is on fire.⁹³

In a separate incident in early December, a 44-year-old man was mutilated in the same manner by LRA combatants near Bangadi. Later in the month, a 50-year-old woman and a 23-

⁹⁰ Human Rights Watch interviews with three victims of mutilation, Bangadi, February 22, 2010.

⁹¹ Human Rights Watch interview with one of the victims mutilated by the LRA, Bangadi, February 22, 2010.

⁹² Many Zande children were captured by the LRA from September 2008. See Human Rights Watch, *The Christmas Massacres*.

⁹³ Human Rights Watch interview with victim, Bangadi, February 22, 2010.

year-old woman were also mutilated near Ngilima town. In all cases, the LRA combatants cut off both lips and one ear.⁹⁴

⁹⁴ Human Rights Watch interviews with hospital officials, Dungu, February 24, 2010.

VII. Atrocities during Captivity

Interviews by Human Rights Watch with children and adults who managed to escape the LRA provide an insight into the extreme brutality they endured. Every person captured by the LRA quickly learned the two rules of survival: 1) if you walk too slowly or appear tired, you are killed; and 2) if you try to escape, you are killed. To ensure that no one had any doubt about what the consequences would be for those who broke these rules, the abductees were forced to watch the LRA kill those who disobeyed or were themselves forced to carry out the killings.

Teaching Children to Kill

The LRA usually separated children from the adult abductees soon after capture and forced them to undergo “military training.” Through mind-control methods, instilling fear, and sheer brutality, the LRA has been able to turn nine to 15-year-old boys and girls into killers. The children are dabbed with “magic” oils, which they are told make them a member of the LRA and will prevent them from being harmed by bullets. In many of the attacks documented by Human Rights Watch, such as the case of the mutilations near Bangadi (see above), the Ugandan LRA combatants forced the young, newly abducted Congolese boys to carry out the killings, mutilations, or other attacks.⁹⁵

One of the most brutal forms of violence used by the LRA is to force children to kill other children. Usually the victim is a child who has disobeyed the rules. Other children are then ordered to surround the victim in a circle and take turns beating the child on the head with a large wooden stick until the child is dead.⁹⁶ Human Rights Watch documented numerous cases of such cruel killings.

In late October 2009, an 11-year-old boy from Kapanga, near Nambia, was captured by the LRA when he was with his father at their farm. After killing his father in front of him, the LRA combatants took the young boy into the forest with them. The boy managed to escape captivity one month later and told Human Rights Watch what happened to him:

After they captured me, they told me they wanted me to be a soldier. When I protested and told them that I was too young, they stabbed me under my

⁹⁵ Human Rights Watch interviews with former abductees, in Niangara, Tapili, Bangadi, and Dungu, February 18-24, 2010.

⁹⁶ Human Rights Watch interviews with former abductees, in Niangara, Tapili, Bangadi, and Dungu, February 18-24, 2010.

eyes with a bayonet. Then they took me to their camp. While I was there, they gave military training to all the children. We were in teams, and each team had to come in at certain times for training, and to kill people. They treated their victims like animals and told us, “When you kill someone, it’s like killing an animal.”

They often asked the children to kill people in the bush. I saw this myself, and they even asked me to kill someone. They first tied the person up, and then they asked me to kill him with a large wooden stick. It was a Congolese Zande boy. I saw 10 people killed like this—girls and boys. Each time they were killed by other children who had been abducted. They chose the victims randomly and then would give us the order: “Take your bat. Kill this animal.”⁹⁷

Sexual Slavery

Girls abducted by the LRA are often forced to become the “wives,” or sexual slaves, of LRA combatants.⁹⁸ They usually stay with the same combatant during their entire time in captivity. Regular LRA combatants are allowed one “wife,” while commanders have numerous “wives” and are given first pick after an abduction operation, such as the one in Makombo.

A 17-year-old girl from a village near Bangadi was abducted by the LRA in January 2009 and held as a sexual slave for the commander of her group until she managed to escape in early June 2009:

There were more than 20 combatants in my group and 40 girls. I was given to one combatant and stayed with him the whole time. He was a commander named “Wila” who had two Ugandan wives, plus me. He took turns sleeping with me and his other two wives. During the five months, we moved around all the time to different camps. We always moved together, except when they went to get food, we stayed in the camp. They beat us a lot, and sometimes we were tied together. I escaped when they were trying to mix us with

⁹⁷ Human Rights Watch interview with former abductee, Niagara, February 18, 2010.

⁹⁸ See Feinstein Institute, “Forced Marriage within the Lord’s Resistance Army,” May 2008, <https://wikis.uit.tufts.edu/confluence/display/FIC/Forced+Marriage+within+the+LRA,+Uganda>

another group. After I ran away, I met a man named Michel who took me here [to Bangadi] on a bike.⁹⁹

Adults in Captivity

Adults abducted by the LRA are often used as porters, with adult women also used as sexual slaves. They are also forced to cook and clean. Adults are rarely, if ever, forced to undergo military training, but they too endure extreme brutality.

A 27-year-old woman who was abducted by the LRA in January 2009 witnessed, or was forced to participate in, the killing of 55 other abductees during her nine months in captivity. She later described her ordeal to Human Rights Watch. She said:

I was at my house in Diagbe when the LRA came and started calling the population together, telling us they were Ugandan soldiers who had come to protect the population. Once we were all together, they started to grab us. Four people were killed. Then they captured 30 of us and took us into the bush. Soon after we left Diagbe, they killed 15 of the abductees—including three boys aged 10, 13, and 15. The others were older men. The rest of us—14 men and me—walked for two days before we arrived at the LRA camp. I was tied around the waist, and an LRA combatant pulled me along with the loose end of the rope. When we got to the camp, we were divided into small groups. I was given as a “wife” to the commander of the group. There were about 30 people in our group, including seven women. All seven of us were for the chief. We would spend one day in one place and then go on to a new place. I had to prepare the food and do laundry.

The combatants were all Ugandan. They only spoke their mother tongue. In the beginning, we communicated by gestures, but then we started to learn their language. They didn’t speak any Lingala. It was prohibited to speak with the other abductees. They beat us if we tried. The LRA killed lots of abductees while I was with them.¹⁰⁰

⁹⁹ Human Rights Watch interview with former abductee, Bangadi, February 22, 2010.

¹⁰⁰ Human Rights Watch interview with former abductee, Bangadi, February 22, 2010.

VIII. Responsibility of LRA Leaders

Since the failed attack on the main LRA camp in Garamba National Park in December 2008, the LRA has split into multiple smaller groups operating between Congo, Sudan and CAR. The rebel group is still believed to operate under the leadership of Joseph Kony. According to interviews with witnesses, and Ugandan and Congolese military personnel, a group of between 80 to 120 LRA combatants continues to operate in Congo,¹⁰¹ though these figures are difficult to confirm. Since the LRA also holds hundreds of abductees, including children who are being trained as combatants, their numbers could be higher and might grow in the future.

Ugandan and Congolese military sources told Human Rights Watch that the LRA who operate in Congo are under the leadership of Gen. Dominic Ongwen,¹⁰² one of the LRA's top leaders wanted on an arrest warrant from the International Criminal Court. According to the same sources, Lt. Col. Binansio Okumu (also known as Binany),¹⁰³ is one of the commanders who reports to Ongwen and operates in Congo, in the area north of the Uele River.¹⁰⁴ Children abducted by the LRA who later managed to escape, especially those who had spent many months with the LRA and had learned the names of LRA commanders in whose groups they were held, confirmed the presence of Ongwen, Binany, and a commander known as Obol, whom they called "One-Eye."¹⁰⁵ These same children also confirmed that Ongwen, Binany, and other commanders held a meeting during the 2009 Christmas period, indicating that Ongwen's leadership of the Congo LRA group remains intact.¹⁰⁶

¹⁰¹ Human Rights Watch interviews with Ugandan and Congolese military experts, Haut Uele, February 21, 22 and 23, 2010; Human Rights Watch interviews with children and adults held by the LRA who later escaped, Tapili, February 20; Bangadi, February 22; and Dungu, February 24, 2010.

¹⁰² Human Rights Watch interviews with Ugandan and Congolese military experts, Haut Uele, February 21, 22 and 23, 2010. Official communications between Human Rights Watch and the Chieftaincy of Military Intelligence, Kampala, March 17, 2010.

¹⁰³ He may also be called Lt. Col. Vincent Okumu.

¹⁰⁴ The same sources also reported that the following commanders continue to operate in DRC: Major Ocen, Major David Lakwo, and Commander Kidega, amongst others. Human Rights Watch interviews with Ugandan and Congolese military experts, Haut Uele, February 21, 22 and 23, 2010. Children held by the LRA abducted at Makombo and Tapili also described another commander who they called "Bukwara." Human Rights Watch interviews with children abducted by the LRA who later escaped, Tapili, February 20, 2010.

¹⁰⁵ Human Rights Watch interviews with children held by the LRA who later escaped, Tapili, February 20, Bangadi, February 22, Dungu, February 24, 2010.

¹⁰⁶ Human Rights Watch interviews with children and adults held by the LRA who later escaped, Bangadi, February 22, and Dungu, February 24, 2010.

According to both children and adults captured by the LRA during the Makombo massacre who later escaped, the leader of the group who conducted the four-day operation in the Makombo area was a man about 50 years old who wore a black beret and told the abductees to call him “Captain Joseph.”¹⁰⁷ This leader was the first to select which girls he wanted among the abductees and was the commander whom other LRA combatants saluted during the military parades held daily in the days following the attack at Makombo. Children who had been held for many months by the LRA told Human Rights Watch that Binany was the only commander who wore a black beret.¹⁰⁸ Congolese military sources also told Human Rights Watch that the LRA commander who operated in the area north of Niangara was Binany and that they believed he was responsible for the killings at Makombo.¹⁰⁹ This information indicates Binany may have both led and participated directly in the Makombo operation. Criminal investigations, whether by national jurisdictions or the ICC, should be conducted to determine his role in ordering and participating in alleged war crimes and crimes against humanity for the Makombo massacre.

Following the Makombo massacre, the LRA combatants who carried out the operation, together with some 250 abductees, joined other LRA groups over the 2009 Christmas period in a meeting led by Ongwen. According to witnesses, the LRA commanders celebrated the “success” of the Makombo operation, conducted training for children captured by the LRA, and later split the abductees between various LRA groups.¹¹⁰ Ongwen’s leadership at this meeting strongly indicates he knew, or should have known, about the massacre at Makombo and the widespread abduction of civilians, including children. Human Rights Watch believes there is sufficient information linking Ongwen to the massacre at Makombo in which widespread abuses occurred that he should be investigated for his role in ordering alleged war crimes and crimes against humanity.

Those who were captured during the Makombo massacre by the LRA and others who were present described in detail to Human Rights Watch one of the commanders directly involved in the Makombo operation: a 60-year-old tall, large, very dark-skinned man with rasta-like

¹⁰⁷ Human Rights Watch interviews with children and adults held by the LRA who later escaped, Tapili, February 20, and Bangadi, February 22, 2010.

¹⁰⁸ Human Rights Watch interviews with children and adults held by the LRA who later escaped, Tapili, February 20; Bangadi, February 22; and Dungu, February 24, 2010.

¹⁰⁹ Human Rights Watch interviews with Congolese military experts, Haut Uele, February 21 and 23, 2010.

¹¹⁰ Human Rights Watch interviews with children and adults held by the LRA who later escaped, Bangadi, February 22, and Dungu, February 24, 2010. Human Rights Watch interviews with Ugandan military officers, Haut Uele, February, 2010.

hair, with only one eye, known as Obol.¹⁴¹ Witnesses repeatedly told Human Rights Watch that “One-Eye” gave orders to kill people and also frequently killed people by himself. Human Rights Watch believes there is sufficient information linking Obol directly to the massacre at Makombo that he should be investigated for his role in ordering and participating in alleged war crimes and crimes against humanity.

¹⁴¹ Human Rights Watch interviews with dozens of witnesses and abductees taken during the Makombo operation, Niangara and Tapili, February 19 and 20, 2010.

IX. The Search for Justice

International Law

International law calls for accountability for serious crimes, such as genocide, war crimes, crimes against humanity and torture. International treaties, including the Geneva Conventions of 1949 and its additional protocols, the Convention against Torture, and the Rome Statute of the International Criminal Court, oblige states parties to investigate allegations of serious violations of international law and ensure that the perpetrators are prosecuted. Uganda and Congo have ratified each of these as well as various other treaties on international human rights and humanitarian law.

War crimes

The armed conflict in northern Congo is governed by international humanitarian law (the laws of war), which applies to both states and to non-state armed groups such as the LRA. Relevant treaty law includes Common Article 3 to the Geneva Conventions of 1949, which sets forth minimum standards for the treatment of persons within a party's control.¹¹² Also applicable are the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II),¹¹³ the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which bans all recruitment and use of children by state and non-state military forces,¹¹⁴ and relevant customary international humanitarian law.¹¹⁵

Individuals who willfully commit serious violations of international humanitarian law are responsible for war crimes. War crimes include a wide array of offenses, including murder, torture and other mistreatment, rape and other sexual violence, enslavement, forced displacement, recruitment and use of child soldiers, and pillaging.¹¹⁶ Commanders may be held criminally responsible for ordering, planning, or instigating the commission of a war crime. They may also be prosecuted for war crimes as a matter of command responsibility

¹¹² Geneva Conventions of 1949, entered into force October 21, 1950, article 3.

¹¹³ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978. DRC ratified Protocol II in December 2002.

¹¹⁴ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), entered into force February 12, 2002. The optional protocol defines children as all persons under age 18. The DRC ratified the optional protocol in November 2001.

¹¹⁵ See generally International Committee of the Red Cross (ICRC), Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005).

¹¹⁶ See ICRC, *Customary International Humanitarian Law*, rule 156.

when they knew, or should have known, about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.¹¹⁷

Crimes against humanity

The concept of crimes against humanity has been incorporated into a number of international treaties and the statutes of international criminal tribunals, including the Rome Statute of the International Criminal Court. The definition of crimes against humanity has been defined as a range of serious human rights abuses committed as part of a widespread or systematic attack by a government or non-state actor against a civilian population.¹¹⁸ Murder, rape, and other inhumane acts intentionally causing great suffering, all fall within the range of acts that can qualify as crimes against humanity.¹¹⁹ The civilian population must be the primary object of the attack.¹²⁰

The attack against a civilian population underlying the commission of crimes against humanity must be widespread or systematic. It need not be both.¹²¹ “Widespread” refers to the scale of the acts or number of victims.¹²² A “systematic” attack indicates “a pattern or methodical plan.”¹²³ International courts have considered to what extent a systematic attack requires a policy or plan.¹²⁴

¹¹⁷ See ICRC, *Customary International Humanitarian Law*, rule 153.

¹¹⁸ See Rodney Dixon, “Crimes against humanity,” in Otto Triffterer, ed., *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden: Nomos Verlagsgesellschaft, 1999), p. 122. This is the standard applied by article 7 of the Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002.

¹¹⁹ Murder and torture are among the core offenses that have been included within the definition of crimes against humanity at least since the adoption of the charter establishing the Nuremberg tribunal after World War II. Deportation (to another country) was listed but not (internal) forced transfer. Rape was not explicitly included in the charter’s definition of crimes against humanity in article 6(c), although it could be derived from that definition’s general prohibition against “other inhumane acts.” This ambiguity has been resolved in recent years; the statutes of the International Criminal Tribunals for Rwanda and the former Yugoslavia, as well as the Rome Statute, all explicitly include rape in the list of enumerated offenses that can constitute crimes against humanity. The Rome Statute also lists: extermination, enslavement, deportation, and forcible transfer of population, imprisonment, persecution, enforced disappearance, apartheid, and “other inhumane acts.” Rome Statute, article 7(1).

¹²⁰ See *Prosecutor v. Naletilic and Martinovic*, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-98-34, Judgement (Trial Chamber I), March 31 2003, para. 235.

¹²¹ See *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, para. 646 (“it is now well established that...the acts...can...occur on either a widespread basis or in a systematic manner. Either one of these is sufficient to exclude isolated or random acts.”).

¹²² *Akayesu* defined widespread as “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims,” *Prosecutor v. Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial Chamber I), September 2, 1998, para. 579; see also *Prosecutor v. Kordic and Cerkez*, ICTY, Case No. IT-92-14/2, Judgement (Trial Chamber III), February 26, 2001, para. 179; *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgement (Trial Chamber II), May 21, 1999, para. 123.

¹²³ *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, para. 648. In *Prosecutor v. Kunarac, Kovac and Vokovic* the Appeals Chamber stated that “patterns of crimes—that is the non-accidental

Lastly, for individuals to be found culpable for crimes against humanity requires their having the relevant knowledge of the crime.¹²⁵ That is, perpetrators must be aware that their actions formed part of the widespread or systematic attack against the civilian population.¹²⁶ While perpetrators need not be identified with a policy or plan underlying crimes against humanity, they must at least have knowingly taken the risk of participating in the policy or plan.¹²⁷ Individuals accused of crimes against humanity cannot avail themselves of the defense of following superior orders. Because crimes against humanity are considered crimes of universal jurisdiction, all states are responsible for bringing to justice those who commit crimes against humanity. There is an emerging trend in international jurisprudence and standard setting that persons responsible for crimes against humanity, as well as other serious violations of human rights, should not be granted amnesty.

International Criminal Court

Congo is a party to the Rome Statute of the International Criminal Court (ICC), providing the ICC jurisdiction over crimes in violation of international law committed in Congo, including by the LRA. Uganda is also a party to the ICC statute, giving the court jurisdiction over such crimes committed by Ugandan nationals, which would include LRA commanders. The ICC may exercise jurisdiction for “the most serious crimes of concern to the international community as a whole,”¹²⁸ specifically genocide, crimes against humanity, and war crimes.

In December 2003, Ugandan President Yoweri Museveni referred LRA crimes in northern Uganda to the ICC and in mid-2004, the ICC prosecutor announced the opening of an investigation into crimes committed in northern Uganda.¹²⁹ In March 2004, the Congolese

repetition of similar criminal conduct on a regular basis—are a common expression of [a] systematic occurrence.” *Prosecutor v. Kunarac, Kovac and Vokovic*, ICTY, Case No. IT-96-23 and IT-96-23-1A, Judgement (Appeals Chamber), June 12, 2002, para. 94.

¹²⁴ *Prosecutor v. Akayesu*, ICTR, Case No. ICTR-96-4-T, Judgement (Trial Chamber I), September 2, 1998, para. 580.

¹²⁵ See *Prosecutor v. Kupreskic et al.*, ICTY, Case No. IT-95-16, Judgement (Trial Chamber), January 14, 2000, para. 556.

¹²⁶ See *Prosecutor v. Kupreskic et al.*, ICTY, Case No. IT-95-16, Judgement (Trial Chamber), January 14, 2000, para. 556: “[T]he requisite mens rea for crimes against humanity appears to be comprised by (1) the intent to commit the underlying offence, combined with (2) knowledge of the broader context in which that offence occurs.” See also *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1, Judgement (Appeals Chamber), July 15, 1999, para. 271; *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgement (Trial Chamber II), May 21, 1999, paras. 133-134.

¹²⁷ See *Prosecutor v. Blaskic*, ICTY, Case No. IT-95-14-T, Judgement (Trial Chamber), March 3, 2000, para. 257. *Blaskic* (paras. 258-259) listed factors from which could be inferred knowledge of the context: (a) the historical and political circumstances in which the acts of violence occurred; (b) the functions of the accused when the crimes were committed; (c) his responsibilities within the political or military hierarchy; (d) the direct and indirect relationship between the political and military hierarchy; (e) the scope and gravity of the acts perpetrated; and (f) the nature of the crimes committed and the degree to which they are common knowledge.

¹²⁸ Rome Statute, ratified by the Democratic Republic of Congo on September 8, 2000 and by Uganda on June 14, 2002, art. 5.

¹²⁹ “Prosecutor of the International Criminal Court opens an investigation into Northern Uganda,” ICC press release, July 29, 2004, <http://www.icc->

government referred the situation in Congo to the ICC,¹³⁰ inviting the ICC prosecutor to investigate crimes within the jurisdiction of the Rome Statute on its territory.

After approximately a year of investigations in northern Uganda, the ICC issued warrants in July 2005 for the arrest of five LRA leaders for war crimes and crimes against humanity committed on Ugandan territory.¹³¹ While the ICC also has issued arrest warrants for serious crimes committed in Congo, it has not brought charges for LRA crimes committed in Congo. The ICC arrest warrants for LRA suspects who remain alive are currently outstanding as no LRA suspects have been apprehended.

Ugandan Amnesty Act

In 2000, the Ugandan parliament passed the Amnesty Act, which established an Amnesty Commission and procedures for granting amnesty to LRA members and members of other Ugandan rebel groups. The legislation, effective from January 26, 1986, states that it is applicable to “Ugandans involved in acts of a war-like nature in various parts of the country”¹³² and sets out specific requirements for eligibility including renouncing and abandoning involvement in the war or armed rebellion.¹³³ Individuals who meet the amnesty requirements cannot be prosecuted or punished for their alleged crimes in Uganda, although under a 2006 amendment to the law, in exceptional circumstances, the Ugandan Minister of Internal Affairs can declare an individual ineligible if the Ugandan parliament agrees.¹³⁴ According to statistics from the Ugandan Amnesty Commission, 24,000 LRA members have received amnesty since 2000, of which 17,000 were combatants.¹³⁵ The Ugandan Amnesty Act does not apply to crimes committed by Ugandan citizens before national courts in other countries. As a result, Uganda cannot grant amnesty abroad for LRA crimes committed in Congo, Sudan and CAR. Domestic amnesties should also not be a bar to prosecution before the ICC.

<http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/2004/prosecutor%20of%20the%20international%20criminal%20court%20opens%20an%20investigation%20into%20northern%20uganda?lan=en-GB>. Once the court exercises its jurisdiction, it has the authority to prosecute crimes by any individual, regardless of affiliation, provided the crimes were committed after 2002.

¹³⁰ “Prosecutor receives referral of the situation in the Democratic Republic of Congo,” ICC press release, April 19, 2004, <http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/2004/prosecutor%20receives%20referral%20of%20the%20situation%20in%20the%20democratic%20republic%20of%20congo> (accessed March 25, 2010).

¹³¹ Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, and Dominic Ongwen. Lukwiya died in 2006 and Otti in 2007.

¹³² The Amnesty Act, 2000 (Uganda).

¹³³ Ibid, section 4.

¹³⁴ Ibid, section 4.

¹³⁵ The Amnesty (Amendment) Act, 2006 (Uganda). No one has ever been declared ineligible.

¹³⁶ Ugandan Amnesty Commission report, December 2009.

No one has ever been convicted for crimes committed by the LRA, though one LRA member awaits trial in Uganda.¹³⁶ To date, LRA-affected communities outside of Uganda have not had the opportunity to present to any government or UN body the remedies they seek for the crimes they have suffered. In addition, no criminal investigations or prosecutions of LRA commanders for crimes outside of Uganda have to our knowledge been pursued.

Congolese Requests for Justice and Reparations

The armed conflicts that have devastated Congo over the past decade have fostered pressure on the Congolese government to provide amnesties for war crimes and crimes against humanity in the hope it would encourage peace. Congolese government officials and legislators have successfully and repeatedly resisted such efforts. Congolese society continues to express a strong preference for justice, not amnesties, for perpetrators of serious crimes. An August 2008 survey on Congolese attitudes about peace, justice and social reconstruction found that accountability and justice for grave crimes were very important to people in eastern Congo, and that people believed these concepts promoted peace. In the survey, 85 percent of respondents deemed it important to hold accountable those who committed war crimes in eastern Congo.¹³⁷

Civil society groups in LRA-affected areas in Congo and victims of LRA crimes have expressed a strong desire to see LRA commanders brought to justice and have requested reparations for the material losses they have suffered.¹³⁸ These demands for justice have been particularly pronounced in the town of Faradje, in northeastern Congo. On December 25, 2008, the LRA, commanded by Lt. Col. Charles Arop, carried out a brutal attack on Faradje killing at least 143 people and abducting 160 children and dozens of adults.¹³⁹ During the

¹³⁶ Only one LRA member is currently awaiting trial. Col. Thomas Kwoyelo Latoni, who was captured by the Ugandan army in Congo on February 3, 2009, was charged on June 3, 2009, with 12 counts of murder with intent to kidnap stemming from incidents in 1994 and 1996. Chris Ocowun, "LRA's Kwoyelo charged with kidnap," *The New Vision* (Kampala), June 4, 2009. Kwoyelo was held in unclear legal circumstances from February to June 2009. Ugandan authorities stated he was held as a prisoner of war, but Uganda has no domestic definition of such a legal status. He was not charged for any crimes committed in Congo. According to the Amnesty Commission, mandated to manage the amnesty process, Kwoyelo has applied for amnesty but to date no determination has been made. Human Rights Watch interview with Amnesty Commission official, March 16, 2010.

¹³⁷ Human Rights Centre (University of California, Berkeley), International Center for Transitional Justice and Payson Center for International Development (Tulane University), "Living with Fear: A Population Based survey on Attitudes about Peace, Justice and Social Reconstruction in Eastern Democratic Republic of Congo," August 2008, <http://hrc.berkeley.edu/pdfs/LivingWithFear-DRC.pdf> (accessed March 15, 2010).

¹³⁸ Letter to the Congolese Minister of Justice and Human Rights from Faradje Civil Society, Formal complaint against LRA Commander Charles Arop, March 13, 2010. On file at Human Rights Watch.

¹³⁹ See Human Rights Watch, *The Christmas Massacres*.

attack, the LRA also looted extensively and burned 940 houses, three primary schools, and nine churches leaving large parts of Faradje destroyed.¹⁴⁰

In September 2009, Arop surrendered to Ugandan soldiers based near Faradje and was transferred to Uganda, where he is seeking amnesty under the Ugandan Amnesty Act.¹⁴¹ In press interviews, Arop admitted to the attack on Faradje, claiming the town was chosen because “it was the nearest place where such massacres would have an impact and where they would get international publicity.”¹⁴² He said he was acting under orders from LRA leader Kony, in which he received instructions that “anybody found in Faradje had to be killed; those able to be turned into soldiers had to be abducted.”¹⁴³ When later asked about how he felt about the killings, Arop said, “It was painful but you have to do it. I want to ask the relatives of those we killed to forgive me. Whatever we did, we did it under orders.”¹⁴⁴

In February 2010, 19 civil society representatives and local authorities told Human Rights Watch that they wished to see the LRA commander brought to justice for crimes he committed in their town. One civil society representative said:

Arop is someone who should be brought before justice, and he should be judged in Congo. If the Congolese courts aren’t capable, the International Criminal Court is there for that. Here in Faradje, we have witnesses who are fully ready to testify openly in court against this man... The Congolese people have nothing to do with why the LRA are fighting. Because of this, the Ugandan government should also provide some reparations for all the human and material losses we’ve suffered.¹⁴⁵

On March 13, 186 residents of Faradje, including many who were victims of the LRA attacks, wrote an official letter to the Congolese Minister of Justice and Human Rights requesting the Congolese government to launch judicial proceedings against Arop for the crimes he

¹⁴⁰ Ibid.

¹⁴¹ Human Rights Watch interview with Amnesty Commission official, March 16, 2010.

¹⁴² Els De Temmerman, “LRA’s Joseph Kony to seek protection from Sudan army,” *The New Vision* (Kampala), November 22, 2009, <http://www.newvision.co.ug/D/8/13/702017> (accessed on March 15, 2010).

¹⁴³ Ibid.

¹⁴⁴ Ibid. International humanitarian law rejects the so-called “Nuremberg defense,” unsuccessfully used by Nazi war criminals after the Second World War. Obeying a superior’s order does not relieve a subordinate of criminal responsibility if the subordinate knew or should have known that the act ordered was unlawful. See, for example, Rome Statute, article 33.

¹⁴⁵ Human Rights Watch interview with civil society representative, Faradje, February 24, 2010.

committed and for reparations for the victims.¹⁴⁶ A copy of the letter can be found in the annex of this report.

Options for Justice

There are a number of options to bring to justice LRA commanders for international crimes committed in Congo that should be explored:

- a) The ICC could issue charges with regard to the LRA's more recent crimes, including those in Congo.
- b) Congolese authorities could seek to prosecute before Congolese courts those LRA commanders who have committed crimes on Congolese territory, including those in Uganda or elsewhere for whom Congo should seek extradition.
- c) Since Congo's civilian justice system remains weak and, under Congolese law, war crimes currently may be prosecuted only before military courts, the Congolese government should consider the establishment of a mixed national-international chamber within the civilian justice system. The chamber, composed of Congolese and international judges and prosecutors, would prosecute those responsible for war crimes and crimes against humanity not sought on arrest warrants by the ICC. Such a chamber could try LRA commanders who are Ugandan or other nationals who committed crimes within Congolese territory.¹⁴⁷
- d) The Special Division of Uganda's High Court, whose creation was prompted by agreements made during peace talks between the Ugandan government and the LRA between 2006 and 2008,¹⁴⁸ could seek to prosecute Arop and other LRA commanders outside Uganda. Notably, on March 10, 2010, Uganda's parliament passed an international crimes bill, which makes crimes under the ICC statute prosecutable offenses under Ugandan law. If signed into law, the bill provides that Ugandan courts can prosecute serious crimes committed outside Uganda if the

¹⁴⁶ Letter to the Congolese Minister of Justice and Human Rights from Faradje Civil Society, Formal complaint against LRA Commander Charles Arop, March 13, 2010. On file at Human Rights Watch.

¹⁴⁷ Draft legislation implementing the Rome Statute of the ICC currently before parliament vests the civilian courts with the jurisdiction to try ICC crimes. However, the civilian justice system has its own shortcomings and lacks expertise in trying these crimes compared to the military justice system. For further information see Human Rights Watch, *Soldiers who Rape, Commanders who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009, <http://www.hrw.org/en/reports/2009/07/16/soldiers-who-rape-commanders-who-condone-0>; Human Rights Watch, *Discussion paper: A "mixed chamber" for Congo?*, September 2009, <http://www.hrw.org/en/news/2009/11/19/mixed-chamber-congo>.

¹⁴⁸ Annex to the Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord's Resistance Army/Movement, Juba, Sudan, June 29, 2007, February 19, 2008.

suspect is Ugandan, if the offense was committed against a Ugandan, or if the alleged perpetrator is present in Uganda.¹⁴⁹ The bill appears to be silent on how it will interact with Uganda's amnesty law.

With regard to national options, the Ugandan Special Division's status as an established entity, while still in the very early stages of development, underscores the utility of pursuing cases through this court. At the same time, it is crucial to ensure that domestic prosecutions adhere to international due process and fair trial standards.¹⁵⁰

¹⁴⁹ As of this writing, it could not be confirmed which draft text of the ICC bill was considered and approved by parliament with amendments on March 10, 2010. There have been several versions of the bill. It is our understanding that the provisions for the exercise of jurisdiction for crimes committed outside Uganda were included in the different versions considered. See International Criminal Court Bill, 2006 (draft), International Crimes Bill of 2009 (draft) and Report of the Committee on Legal and Parliamentary Affairs on the International Criminal Court Bill, 2006 stating amendments. On file at Human Rights Watch. The president must sign the bill before it becomes law.

¹⁵⁰ See Human Rights Watch, *Benchmarks for Justice for Serious Crimes in Northern Uganda*, Human Rights Watch Memoranda on Justice Standards and the Juba Peace Talks, May 2007-February 2008, September 2008, <http://www.hrw.org/en/news/2008/09/01/benchmarks-justice-serious-crimes-northern-uganda>, in particular the third memorandum: "Particular Challenges for Uganda in Conducting National Trials for Serious Crimes, September 2007."

X. Response to Ongoing Abuses

Congolese Government and Armed Forces

Following the end of Operation Lightning Thunder in March 2009, the Congolese government repeatedly maintained that the LRA threat was substantially reduced, and nearly over.¹⁵¹ But despite such public proclamations, a number of government and military authorities recognized that the LRA remained a danger.¹⁵² In May 2009, the Congolese government and MONUC launched a new joint initiative, Operation *Rudïa II*, to contain the LRA and help protect civilians. MONUC agreed to provide food rations and logistical support to the Congolese army and to conduct joint patrols in key population centers.¹⁵³ Congolese military authorities also continued to quietly cooperate with the Ugandan army, which maintained a sizeable presence in LRA-affected areas of northern Congo that the Congolese government publicly described as only “military advisors.”¹⁵⁴ Congolese and Ugandan officers still meet to discuss strategy and their troops continue to conduct joint patrols and, on occasion, joint operations against the LRA.¹⁵⁵

The estimated 3,000 to 4,000 Congolese soldiers in Haut Uele and Bas Uele districts face immense challenges in their work: the soldiers have few vehicles, no helicopters, and inadequate communications systems. They move around on foot in a vast terrain making their response time to LRA attacks exceedingly slow, if they can respond at all. The soldiers’ salaries and rations arrive irregularly or do not arrive at all.¹⁵⁶ Despite these limitations, many Congolese army soldiers have made valiant efforts to protect civilians from LRA attacks and to rescue abducted children who had escaped from LRA captivity.¹⁵⁷

¹⁵¹ President Joseph Kabila, Address to the Nation, December 7, 2009. “LRA is history, says President Museveni,” State House Online, February 2, 2009, <http://www.statehouse.go.ug/news.php?catId=1&item=457> (accessed March 24, 2010); “Ugandan President says Rebel Chief is Likely in Darfur,” Agence France-Presse, March 13, 2010.

¹⁵² Human Rights Watch interviews with Congolese officers, Haut Uele, February 2010.

¹⁵³ Human Rights Watch interview with UN official, Dungu, February 25, 2010.

¹⁵⁴ Human Rights Watch interviews with government official, Kinshasa, March 6, 2010, and diplomat, March 17, 2010. The Ugandan government refers to their soldiers in Congo as “Intelligence squads.”

¹⁵⁵ Human Rights Watch interviews with Congolese and Ugandan army officers, Haut Uele, February 2010.

¹⁵⁶ Human Rights Watch interviews with Congolese officers and UN officials, Haut Uele, February 19-25, 2010.

¹⁵⁷ Human Rights Watch has interviewed several wounded civilians and former abductees who said that while they were escaping the LRA, they eventually found Congolese army soldiers who escorted them to health centers or the nearest town, sometimes by transporting them on their bicycles.

As described above, following the Makombo massacre, Congolese army soldiers helped to bury the dead and reported to their superiors about the attack. On December 26, 2009, a small military team from the battalion headquarters at Bangadi arrived to the area to investigate what had happened, an unusually rapid response from the army. Following a three-day investigation, led by Major Kibomango, the military team confirmed that a “massacre” had been perpetrated by the LRA.¹⁵⁸ In late December and early January 2010, the Congolese army deployed a small unit of soldiers to Tapili and the Makombo area to avert further LRA attacks. The soldiers were still there at the time of writing.

Less clear is whether Congolese authorities have taken any steps in response to the army’s report about the massacre. By mid-March 2010, no Congolese judicial officials had yet been sent to document the atrocities, and Congolese officials with whom Human Rights Watch spoke in Kinshasa were unaware of the LRA attack and the scale of the violations. MONUC officials said they had not received information from the Congolese army about the killings.¹⁵⁹

Abuses by the FARDC: The “Ours Battalion” in Bangadi

Some Congolese army soldiers have attacked civilians rather than protect them. In mid-2009, the Congolese government replaced its elite Republican Guard units in Haut Uele with regular army soldiers, some of whom were new “mixed brigades” from the Kivu provinces in eastern Congo. The mixed brigades include soldiers from former, often abusive, armed groups recently integrated into the army.¹⁶⁰ Reports of violations against civilians began to increase. The most serious abuses were committed by the 911th Battalion, known as the “Ours” Battalion (“bear” in French) deployed in the Bangadi area of Haut Uele from January to early December 2009.¹⁶¹ The battalion was led by Major Mogabo, who, like a significant number of his soldiers, was reportedly a former member of an armed group recently integrated into the army with minimal military training.¹⁶² The reports of the abuses were so widespread that many humanitarian organizations refused to work in Bangadi throughout 2009, resulting in further isolation of the local population.¹⁶³

¹⁵⁸ Human Rights Watch interviews with civil society and other officials in Niangara, February 19 and 20, 2010.

¹⁵⁹ Human Rights Watch interviews with UN officials, Dungu, February 23 and Kinshasa, March 5, 2010.

¹⁶⁰ These included soldiers from the National Congress for the Defense of the People (CNDP), one of the main rebel groups in eastern Congo, and other Mai Mai groups.

¹⁶¹ The battalion is part of the 1st Brigade of the 9th Military Region, based in Kisangani.

¹⁶² Human Rights Watch interview with civil society representative, Bangadi, February 21, 2010.

¹⁶³ Human Rights Watch interview, OCHA representative, Dungu, February 23, 2010.

During their time in the area, soldiers from the “Ours” Battalion were reportedly responsible for the killing of at least seven civilians, the rape of at least nine women and girls, arbitrary arrests and widespread looting and extortion. The seven murders in Bangadi reported to Human Rights Watch were often associated with looting and extortion activities.¹⁶⁴ In one case, at least, those implicated in murder were arrested: the authorities arrested three soldiers accused of murdering Bolingwa Dieudonne, 38, on May 17, 2009, near Diagbe by stabbing him in the neck and beating him on the face.¹⁶⁵ Human Rights Watch is not aware if they have yet been brought to trial.

Sexual violence against women and girls has been a hallmark of the conflict elsewhere in Congo and the increase in reported rape cases by Congolese army soldiers in Haut Uele has been a troubling development. Women’s rights organizations reported the rape of five girls and four women, including a 12-year-old girl, in and around Bangadi town in 2009 by Congolese army soldiers of the “Ours” Battalion.¹⁶⁶ In one case, a woman raped by a soldier on April 5, 2009, identified the perpetrator and demanded his arrest. According to the victim, Major Mogabo, the battalion’s commanding officer, did not believe the charges, conducted no investigation nor did he refer the case to judicial authorities. The alleged perpetrator was transferred to another town, but the soldier returned only a few months later.¹⁶⁷

In early December 2009, the “Ours” battalion was transferred to Banda in Bas Uele and Ngilima in Haut Uele and was replaced in Bangadi by the 912th Battalion, known as the “Guépard” Battalion (“cheetah” in French). Nearly all civil society representatives, religious leaders, humanitarian workers, and residents of Bangadi interviewed by Human Rights Watch said the relations between Congolese army soldiers and the population dramatically improved with the “Ours” Battalion’s departure.

There have yet to be any judicial investigations into alleged abuses by “Ours” Battalion soldiers in Bangadi. On February 23, 2010, Human Rights Watch met with Col. Eric Mbabazi,

¹⁶⁴ Human Rights Watch interview with civil society representative, Bangadi, February 21, 2010; Human Rights Watch interview with witness to one murder, Bangadi, February 22, 2010. List of civilians killed in the Bangadi area, compiled by local civil society representatives, received February 23, 2010, on file at Human Rights Watch. Those killed included a man killed in Bangadi on February 22, a man killed in Kana on February 28, a man and his child killed in August 2009 near Bangadi, a 35-year-old man shot dead in Kombali on March 27, and a 38-year-old man and a 19-year-old man shot dead three kilometers from Diagbe on the road towards Doruma on May 17, 2009. Human Rights Watch could not independently confirm each incident.

¹⁶⁵ Human Rights Watch interview with witness, Bangadi, February 22, 2010.

¹⁶⁶ Human Rights Watch interviews with victims, Bangadi, February 22, 2010; Human Rights Watch interview with civil society representative, Bangadi, February 21, 2010; Human Rights Watch interview with women’s representative, Bangadi, February 23, 2010.

¹⁶⁷ Human Rights Watch interview with rape victim, Bangadi, February 22, 2010.

commander of the 4th Brigade, to which the “Ours” Battalion reports, to urge him to open judicial investigations by military magistrates into alleged criminal offenses. He agreed to do so.¹⁶⁸

Human Rights Watch has also received reports of abuses by Congolese soldiers deployed in other areas in Haut Uele, including in and around the district capital of Dungu. On the main road from Dungu to Aba, soldiers have reportedly set up 36 checkpoints where they illegally tax civilians and extort money and other belongings.¹⁶⁹ Several civilians have been wounded or killed in and around Dungu by attackers claiming to be LRA combatants. In most cases, it is unclear whether these attacks were carried out by Congolese army soldiers, local bandits or actual LRA combatants.¹⁷⁰

Ugandan Army

The Ugandan army is believed to retain an estimated 2,000 to 3,000 soldiers in northern Congo to conduct operations against the LRA.¹⁷¹ Ugandan military officers say they take the protection of civilians during LRA operations seriously, though they believe this is primarily the responsibility of the host nation on whose territory the Ugandan army operates.¹⁷² An official communication from the Ugandan Chieftaincy of Military Intelligence to Human Rights Watch on March 17, 2010, stated that:

[The] Ugandan government takes the protection [of] civilians during LRA operations very seriously. It is on that basis that IDP camps were created in Northern Uganda.¹⁷³ However with operations in DRC/Sudan and CAR, the responsibility to protect the people largely resides with the host nations since the core task of UPDF [Ugandan army] squads is to conduct mobile operations which are in most cases away from the population centers.

¹⁶⁸ Human Rights Watch interview with Col. Eric Mbabazi, Bangadi, February 23, 2010.

¹⁶⁹ Human Rights Watch interview with international NGO worker, Dungu, February 23, 2010.

¹⁷⁰ Human Rights Watch interview with international NGO worker, Dungu, February 23, 2010; Human Rights Watch interview with hospital representative, Dungu, February 24, 2010.

¹⁷¹ This figure was neither confirmed nor denied by the Ugandan military. Military experts estimate four UPDF battalions are based in northern Congo. Human Rights Watch interviews with Congolese and international military experts, and UN officials, northern and eastern Congo, February 19-28, and the United States, March 18, 2010.

¹⁷² Official communications between Human Rights Watch and the Chieftaincy of Military Intelligence, Kampala, March 17, 2010.

¹⁷³ The forced regroupment by the Ugandan government of almost 1.7 million civilians into camps in northern Uganda with little or no protection during the LRA conflict was disastrous for civilians, increased their suffering and violated international protocols. See Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, July 14, 2003, <http://www.hrw.org/en/reports/2003/07/14/abducted-and-abused-o>.

Besides, our squads are very few for a theatre stretching almost 700 km. The local forces then concentrate on guarding population centers and securing the communication infrastructure, especially roads. However despite our generally mobile posture, there are many cases where we have positional defenses, as our bases, reinforcing the local forces in the protection of those centres.¹⁷⁴

While the Ugandan army does not have primary responsibility for protecting civilians from LRA attacks, efforts to ensure their security will be vastly improved if there is greater communication with local communities and between national armies and UN missions operating in LRA-affected areas. Appropriate logistical support to protect civilians and apprehend LRA leaders is also a critical requirement. In February 2010, the Ugandan government's Minister of Defence sought an additional US\$12.1 million for its military operations against the LRA to cover food, medicine, wages and ammunition.¹⁷⁵ Since much of the military spending is classified, it is not known how much, if any, of this additional funding is being made available to enhance protection of civilians.

Improving civilian protection, as the Ugandan army claims, further requires obtaining accurate intelligence about LRA attacks, something the Ugandan army did not appear to have done in the case of the Makombo massacre.

In response to Human Rights Watch questions about what information the Ugandan army had in relation to the massacre, Ugandan Military Intelligence stated that “not much is known” about the attack except for information it received from the Congolese army on December 16, 2009 that “the LRA rebels crossed the Uele [River] on 15 Dec 09 into Tapili village, and killed 02 civilians and 01 FARDC soldier, taking his firearm.”¹⁷⁶ In response to this information, the Ugandan army sent out an “intelligence squad” to where the LRA was suspected of having crossed the river but, was unable to “get the exact spot where the enemy [the LRA] crossed and the general direction the enemy took.”¹⁷⁷ A few days later, on December 22, in a location near Mabanga Ya Talo, the Ugandan soldiers “found civilians with sketchy information that the enemy generally crossed through that area.”¹⁷⁸

¹⁷⁴ Official communications between Human Rights Watch and the Chieftaincy of Military Intelligence, Kampala, March 17, 2010.

¹⁷⁵ “Defence Seeks Additional Sh70 Billion Funding,” *The New Vision* (Kampala), February 24, 2010.

¹⁷⁶ Official communications between Human Rights Watch and the Chieftaincy of Military Intelligence, Kampala, March 17, 2010

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

Later, on February 28, 2009, Ugandan soldiers rescued two Congolese children during an attack on the LRA north of Dukuma village. According to Ugandan Military Intelligence, one of the children had been abducted at Tapili in December 2009 and told the Ugandan soldiers about other children and adults abducted and killed in the same incident.¹⁷⁹

Despite receiving this and other information about the LRA attack in the Makombo area, Human Rights Watch is not aware of any further investigation by the Ugandan army into the massacre, nor steps taken to prevent similar attacks on civilians in the future.

MONUC

Under UN Security Council Resolution 1906 of 2009 and previous resolutions, MONUC has a mandate to protect civilians throughout Congo, with a specific focus on eastern Congo.¹⁸⁰ With its attention and resources often directed towards the volatile eastern provinces of North and South Kivu, where protection of civilians has been an exceedingly difficult task, minimal resources have been available for the LRA-affected areas of northern Congo. Following the 2008 Christmas massacres, MONUC increased the number of peacekeepers in Haut Uele district and enhanced its civilian staff component, including by deploying a small number of staff working on child protection, human rights and civil affairs. By March 2010, MONUC had nearly 1,000 peacekeepers deployed in the area.¹⁸¹ Although an important increase, the number was still inadequate to meet the urgent protection needs of the population. An additional battalion of 800 Tunisian peacekeepers was due to be deployed to LRA-affected areas in June 2009 but it was redirected to Equateur Province, in western Congo, to help calm an unexpected conflict there.¹⁸² At the time of writing, it is unclear when or if these peacekeepers or others will be sent to the LRA-affected areas.

MONUC's activities in northern Congo are largely set by Operation *Rudya II* ("return" in Swahili), a joint initiative with the Congolese army to contain the LRA and help protect civilians, launched in March 2009 following the end of Operation Lightning Thunder. The initiative builds on an earlier operation, known as *Rudya I*, which ran between September 2008 and March 2009. As part of the joint initiative, MONUC provides food rations and fuel

¹⁷⁹ Ibid.

¹⁸⁰ UN Security Council Resolution 1906, S/Res/1906 (2009), December 23, 2009.

¹⁸¹ By late December 2009, MONUC troops were deployed in Dungu, Duru, Dingila, Faradje, Niangara, Bangadi, and Ngilima towns. The peacekeepers were mostly Moroccan infantry with some Indonesian engineers and Bangladeshi air force personnel.

¹⁸² Human Rights Watch interview with UN official, Dungu, February 25, 2010.

to Congolese army soldiers as well transport assistance.¹⁸³ As with similar support provided to the Congolese army in the Kivu provinces in 2009, minimal monitoring is in place to track whether the support reaches the troops on the ground, allowing for misappropriation of the support and undermining both MONUC and Congolese army efforts to protect civilians.¹⁸⁴ Apart from a failed operation in January 2006 to capture Vincent Otti, one of the LRA's top leaders at the time,¹⁸⁵ MONUC has not engaged in active offensive operations against the LRA.

MONUC officials were not involved in the planning or execution of Operation Lightning Thunder in December 2008 and had minimal coordination with the Ugandan army during the duration of the operation.¹⁸⁶ When the operation officially ended in March 2009, the Ugandan military base at Dungeni airport was moved to southern Sudan. Although many Ugandan soldiers remained in northern Congo, no working mechanism was established by either party, or by the Congolese military, to coordinate efforts to protect civilians, make maximum use of available logistical resources or to share intelligence. The military chiefs of staff of the Congolese, Ugandan and CAR armies together with the MONUC force commander met in July 2009, and, in a public statement following the meeting, said that the LRA had been "dramatically reduced" and were "fighting for their survival."¹⁸⁷ They further agreed to enhance intelligence sharing but set out no practical mechanism for how this would be done. MONUC officials in Haut Uele district in February 2010 said they did not coordinate with the Ugandan army since it was not officially on Congolese soil.¹⁸⁸ Ugandan army officials, in turn, claimed MONUC did little to protect civilians and hence saw few benefits to coordinating their efforts with the UN mission, though some added that MONUC's logistical capacity, such as its helicopters, could be useful.¹⁸⁹ Congolese army officials interacted separately with both parties.

¹⁸³ MONUC's support to the Congolese army consists of 19 tons of food rations plus 660 liters of fuel each week. The support is calculated to assist 5,250 soldiers, though the number of Congolese army soldiers in the area is said to be far fewer. Human Rights Watch interview with UN official, Dungeni, February 25, 2010. Human Rights Watch has also seen an official document detailing the food and fuel support. Notes on file at Human Rights Watch.

¹⁸⁴ Human Rights Watch interview with UN official, Dungeni, February 25, 2010.

¹⁸⁵ The secret offensive conducted by Guatemalan special forces ended in disaster. Eight Guatemalan UN peacekeepers were killed. "DRC: Armed Group Kills 8 UN peacekeepers in Garamba Park," UN news service, January 23, 2006. Human Rights Watch interviews with MONUC officials, Kisangani and Kinshasa, July 2006.

¹⁸⁶ See Human Rights Watch, *The Christmas Massacres*.

¹⁸⁷ "Communiqué Conjoint de la Réunion Tripartite des Chef D'Etat Major Généraux des Forces Armées de La République Démocratique du Congo, de L'Uganda People's Defence Forces, Des Forces Armées Centrafricaines en Présence Du Commandant de la Force de la MONUC," Kisangani, June 11, 2009.

¹⁸⁸ Human Rights Watch interviews with UN officials, Dungeni, February 23 and 25, 2010.

¹⁸⁹ Human Rights Watch interview with Ugandan army officers, Haut Uele, February 2010.

MONUC's response to the Makombo massacre

With no coordination between the three major military forces in northern Congo, resources thinly stretched, and limited intelligence on the location of LRA groups, MONUC was in no position to avert the Makombo massacre. On December 24, MONUC established a small temporary operating base in Niangara with 31 Moroccan peacekeepers. The base was established in reaction to concerns that the LRA might attack Niangara or other towns over the Christmas period, as they had during the 2008 Christmas period,¹⁹⁰ rather than reacting to the Makombo attack of which MONUC was still unaware.¹⁹¹ Only by late December 2009, did MONUC officials begin to receive information about a possible large-scale LRA attack around Makombo. MONUC officials told Human Rights Watch the information was initially sketchy and unconfirmed,¹⁹² but no immediate efforts were made to follow-up, even though one of the reports received by MONUC indicated that over 100 civilians had been killed. One possible explanation for the lack of response was that MONUC's focus remained on the Kivu provinces and the rumored LRA attacks on Dungu and other towns for which troops has been put on high alert.¹⁹³ With many staff away for the Christmas holidays, no decision was made to change priorities.

On January 20, 2010, a MONUC human rights official arrived in Niangara for 90 minutes to follow up on the rumors of an LRA attack at Makombo. Based on the information he received, the official recommended a special mission to investigate, but none was approved.¹⁹⁴ On January 26, MONUC received another report from civil society groups, this time detailing 266 dead in the Makombo area,¹⁹⁵ a figure that should have triggered a response. MONUC officials later told Human Rights Watch that without the GPS coordinates for Makombo village it could not land a helicopter there to conduct investigations¹⁹⁶ and no concerted efforts were made to find alternatives.

On February 23, March 2, March 5, and March 9, 2010, Human Rights Watch researchers briefed MONUC staff in Dungu, Goma, and Kinshasa about the extent of the killings and abductions by the LRA in the Makombo area. On March 11, nearly 10 weeks after learning

¹⁹⁰ "Lord's Resistance Army Sends Chilling Threat to Congolese Civilians," Enough press release, December 17, 2009.

¹⁹¹ Human Rights Watch interviews with UN officials, Dungu, Bangadi and Niangara, February 19-25, 2010.

¹⁹² Human Rights Watch interviews with UN officials, Dungu, February 23, and Goma, March 2, 2010.

¹⁹³ "UN peacekeepers on high alert," BBC Radio, December 18, 2009.

¹⁹⁴ Human Rights Watch interviews with UN officials, Dungu, February 23, and Goma, March 2, 2010.

¹⁹⁵ MONUC Confidential Daily Situation Report, January 26, 2010. On file at Human Rights Watch.

¹⁹⁶ Ibid.

about one of the gravest atrocities in Congo in 2009, MONUC deployed an investigation team to document the killings.

Humanitarian and Child Protection Agencies

There was a notable increase in humanitarian organizations working in the LRA-affected areas of northern Congo in 2009, yet the response is still vastly inadequate compared to the scale of the problem. A number of UN agencies and some 15 international nongovernmental organizations were working in the region at the time of writing. The lack of communications, infrastructure, and roads, as well as the concentration of human and other resources in North and South Kivu provinces of eastern Congo, has made the humanitarian response particularly slow.

Child protection needs are particularly acute. Between June 2009 and January 2010, the UN children's fund, UNICEF, and its partner agencies registered 891 children who escaped from the LRA's captivity, including 472 in Dungu, 246 in Faradje, and 173 in Doruma. Of those, 43 children were foreign nationals, mostly from Sudan and CAR.¹⁹⁷ Many others have escaped in areas where UNICEF and its partner agencies are not operating, such as in Niangara and Bangadi, and in the more remote villages outside of the larger population centers. In these areas children who have escaped the LRA have not been officially registered, received minimal or no assistance in finding their families, nor have they had access to psychosocial support. In Bangadi, for example, civil society groups registered 113 children who escaped from the LRA in 2009, including 54 girls and 59 boys, plus a further five girls and four boys who escaped in early 2010. While some were able to return to their families, many are living with host families who do not have the means to feed and clothe them or pay their school fees.¹⁹⁸

At this writing, UNICEF had also not yet received funding for the continuation of its 2010 program in the LRA-affected areas of northeastern Congo and since January its implementing partners have been without financing.¹⁹⁹

Other UN Bodies

The UN Security Council has retained some focus on the LRA threat and encouraged greater cooperation between UN missions operating in the central African region affected by the LRA.

¹⁹⁷ Human Rights Watch interview with UNICEF officials, Dungu, February 23, 2010.

¹⁹⁸ Human Rights Watch interview with civil society representative, Bangadi, February 23, 2010.

¹⁹⁹ Human Rights Watch interviews with UNICEF officials, Dungu, Goma and Kinshasa, February and March 2010.

On November 17, 2009, the council issued a press statement condemning the ongoing LRA attacks and calling for “coordination strategies... for the protection of civilians” among the UN missions.²⁰⁰ On December 23, 2009, the Security Council passed Resolution 1906 calling on “the governments of the Great Lakes region to coordinate their efforts to address the threat posed by the LRA” and strongly encouraging “enhanced regular information-sharing... with MONUC and other United Nations Missions in the areas where the LRA is threatening the population.”²⁰¹ The council specifically called on the UN secretary-general to enhance cooperation and information-sharing between the various UN missions operating in the region. While some steps have been taken in this direction, for example the re-activation of the UN headquarters’ task force on the LRA in late 2009, they are still far from effective.

In December 2009, the UN Office of the High Commissioner for Human Rights and MONUC published a long-delayed report on the atrocities committed by the LRA between September 2008 and June 2009. The report called for any military operations against the LRA to be “reoriented” and “redefined” in order to better protect civilians and to succeed at dismantling the LRA.²⁰²

United States

Following the collapse of the Juba peace process in November 2008, the US government has become the primary international actor supporting national armed forces in military operations against the LRA. The US military, through the United States African Command (AFRICOM), provided substantial support to Operation Lightning Thunder including intelligence, planning, technical and logistical support.²⁰³ On February 24, 2010, US Secretary of State Hillary Clinton testified before the Senate Foreign Relations Committee that the US had provided US\$6.4 million worth of support and supplies to militaries in the region. She stated that although the military operation had unfortunately not led to the result the US government had been seeking, she believed that “[US] support of these operations has helped to degrade the capacity of the LRA.” She highlighted the importance of civilian protection and better information and intelligence sharing between the militaries in the region and the UN missions. In closing she said, “I have been following the Lord’s Resistance Army for more than 15 years. I just don’t understand why we cannot end this

²⁰⁰ UN Security Council Press Statement on Lord’s Resistance Army, SC/9791, November 17, 2009.

²⁰¹ UN Security Council Resolution 1906, S/Res/1906(2009), December 23, 2009.

²⁰² Office of the High Commissioner for Human Rights and MONUC, “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,” Special Report, December 2009.

²⁰³ Human Rights Watch interviews with international analyst and diplomats, Kampala, January 20 and 23, 2009. “U.S. Military Helped Plan and Pay for Attack on Ugandan Rebels,” *New York Times*, February 7, 2009.

scourge. And we're going to do everything we can to provide support we believe will enable us to do that."²⁰⁴

US officials have given no timescale for how long they will continue to support Ugandan military operations against the LRA. In response to Human Rights Watch, the US State Department on March 22, 2010 said that its "plans to continue support to counter-LRA operations in Central Africa are based on Uganda's willingness to continue the operation, the continued regional cooperation and support for the operations, and our assessment of the prospects for success."²⁰⁵ General William E. Ward, the US commander of AFRICOM, in a press conference on January 21, 2010 said that in his opinion the operation against the LRA worked on an African timescale "because things don't happen fast in Africa."²⁰⁶

Members of the US Congress have expressed support for operations against the LRA, but seek a clear strategy from the Obama administration on how to end the LRA problem. In May 2009, several senators and representatives introduced the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act.²⁰⁷ If passed, the law would require the Obama administration to develop a regional strategy to protect civilians in central Africa from LRA attacks, "to apprehend or otherwise remove Joseph Kony and his top commanders from the battlefield," and ensure full humanitarian access in LRA-affected areas. It further commits the US government to increase support to economic recovery and transitional justice efforts in Uganda.²⁰⁸ Since being introduced, the bill has received broad bipartisan support.²⁰⁹ The bill passed the Senate on March 11, 2010, and is currently pending with the House Foreign Relations Committee.

On January 22, 2010, representatives of civil society in Dungu, also indicated they were frustrated with the long wait to end the LRA attacks. In a public memorandum to the Congolese government and the international community they denounced repeated

²⁰⁴ Testimony of Secretary of State Hillary Clinton before the Senate Foreign Relations Committee, February 24, 2010, <http://www.state.gov/secretary/rm/2010/02/137256.htm>.

²⁰⁵ Electronic communication between Human Rights Watch and the US State Department, March 22, 2010. On file at Human Rights Watch.

²⁰⁶ "Transcript: Ward Answers Questions at Media Roundtable," US AFRICOM, <http://www.africom.mil/getArticle.asp?art=3910&lang=> (accessed on March 24, 2010).

²⁰⁷ The original bipartisan co-sponsors are Senators Russ Feingold and Sam Brownback, and Representatives Jim McGovern, Brad Miller, and Ed Royce.

²⁰⁸ Lord's Resistance Army Disarmament and Northern Uganda Recovery Act, <http://www.govtrack.us/congress/bill.xpd?bill=h111-2478>

²⁰⁹ The bill currently has 64 co-sponsors in the Senate and 163 co-sponsors in the House of Representatives.

statements that the LRA threat is diminishing and pleaded for urgent action to end the LRA's atrocities. The memo said:

“We proclaim to the highest level to say STOP to the atrocities by the Ugandan rebels, the LRA, against civilians in the Uele districts and in Dungu territory in particular. Enough is enough!”²¹⁰

²¹⁰ Civil society memo, Dungu civil society, January 22, 2010. On file at Human Rights Watch.

Annex

Letter to the Congolese Minister of Justice and Human Rights from Faradje Civil Society, Formal complaint against LRA Commander Charles Arop, March 13, 2010. [Translation]

DEMOCRATIC REPUBLIC OF CONGO
PROVINCE ORIENTALE
HAUT UELE DISTRICT
FARADJE TERRITORY
CIVIL SOCIETY COORDINATION

Faradje, March 13, 2010

No. 03 / Coord / Soci / Frdje / 2010

Sent / copied to:

- His Excellency, the President of the National Assembly in KINSHASA;
- Their excellencies, National Parliamentarians of Faradje Territory in KINSHASA (ALL);
- His Excellency the Minister of Human Rights in KINSHASA;
- The Researcher and Representative of the Africa Division of Human Rights Watch in GOMA;
- His Excellency, the President of the Provincial Assembly of Province Orientale in KISANGANI;
- Their Excellencies, Provincial Parliamentarians of Faradje Territory in KISANGANI (ALL);
- His Excellency the Governor of Province Orientale in KISANGANI;
- His Excellency the Provincial Minister of Human Rights in KISANGANI;
- The District Commissioner of Haut Uélé District in SIRO;
- The Territorial Administrator of Faradje Territory in FARADJE;
- The Heads of Chieftaincies of Faradje Territory (ALL).

Re: Complaint against Charles AROP, Commander of the LRA Operation in Faradje

To His Excellency the Minister of Justice in KINSHASA

Your Excellency,

We, the disaster-stricken population of Faradje Territory, submit the aforementioned complaint before your Benevolent Authority.

The arrival of the LRA into Faradje Territory, with its heinous crimes and indescribable destruction, has led to an unprecedented loss of human life and material damage.

Your Excellency, this exceedingly disastrous situation has caused horrible catastrophes of which no one can claim to be unaware, namely:

1. The loss of human life (kidnappings, killings, etc);
2. Sexual violence;
3. Pillage of goods;
4. Burning and malicious destruction of homes ...

These abuses have resulted in further harmful consequences: Massive displacement of the civilian population in all directions; homeless people living in conditions not only difficult, but completely inhuman; increased food shortage; disruption to children's schooling; and lack of access to primary health care, amongst others.

As a result, Your Excellency, the population of Faradje Territory submits to you this formal complaint against Lt. Col. Charles AROP, who commanded these violent acts in the said Territory, so that he may be prosecuted and brought to justice in order that responsibility is determined and to allow the peaceful population to obtain reparations in accordance with *the material interest of the victims*.

We hope we will receive a satisfactory response from you.

Respectfully yours,

**FOR THE COORDINATION OF CIVIL SOCIETY
IN FARADJE TERRITORY**

Mathieu KAMBA TAMARU

President

[Signed by 186 victims and residents of Faradje]

Acknowledgements

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Human Rights Watch would like to thank the many courageous human rights activists and civil society representatives in Haut Uele district for their invaluable assistance and support. This report would not have been possible without them. Because of the sensitivity of our research, we regret that we have to withhold the names of those whose assistance we greatly appreciated and whose work we admire immensely.

We would also like to thank the eyewitnesses, victims, officials, and others who agreed to speak to us about their experiences. Their courage and fortitude in light of the brutal atrocities documented in this report touched us deeply.

HUMAN RIGHTS WATCH
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New York, NY 10118-3299

www.hrw.org

Front: A man with machete wounds to his head after being attacked by LRA rebels near Ngilima, northern Congo, February 21, 2009.

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Below: A human rights activist in Niangara, northern Congo, records the names of civilians killed and abducted by the LRA during the Makombo massacre from December 14 to 17, 2009.

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In December 2009, the Lord's Resistance Army (LRA), a Ugandan rebel group, carried out a devastating four-day attack in northeastern Democratic Republic of Congo killing at least 321 civilians and abducting more than 250, including some 80 children. The well-planned attack in the Makombo area, Haut Uele district, was one of the largest single massacres in the LRA's 23-year history. The vast majority of those killed were adult men who were first tied up before LRA combatants hacked them to death with machetes or crushed their skulls with axes or heavy wooden sticks.

Trail of Death: LRA Atrocities in Northeastern Congo is based on an eight-day research mission to Haute Uele district in February 2010 and more than 128 interviews with victims, eyewitnesses, and government and United Nations officials.

Despite the enormous civilian death toll, the attack in the Makombo area made no headlines. This report is the first detailed documentation of the massacre and other atrocities committed by the LRA in Congo in 2009 and early 2010. These atrocities follow a longstanding practice of horrific attacks by the LRA in four countries in the central African region: Uganda, southern Sudan, Central African Republic, and Congo.

Publicly, the governments of Uganda and Congo maintain that the LRA is no longer a serious threat in Congo following joint military operations launched by their armies against the rebels. While military operations may have weakened and dispersed the group, this report illustrates that the LRA's ability to attack and abduct civilians in Congo remains intact.

Human Rights Watch calls for the region's governments and the international community to develop a comprehensive regional strategy to resolve the LRA threat, with a focus on protecting civilians from further attacks, rescuing abducted persons, and apprehending LRA leaders.