



The Christmas Massacres

LRA attacks on Civilians in Northern Congo

Copyright © 2009 Human Rights Watch
All rights reserved.
Printed in the United States of America
ISBN: 1-56432-438-9
Cover design by Rafael Jimenez

Human Rights Watch
350 Fifth Avenue, 34th floor
New York, NY 10118-3299 USA
Tel: +1 212 290 4700, Fax: +1 212 736 1300
hrwnyc@hrw.org

Poststraße 4-5
10178 Berlin, Germany
Tel: +49 30 2593 06-10, Fax: +49 30 2593 0629
berlin@hrw.org

Avenue des Gaulois, 7
1040 Brussels, Belgium
Tel: + 32 (2) 732 2009, Fax: + 32 (2) 732 0471
hrwbe@hrw.org

64-66 Rue de Lausanne
1202 Geneva, Switzerland
Tel: +41 22 738 0481, Fax: +41 22 738 1791
hrwgva@hrw.org

2-12 Pentonville Road, 2nd Floor
London N1 9HF, UK
Tel: +44 20 7713 1995, Fax: +44 20 7713 1800
hrwuk@hrw.org

27 Rue de Lisbonne
75008 Paris, France
Tel: +33 (1) 43 59 55 35, Fax: +33 (1) 43 59 55 22
paris@hrw.org

1630 Connecticut Avenue, N.W., Suite 500
Washington, DC 20009 USA
Tel: +1 202 612 4321, Fax: +1 202 612 4333
hrwdc@hrw.org

Web Site Address: <http://www.hrw.org>



FEBRUARY 2009

1-56432-438-9

The Christmas Massacres

LRA attacks on Civilians in Northern Congo

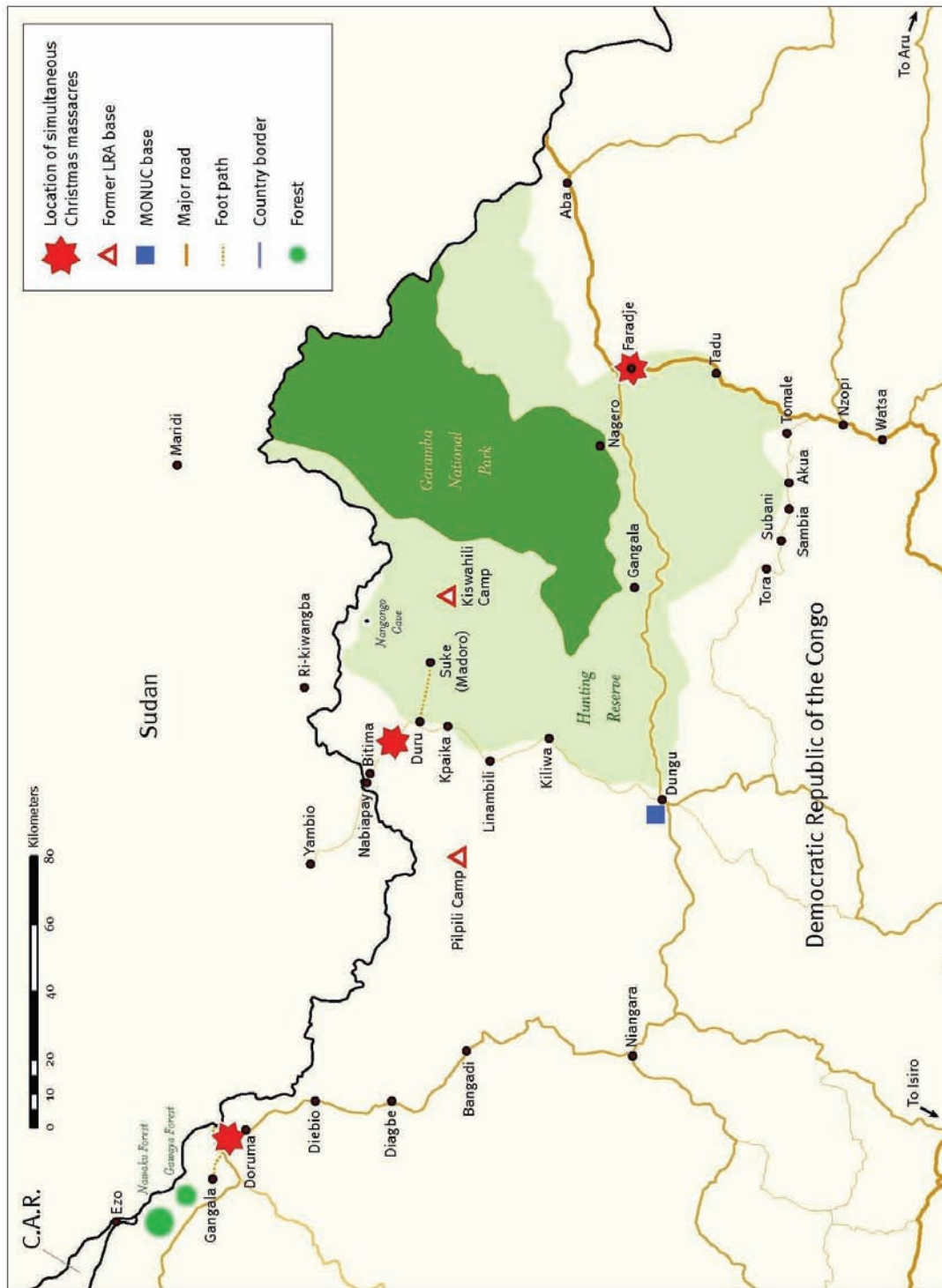
Map 1: Democratic Republic of Congo	1
Map 2: Location of Christmas Massacres	2
Map 3: Villages Attacked by the LRA in Doruma Area	3
I. Summary.....	4
II. Recommendations.....	8
III. Methodology.....	11
IV. Background.....	12
The War in northern Uganda	12
Justice and Peace Efforts	14
LRA Prepares for Further War	16
MONUC and Congolese Army Action against the LRA	17
International Humanitarian Law.....	18
V. Attacks on Civilians between September and November 2008.....	20
Killings and Abductions.....	22
Inadequate Protection	26
VI. The Christmas Massacres	28
Operation Lightning Thunder	28
Killings December 2008 and January 2009	29
Attacks in southern Sudan.....	40
Rescue and Surrender	40
VII. Life with the LRA: The Children Speak.....	42
VIII. Response from the LRA.....	46

IX. Recent International Action on the LRA	48
A Failed Peace Process	48
The United States	49
The United Nations	51
Acknowledgments	54
Annex I: Civilians Killed by the LRA over the Christmas Period	55
Annex II: Civilians Killed by the LRA in the First Wave of Attacks	61
Annex III: Children Abducted by the LRA	63
Annex IV: Adults Abducted by the LRA in Faradje and Surroundings	66

Map 1: Democratic Republic of Congo



Map 2: Location of Christmas Massacres



Map 3: Villages Attacked by the LRA in Doruma Area

December 2008 to January 2009



© 2009 John Emerson

I. Summary

The LRA were quick at killing. It did not take them very long and they said nothing while they were doing it. They killed all 26. I was horrified. I knew all these people. They were my family, my friends, my neighbors. When they finished I slipped away and went to my home, where I sat trembling all over.

— A 72-year-old man who hid in the bushes and watched as the LRA killed his family on Christmas day in Batande, near Doruma. He is one of only a handful of people still alive in his village.

I cry everyday for her. You can't imagine what it's like to have your daughter taken from you. It makes me ill when I think about what they [the LRA] could be doing to her in the bush. I don't know if I'll ever see her again, or even if she's still alive.

— A mother whose 13-year-old daughter was abducted by the LRA in September 2008

In late December 2008 and into January 2009, the Lord's Resistance Army (LRA) brutally killed more than 865 civilians and abducted at least 160 children in northern Democratic Republic of Congo (DRC). LRA combatants hacked their victims to death with machetes or axes or crushed their skulls with clubs and heavy sticks. In some of the places where they attacked, few were left alive.

The worst attacks happened in a 48-hour period over Christmas in locations some 160 miles apart in the Doruma, Duru, and Faradje areas of Haut-Uele district of northern Congo. The LRA waited until the time of Christmas festivities on December 24 and 25 to carry out their devastating attacks, apparently choosing a moment when they would find the maximum number of people all together. The killings occurred not just in Congo but also in parts of southern Sudan where similar kinds of weapons and tactics were used.

The Christmas massacres in Congo are part of a longstanding practice of horrific atrocities and abuse by the LRA. Before shifting its operations to the Congo in 2006, the LRA was based in Uganda and southern Sudan where LRA combatants also killed, raped, and abducted thousands of civilians. When the LRA moved to Congo, its combatants initially refrained from targeting Congolese people, but in September 2008 the LRA began its first wave of attacks, apparently to punish local communities who had helped LRA defectors to

escape. The first wave of attacks in September, together with the Christmas massacres, has led to the deaths of over 1,033 civilians and the abduction of at least 476 children.

LRA killings have not stopped since the Christmas massacres. Human Rights Watch continues to receive regular reports of murders and abductions by the LRA, keeping civilians living in terror. According to the United Nations, over 140,000 people have fled their homes since late December 2008 to seek safety elsewhere. New attacks and the flight of civilians are reported weekly. In some areas, people are frightened to gather together believing that the LRA may choose such moments to strike, as they did with such devastating efficiency over Christmas.

Even by LRA standards, the Christmas massacres in Congo were especially brutal. LRA combatants struck quickly and quietly, surrounding their victims as they ate their Christmas meal in Batande village, or as they gathered for a Christmas day concert in Faradje. In Mabando village, the LRA sought to maximize the death toll by luring their victims to a central place, playing the radio and forcing their victims to sing songs and to call for others to come join the party. In most of the attacks they tied up their victims, stripped them of their clothes, raped the women and girls, and then killed their victims by crushing their skulls. In two cases the attackers tried to kill three-year-old toddlers by twisting off their heads. The few villagers who survived often did so because their assailants thought they were dead.

The widespread, virtually simultaneous nature of the attacks as well as the similar means used to kill the victims points to a coordinated operation carried out under orders from a single command structure. Captured LRA combatants, interviewed by Human Rights Watch, said that LRA leader Joseph Kony himself ordered attacks on civilians beginning in September 2008, at a time when Kony was still promising to sign the peace accords. An LRA spokesman contacted by Human Rights Watch denied all responsibility for the attacks, saying they had been carried out by Ugandan soldiers pretending to be LRA combatants. Human Rights Watch found no evidence to support this assertion.

Under international law, individuals who commit, order, or plan murder, rape, torture, abductions, and use child soldiers during armed conflict are responsible for war crimes.

The LRA attacks occurred 10 days after the Ugandan and Congolese armed forces launched a joint military operation against the LRA, beginning with an aerial bombardment of the LRA's main camp in Garamba National Park. When previously attacked in northern Uganda and

southern Sudan, LRA combatants used similar brutal tactics against surrounding populations, retaliating against civilians rather than hostile forces.

Three current LRA leaders, including Kony, have outstanding arrest warrants against them, issued by the International Criminal Court (ICC) at The Hague for war crimes and crimes against humanity committed in Uganda. Since 2006, Kony took part in protracted peace negotiations with Uganda, insisting that the ICC warrants were an obstacle to peace and should be rescinded. However, there is evidence that during the peace negotiations the LRA was rebuilding and restocking its forces.

After Kony repeatedly failed to sign a peace agreement that he indicated he would endorse, Uganda, Congo, and southern Sudan organized a joint military campaign against the LRA. The United States provided substantial planning, logistical, and intelligence assistance to the operation. When Kony once again failed to sign the peace agreement in late November 2008, the military campaign was launched.

On December 14 the joint operation began with a surprise aerial strike at the main LRA camp in Garamba National Park. Kony had unexpectedly departed from the camp shortly before the attack, sparing him injury and allowing him to organize subsequent LRA operations. LRA combatants dispersed into several groups and redeployed to attack towns and villages in areas near the national park. As they scattered, it became harder for the joint force to locate them and to impede their attacks. Joint operation planners told Human Rights Watch that they had intended to safeguard women and children held by the LRA, many of whom were in another camp, but troops meant for this purpose arrived late because bad weather and other complications hampered air transport. Planners did not make adequate contingency plans in the event their first plan failed and military forces were unprepared when the LRA began their devastating attacks on surrounding civilian areas on December 24 and 25.

The United Nations peacekeeping force in the Congo, MONUC, was not involved in the planning for the joint operation and had limited forewarning about it. With only some 200 troops in the area who were designated primarily to provide logistical support to the Congolese army—not to protect civilians—MONUC peacekeepers were too few and too ill-equipped to assist civilians who came under attack. On December 22, the UN Security Council authorized the renewal of the MONUC mandate for another year, and expanded its force by 3,000 troops, bringing its total troop level to nearly 20,000 blue helmets. The council instructed MONUC to provide the highest priority in its operations to the Kivu provinces of eastern Congo, a request that MONUC officials said hampered them from moving needed troops and equipment to the area where LRA attacks were occurring.

Nevertheless, the troop increase was important and could provide some extra capacity to help civilians at risk of further LRA attacks, yet none had yet arrived at the time of writing. On February 3 UN Secretary-General Ban Ki-moon deplored the lack of response from troop-contributing nations to the request for the additional 3,000 peacekeepers. With only minimal pledges made and no new troops on the ground, MONUC has no additional capacity to protect civilians in Haut-Uele and the mission continues to struggle to respond to the urgent protection challenges.

Given the LRA's history of turning against civilians when under attack, the governments carrying out the military operation—Uganda, Congo, and southern Sudan—should have taken greater measures to protect civilians in the area from reprisal attacks by the LRA. They should also have given higher priority to rescuing abducted children and adults who remain with the LRA. At the end of January, after nearly six weeks of military operations, only 114 people had been rescued, out of some 600 believed to be held by the LRA. Higher figures presented by Ugandan government authorities of those they said had been rescued could not be verified.

To minimize further harm to civilians, the forces involved in the joint military operation should urgently prioritize the protection of civilians and coordinate their efforts with MONUC. The UN Security Council needs to provide direction and additional resources, including further logistical capacity, to MONUC and the United Nations Mission in Sudan (UNMIS) to enable them to protect civilians at risk of LRA attack.

The ICC arrest warrants for LRA leaders remain outstanding. In late January, the LRA's second-in-command, Okot Odhiambo, wanted on an ICC arrest warrant, contacted the International Organization for Migration (IOM) expressing a desire to surrender with an unknown number of his combatants. At the time of writing he had not yet done so. Any ICC suspect who is captured or surrendered during military operations against the LRA should be sent to the ICC for trial.

As of latest reports from mid-February, the LRA continued to attack villages and kill civilians. On February 9, John Holmes, the UN Emergency Relief Coordinator, arrived in Doruma, a small town devastated by the Christmas massacres where no UN peacekeepers have yet deployed and where minimal humanitarian assistance has reached the beleaguered population. He was greeted by a small crowd of desperate local citizens, one of whom held up a sign that read, "We laugh to stop ourselves from crying."

II. Recommendations

To the governments of DR Congo, Uganda, and southern Sudan

- Coordinate with MONUC all efforts for protecting civilians, rescuing abducted persons, and obtaining the surrender of LRA combatants.
- During military operations against the LRA, make the protection of civilians and rescue of abducted persons a priority. Deploy troops as necessary to protect civilian populations from LRA reprisal attacks.
- Establish reception points near LRA positions to make it easier for combatants to surrender or for escaping abductees to seek help by avoiding populated areas where aggrieved residents may attack them. Hand over captured or escaped children as soon as possible to appropriate authorities, such as UNICEF and appropriate local and international nongovernmental organizations tasked with reunifying children with their families and providing psychosocial support.
- Hand over to the International Criminal Court those LRA leaders who surrender or are captured and who are wanted by the ICC for war crimes and crimes against humanity.

To MONUC

- Cooperate with Congolese, Ugandan, and southern Sudanese armed forces to establish a tactical headquarters focused on protecting civilians, rescuing abducted persons, obtaining the surrender of LRA combatants, and the capture of LRA leaders wanted by the ICC. Provide necessary resources and staff, including staff with expertise on international humanitarian law and children's rights.
- 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.
- Assist the Congolese and Ugandan armed forces in setting up reception points for LRA defectors and abducted persons. In coordination with UNICEF, ensure that facilities and psychosocial services are established for children, with an emphasis on reunifying them with families as soon as possible.
- Deploy a civilian multidisciplinary team including human rights, international humanitarian law, and children's rights experts, to Dungu to ensure ongoing monitoring of abuses by all parties to the conflict.

To the UN Security Council

- Direct the United Nations secretariat to give priority to the prompt recruitment and deployment of the additional 3,000 MONUC peacekeepers agreed to in resolutions 1843 and 1856. Provide additional resources, including further logistical capacity, to MONUC and the United Nations Mission in Sudan (UNMIS) to enable them to protect civilians at risk of LRA attack.
- Support a strategy to apprehend LRA commanders wanted by the ICC and others who have committed war crimes or crimes against humanity with minimum risk to civilians and request member states to provide the necessary financial and operational resources.

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, assistance to those who have fled the LRA, and family reunification.

To the International Criminal Court prosecutor

- Investigate recent LRA crimes in DRC and southern Sudan with a view to expanding the charges for those LRA leaders already subject to ICC arrest warrants and bringing cases against additional persons.

To Concerned Governments and Regional Bodies

- Provide MONUC, UNMIS, and members of the Ugandan-led coalition with the necessary logistical capacity, intelligence, communications, and other resources to ensure that forces in the area of operations are adequately prepared to protect civilians, rescue abducted persons, and obtain the surrender of combatants.
- Cooperate with regional governments, MONUC, and UNMIS to ensure apprehension of LRA leaders wanted by the ICC, including those who may be captured or surrender as part of the military operations against the LRA. Provide essential operational and financial resources to support apprehension of ICC suspects in a way that makes civilian protection, including that of abducted persons, a priority.
- Provide MONUC with the rapid response capabilities and the additional 3,000 troops authorized by the UN Security Council in November 2008 to enhance MONUC's ability to respond quickly and protect civilians, including in LRA affected areas.

To International Donors

- Provide emergency support to UN agencies and local and international nongovernmental organizations to assist the victims and the communities affected by LRA violence.

III. Methodology

In early December 2008 Human Rights Watch researchers visited Yambio, Sudan, to document the attacks against civilians that had occurred in Congo and in the Sudan in September, October, and November 2008. Subsequently, Human Rights Watch researchers, together with a colleague from the Congolese human rights organization Justice Plus, traveled to northeastern Congo to document the December and January killings 10 days after the worst massacres had occurred and while sporadic attacks were still taking place in the region. They interviewed dozens of victims, witnesses, children, and adults who had escaped LRA abduction, captured LRA combatants, civil society groups, Congolese government authorities, UN officials, and Congolese, Ugandan, and MONUC military officials. They visited sites of killings, including those of the Batande and Faradje massacres, and helped to collect physical evidence present at one of the sites. With the help of local civil society members, Human Rights Watch compiled lists of the persons killed and abducted by the LRA, which are printed in the annex to this report.

Human Rights Watch focused its investigations on attacks in three areas of northeastern Congo adjacent to Garamba National Park¹: the Doruma area to the west of the park and near the border with Central African Republic (CAR) and southern Sudan; Faradje, southeast of the park; and the Duru area west of the park, near the border with southern Sudan (see map on page 2).

¹ Garamba, one of the first national parks in Africa, adjoins Sudan's Lantoto National Park and is surrounded on its southern, eastern, and western sides by the Gangala-na-Bodio, Mondo Missa and Azande hunting reserves. The total area of the Garamba Park and reserves is 12,427 square kilometers. In this report the hunting reserves and the national park are referred to as Garamba National park. Garamba is the world's only remaining natural habitat for the critically endangered white rhinoceros. African Parks Foundation, Garamba National Park, Annual Report 2006 (http://www.african-parks.org/apffoundation/index.php?option=com_docman&task=doc_view&gid=3&Itemid=31).

IV. Background

The War in northern Uganda

The Lord's Resistance Army (LRA), a rebel group led by Joseph Kony, has been fighting the Ugandan government for more than 20 years. The conflict has gone through many episodes of varying intensity, some of which have seen serious human rights violations by government forces as well as the extreme violence of the LRA. In Uganda, control of civilians has been the battleground for both parties. The LRA has used abduction and violence to replenish its ranks, to loot, and to enforce compliance through terror. The Ugandan government has used displacement to cut the LRA off from the civilian population, thereby restricting their access to food and to intelligence.²

Since the mid-1990s, the LRA's only state supporter has been the Sudanese government in Khartoum, reportedly in retaliation for the Ugandan government's support of the rebel Sudan People's Liberation Movement/Army (SPLM/A).³ In 1999 the Ugandan and Sudanese governments agreed to stop supporting rebel groups opposed to the other government. In October 2001, the US government placed the LRA on its list of terrorist organizations.⁴ Sudanese government support for the LRA diminished significantly from 2002 onwards and appears to have ended when the SPLA became the dominant player in the South Sudanese government in 2005.

In March 2002, the Ugandan army, with Sudanese government consent, launched "Operation Iron Fist," a military campaign intended to destroy the LRA by attacking its southern Sudanese sanctuaries. Undeterred by the campaign, the LRA expanded the scale of its abductions, killings, and looting, including outside Acholi areas into other districts in northern Uganda, causing an upsurge in people fleeing their homes.⁵ By 2005 approximately

² Civil Society Organizations for Peace in Northern Uganda (CSOPNU), 2004, *Nowhere to Hide: humanitarian protection threats in northern Uganda*.

³ See Gerard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99), *African Affairs* (London: 2004), 103/412, pp. 359-83.

⁴ See "Terrorist Exclusion List," November 15, 2002, available at <http://www.state.gov/s/ct/rls/fs/2002/15222.htm>.

⁵ This led the Ugandan Peoples Defence Forces (UPDF) to issue an order giving people living in the "abandoned villages" of the three Acholi districts only 48 hours to move to government camps. Many northerners blamed Operation Iron Fist for spurring the LRA to further attacks. The heavy-handed displacement strategy to protect civilians appears to have been aimed at removing the population from the rural areas in which the rebels operate. The entire rural population of the three Acholi districts was at one point homeless as the displaced camps became sprawling shantytowns. For more, see Human Rights

1.67 million people were internally displaced across northern and eastern Uganda.⁶ The increase in LRA attacks on civilians in reprisal for the military campaign showed a pattern that would be repeated several times in years to come, most disastrously with the Christmas massacres of 2008 documented in this report.

In the late 1980s the LRA had some popular backing among northerners, but its support waned as its violence against civilians escalated.⁷ Few people in northern Uganda would now profess support for the LRA, though civilians living in the north have often felt marginalized from the central government and the rest of Uganda. While the LRA may have been responsible for the most egregious violence and abuses, human rights violations by Ugandan army soldiers and other law enforcement services committed in northern Uganda have rarely been punished.

Intense military campaigns by the government in 1988, 1991, and 1994 to 1996 hit the LRA hard, but each time the rebels regrouped. Further military activity between 2003 and 2006, possibly the most violent period of the war, also failed to incapacitate the LRA. From the mid-1990s, church leaders and civil society groups in northern Uganda were vocal in demanding political negotiations to end the conflict. After one of the worst LRA massacres killed 330 people at Barlonyo camp in February 2004, the Ugandan government initiated peace talks, but they were unsuccessful.⁸

In September 2005, Kony's deputy, Vincent Otti, and some 60 LRA combatants crossed from northern Uganda and Sudan into Congo and set up camp in Garamba National Park.⁹ Over the next year, the rest of the force relocated into Congo and were said to have completed the process by January 2007. In mid-2008, the LRA were estimated to have 600 combatants plus a further 600 abducted civilians in their ranks.

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

⁶ The bulk of the displacement in Acholi areas was caused by the UPDF. As of September 2008, 562,000 internally displaced persons remained in camps, mainly in the Acholi districts, despite the virtual absence of the LRA from northern Uganda for nearly two years. UNOCHA, 2005, *Uganda 2005: Consolidated Appeal Process Mid-Year Review*, p1 and UNOCHA, 2009, *Uganda: Consolidated Appeal 2009*, p16.

⁷ In March 1991, the Ugandan Army launched "Operation North," a campaign to eliminate the rebel threat and terminate any support of 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, *Scars of Death*, September 1997. Available at <http://www.hrw.org/legacy/reports/reports97/uganda/>.

⁸ On February 21, 2004, the LRA massacred 330 people at the Barlonyo camp in Lira district to the south of Gulu. Many victims were burned alive inside their homes. For more on peace efforts after this massacre, see "Uganda: Peace Eludes Northern Region Again," IRIN, January 4, 2005 and Abraham McLaughlin, "Africa's Peace Seekers – Betty Bigombe," *The Christian Science Monitor*, September 13, 2005. Available at <http://www.csmonitor.com/2005/0913/p01s04-woaf.html>.

⁹ "Central Africa: Ugandan LRA Rebels Flee Sudan for Congo," IRIN, September 19, 2005.

Justice and Peace Efforts

Justice for the most serious violations of human rights and humanitarian law is required under international law. It is also vital to bringing redress to victims of abuses and for building a durable peace. Failure to hold perpetrators to account can fuel future abuses, as has been illustrated by the most recent LRA crimes against civilians.

In December 2003 Ugandan President Yoweri Museveni referred LRA crimes in northern Uganda to the International Criminal Court (ICC). After approximately a year of investigations, the ICC issued warrants in July 2005 for the arrest of five LRA leaders for war crimes and crimes against humanity: Joseph Kony, Vincent Otti, Okot Odhiambo, Raska Lukwiya, and Dominic Ongwen. Lukwiya died in 2006 and Otti in 2007.¹⁰

In 2006 the Ugandan government was persuaded to begin new peace negotiations with the LRA at Juba, southern Sudan, with Riek Machar, the vice president of southern Sudan, serving as mediator. Then UN Secretary-General, Kofi Annan, appointed Joaquim Chissano, former president of Mozambique, as his special envoy for the LRA-affected areas.¹¹ According to persons close to the peace process, LRA leaders decided to enter talks in part to attempt to avoid arrest off the basis of the ICC warrants.¹² Others claim the LRA entered the peace process only to gain time to regroup, and never intended to surrender.¹³ In August 2006, the parties signed a ceasefire agreement which, among its provisions, called for the LRA to assemble in Rikwangba, southern Sudan.

From early on, the LRA sought to evade ICC prosecution, in part by claiming that the ICC was as obstacle to peace.¹⁴ After lengthy negotiations, the parties agreed in June 2007 to pursue domestic trials of the ICC cases in Uganda, an approach that, at least in principle, could satisfy LRA demands to avoid trial in The Hague, while meeting requirements under the ICC statute.

¹⁰ "Prosecutor of the International Criminal Court opens an investigation into Northern Uganda," July 29, 2004 <http://www.icc-cpi.int/press/pressreleases/33.html>. 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 misconduct by Ugandan army troops, the ICC has not issued warrants for any Ugandan government officials or military officers.

¹¹ Letter dated November 30, 2006 from the Secretary-General to the President of the Security Council, UN document, S/2006/930.

¹² Human Rights Watch interview with western diplomats, Kampala, March 2 and 15, 2007.

¹³ Human Rights Watch interview with international analyst and diplomats, Kampala, January 20 and 23, 2009.

¹⁴ See, for example, "Uganda's LRA Rebels Say ICC Arrest Warrants Obstacles to Peace," Voice of America, November 13, 2007; "Uganda: Kony rebels refuse to sign peace deal," The Monitor (Kampala), October 10, 2006.

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.¹⁵ As required by the ICC statute, ICC judges would decide whether such prosecution could replace trial by the ICC.¹⁶ Domestic trials of ICC cases are permissible under the ICC statute and other international standards, but only if a number of benchmarks are met.¹⁷ In an additional agreement, the Ugandan government agreed that following the signing of the final peace agreement, it would ask the Security Council to defer the ICC's investigation and prosecutions.¹⁸

By March 2008, the parties had reportedly agreed on all outstanding issues, but Kony failed to appear to sign the agreement on April 10 and the next month refused to meet elders of northern Uganda to discuss the agreement.¹⁹ While still professing a commitment to peace, Kony failed to attend further meetings scheduled to discuss the agreement in July, August, and September. After a November 30 deadline was set, Kony did meet with northern Ugandan elders, but set new conditions for signing the accord.²⁰

¹⁵ 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, paras. 4.1-4.2, 6.1-6.2; 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.

¹⁶ Rome Statute of the International Criminal Court, A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, arts. 17 and 19.

¹⁷ In summary, the following benchmarks should be satisfied: credible, impartial, and independent investigation and prosecution; rigorous adherence in principle and in practice to international fair trial standards; and penalties that are appropriate and reflect the gravity of the crime. For an in-depth discussion of these, 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, http://www.hrw.org/legacy/pub/2008/ij/uganda_memos_cover.pdf.

¹⁸ Agreement on Monitoring and Implementation Mechanisms between the government of the Republic of Uganda and the Lord's Resistance Army/Movement, Juba, Sudan, February 29, 2008, para. 37. The agreement is notably unclear on whether the deferral request is to precede, follow, or be simultaneous with the assembly of LRA forces at Rikwangba. While a deferral is permissible for one-year periods under article 16 of the ICC's Rome Statute, Human Rights Watch has urged that deferrals be avoided. A deferral risks undermining the ICC's independence, and in cases involving the LRA, a deferral would also threaten to make the Security Council vulnerable to threats of resumed violence unless the deferral is repeatedly renewed. Finally, as noted above, an admissibility challenge is the appropriate means under the statute for pursuit of national trials in lieu of ICC cases.

¹⁹ Letter dated June 23, 2008 from the Secretary-General to the President of the Security Council. S/2008/414

²⁰ Henry Mukasa, "Uganda: Regional Leaders to Decide Kony Fate," *The New Vision*, December 1, 2008.

LRA Prepares for Further War

While engaged in peace talks, Kony appears to have been preparing for further war, presumably intending to return to Uganda to fight the Ugandan army.²¹ In 2007 and 2008, the LRA created substantial farms near their camps in Garamba National Park. Able to feed themselves at least in part from their fields, the LRA were able to stockpile food and other goods, like rope, provided by donors as an incentive for participating in the talks (see below).

As Kony and his forces concentrated on building their strength in 2006 and 2007, they refrained from attacking the Congolese population surrounding the park, although they did kill some 13 hunters and fishermen who may have inadvertently ventured too near their camp.²² And in December 2007 they pillaged the Roman Catholic parish and convent, and the health center in Duru town.²³

By the end of 2007, Kony apparently sought to strengthen his force by abducting more civilians. But rather than attack nearby populations, he sent his men across the border into southern Sudan and the Central African Republic (CAR).²⁴ From January through April 2008 LRA combatants profited from the dry season to carry out a series of well-organized operations that abducted 90 persons each from southern Sudan and from CAR.²⁵ As the LRA returned from CAR, they also abducted at least nine Congolese near the border around Doruma, one of the few abductions of Congolese during this period.²⁶ They targeted civilians aged 25 years and younger to be porters and laborers. Some of these abducted persons were given military training; others were assigned to cultivating the LRA fields.²⁷ Many of the women and girls became sex slaves or were otherwise subjected to sexual abuse.²⁸

²¹ Human Rights Watch interview with international diplomats and military advisors, Kampala, January 20, 2009; Human Rights Watch interview with international analyst, Kampala, January 22, 2009.

²² Christophe Kamokea Ebakombe, Chef de Poste Yakuluku, "List of Victims from the Ugandan LRA in Yakulu," March 3, 2008. On file at Human Rights Watch; Human Rights Watch interview with Duru residents and Dungu civil society representatives, Dungu, January 7-8, 2009.

²³ Human Rights Watch interview with international analyst, Kampala, January 22, 2009; Human Rights Watch interviews with Duru residents and Dungu civil society representatives, Dungu, January 7-8, 2009.

²⁴ Human Rights Watch interview with international analyst, Kampala, January 22, 2009.

²⁵ Human Rights Watch interview with international analyst, Kampala, January 22, 2009; Human Rights Watch, Uganda: LRA Regional Atrocities Demand Action, International Response Needed to Stop New Abuses and Ensure Justice, May 18, 2008. Available at <http://www.hrw.org/en/news/2008/05/18/uganda-lra-regional-atrocities-demand-action>.

²⁶ Christophe Kamokea Ebakombe, Chef de Poste Yakuluku, "List of Victims from the Ugandan LRA in Yakulu," March 3, 2008. On file at Human Rights Watch; Human Rights Watch interviews with Duru residents and Dungu civil society representatives, Dungu, January 7-8, 2009.

²⁷ Human Rights Watch interview with international analyst, Kampala, January 22, 2009.

²⁸ Human Rights Watch interview with abducted girl from CAR, Dungu, January 8, 2009.

During early 2008, the LRA also captured military equipment from Sudanese People's Liberation Army (SPLA) bases in southern Sudan, perhaps including the sophisticated communications equipment and infrared night vision goggles later discovered at their camp.²⁹

From March through September 2008, the LRA set up camps called Eskimo and Boo, in the hunting reserve in the west of Garamba National Park, and others at Pilipili, an area just south of the Sudan border and to the west of the park—where many women and children were housed—as well as several smaller bases in the area. In September 2008, Kony moved his headquarters to Kiswahili camp in western hunting reserve of the national park.³⁰

MONUC and Congolese Army Action against the LRA

Under Security Council Resolution 1856 and previous resolutions, MONUC has a mandate to protect civilians throughout Congo, with a specific focus on eastern Congo, but the overstretched peacekeeping mission has done little to protect civilians in the northeast. In January 2006, MONUC peacekeepers, not ordinarily present in the region, made a foray into Garamba National Park to try to capture Vincent Otti and cause the LRA to leave the park. The secret operation, conducted by Guatemalan special forces and supported by intelligence from some Security Council member states, ended in disaster. Eight Guatemalan UN peacekeepers were killed in a battle with the LRA, a serious loss that discouraged MONUC from further operations against the rebel group.³¹

In September 2008, MONUC joined the Congolese army in Operation Rudia, which was an operation intended to contain the LRA inside the park area, cut LRA supply routes, and encourage defections.³² The operation was the much-delayed outcome of a September 2007 agreement between Uganda and Congo.³³

According to the Operation Rudia operational plan, seen by Human Rights Watch researchers, MONUC was to prevent human rights abuses by the LRA, including acts of violence against

²⁹ Human Rights Watch interviews with senior Ugandan and Congolese military officials, Dungeness, January 7, 2009.

³⁰ Human Rights Watch interview with international analyst, Kampala, January 22, 2009.

³¹ 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.

³² Human Rights Watch interview with senior MONUC official, Kampala, September 2, 2008.

³³ Ngurdoto-Tanzania Agreement between the Democratic Republic of Congo and the Republic of Uganda on Bilateral Cooperation, September 2007. On file at Human Rights Watch. "Tripartite Plus determined to eradicate negative forces," MONUC press release, September 18, 2007, <http://www.monuc.org/news.aspx?newsID=15442>.

the civilian population in northeastern DRC.³⁴ Three Congolese battalions (over 2,000 troops) and about 200 UN peacekeepers were supposed to be deployed in Haut-Uele district by September 13, 2008, although far fewer than that number had arrived by mid-September.³⁵ MONUC troops were to remain in the district capital of Dungu and to provide support for Congolese troops deployed in areas where the LRA were active. A planned tactical headquarters in Dungu to coordinate MONUC and Congolese army activities never materialized and, from its start, the operation suffered from inadequate coordination and communication.³⁶

The effort to encourage defections resulted in over a dozen LRA combatants surrendering, some of them near the town of Duru. Several found their way to government-controlled areas with the help of the local population. Facing military action and increased defections, the LRA ceased its restraint towards the local Congolese populations. In September 2008, the LRA reverted to its past practice of attacking nearby civilians.

International Humanitarian Law

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.³⁷ Also applicable are the Second Additional Protocol of 1977 to the Geneva Conventions (Protocol II)³⁸ and 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.³⁹

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,

³⁴ "Operation Rudia" agreement seen by Human Rights Watch researchers, Kampala, September 2, 2008.

³⁵ Human Rights Watch interview with senior MONUC official, Kampala, September 2, 2008; and Human Rights Watch interview with senior MONUC official, Dungu, January 9, 2009.

³⁶ Human Rights Watch interview with senior MONUC official, Dungu, January 9, 2009.

³⁷ Geneva Conventions of 1949, entered into force October 21, 1950, article 3.

³⁸ 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 Dec. 7, 1978. DRC ratified Protocol II in December 2002.

³⁹ 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.

torture, and other mistreatment, rape, abduction, use of child soldiers, and pillaging. 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 when they knew, or should have known, about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.

V. Attacks on Civilians between September and November 2008

I saw dead bodies on the ground; some had their hands tied, some were burned and floating in the river. The bodies were in different places; I could not count them.

—A local leader from Duru

In September 2008, shortly after the Congolese and MONUC began deploying troops into Haut-Uele for Operation Rudia, the LRA leadership turned on civilians, in retaliation for the assistance given to LRA defectors by villagers, priests, and local authorities.⁴⁰ The tactic of using extreme violence against civilians who help defectors and those who might provide information about LRA activities to hostile forces has been widely used by the LRA in northern Uganda and southern Sudan.

On September 17, 2008, the LRA simultaneously attacked the villages of Duru, Mandoro, Nambili, and Kiliwa to the north of Dungu (in the area closest to Kony's headquarters at Kiswahili camp), killing civilians and abducting children and adults. Over the following days they attacked other villages including Kpaika, Nambia, Bitima, and Bayote. These settlements lie along a road that runs from Dungu north to the border with South Sudan, a route often taken by persons escaping from the LRA who wished to make it to the MONUC base at Dungu.

One captured combatant interviewed by Human Rights Watch said, "Kony ordered us to attack Duru and the towns to the south as the Congolese people had turned against us, were helping the defectors, and were now our enemies. We were also ordered to take children as part of the operation to replace those who had left. We targeted the younger ones, those under 15, as they are much easier to teach and don't yet have fixed ideas."⁴¹ Priests attacked in Duru as part of this operation, one of whom was able to speak Acholi and to understand what the attackers said, also confirmed that the attacks were partly in revenge for assistance given to defectors.⁴²

⁴⁰ Human Rights Watch interviews with two captured LRA combatants, Dungu, January 9, 2009. The interviews were conducted in private at the Ugandan military base in Dungu.

⁴¹ Human Rights Watch interview with two captured LRA combatants, Dungu, January 9, 2009.

⁴² Human Rights Watch interview, church officials, Dungu, January 8, 2009. "La Destruction de Duru," letter from Catholic priest to supporters, November 17, 2008. On file at Human Rights Watch.

Many civilians who fled the attacks described their assailants as having “rasta” or “crazy” hair, being unkempt and dirty and wearing parts of military uniforms.⁴³ They said the attackers spoke languages they did not understand and communicated with them through hand signals, broken Swahili, or sometimes a few words of Lingala.⁴⁴ The LRA also looted many homes as well as the local Catholic parish in Duru and the health center. After abducting schoolchildren, the LRA looted and burned their schools.

The September attacks were followed by others on such places as Bangadi on October 19, killing nine civilians and abducting at least 41 children,⁴⁵ and the district capital of Dungu on November 1. In Dungu, two people were killed, at least 27 children were abducted, and dozens of houses were burned, despite the presence of UN peacekeepers and a Congolese army base just outside the town.

Overall, in the period from September to November, the LRA killed at least 167 civilians and abducted some 316 children,⁴⁶ who joined hundreds of others previously abducted by the LRA in northern Uganda, southern Sudan, and the Central African Republic and kept in camps in and around Garamba National Park.⁴⁷ The LRA also abducted dozens of adults to transport their pillaged goods or to serve as guides. Some were later freed; others were killed. By mid-October an estimated 17,000 people had been displaced, and approximately 5,000 had sought safety across the border in southern Sudan.⁴⁸

During the same period, LRA rebels also attacked locations inside southern Sudan. On the early morning of September 18, for example, a group of approximately 50 LRA combatants attacked the border town of Sakure targeting SPLA soldiers, apparently seeking weapons and supplies including medicine from a clinic. According to witnesses, the LRA soldiers

⁴³ Human Rights Watch interviews with Congolese refugees in Yambio, Madebe, and Gangura, southern Sudan and with James Diko, December 5-8, 2008.

⁴⁴ Human Rights Watch interviews, Dungu, January 8 and 9, 2009.

⁴⁵ Human Rights Watch interview with Bangadi residents, Dungu, January 8, 2009.

⁴⁶ These figures are based on lists of victims prepared by Human Rights Watch researchers together with members of local civil society groups. The information was checked through interviews with witnesses and those who buried bodies, family members, abducted persons who escaped the LRA, and by visits to massacre sites, hospitals, and health centers. See annex for lists of those killed and abducted.

⁴⁷ These figures are based on lists of victims prepared by Human Rights Watch researchers together with members of local civil society groups. The information was checked through interviews with witnesses, family members, abducted persons who escaped the LRA, and by visits to massacre sites, hospitals, and health centers. See annex for lists of those abducted.

⁴⁸ Human Rights Watch interview with UNHCR staff, Juba, southern Sudan, December 3, 2008.

exchanged fire with the SPLA, then attacked the town, burning a 6-year-old boy to death, and abducting 12 children.⁴⁹

Killings and Abductions

Refugees from Duru who had fled to southern Sudan told Human Rights Watch how some 200 LRA combatants surrounded the village and then killed scores of people with machetes. “I saw dead bodies on the ground; some had their hands tied, some were burned and floating in the river. The bodies were in different places; I could not count them,” recalled one local official from Duru who was attacked by LRA combatants while on his way to the Duru market. At the time of the interview he bore a fresh scar on his head.⁵⁰

One school official in Duru was in his office when the LRA attacked his school. He told Human Rights Watch researchers how he saw LRA combatants lock the children into the classrooms before coming to his office and threatening to kill him. “One of the LRA combatants held an axe over my head and was about to strike me with it. I begged for mercy. I don’t know what made him change his mind, but he dropped the axe and tied me up instead.”⁵¹ The school official managed to free himself and ran into the nearby forest. The next day he found many bodies. “I saw the bodies of others they had killed near Duru and at Kpaika. They all had their skulls crushed,” he said.⁵²

The director of a school in Kiliwa told Human Rights Watch researchers what happened there:

Around 2 p.m. on September 17, just after students were let out of school, a child came to tell me that the LRA had arrived and was abducting children. I looked out my window towards the center of town, and there was total panic. The LRA had started burning the market, the church, people’s houses, even bicycles. I left my house and fled into the bushes, just behind the school. I watched as about 50 LRA combatants raided the town. They burned my home and the school; all of our materials were lost. During their four days in Kiliwa, the LRA abducted 41 of my students and killed 20 men. One of our local chiefs was killed by machete on September 17 and then the combatants

⁴⁹ Report from international humanitarian organizations in Yambio, September 20, 2008. On file at Human Rights Watch.

⁵⁰ Human Rights Watch interview with local authority, Madebe, southern Sudan, December 5, 2008

⁵¹ Human Rights Watch interview with school official, Dungu, January 7, 2009.

⁵² Human Rights Watch interview with school official, Dungu, January 7, 2009.

came back to burn his body the next day. I later saw the remains of his body before fleeing to Dungu.⁵³

Schools appear to have been particularly targeted as places where the LRA could easily find large numbers of children. They focused on primary schools, and first and second year classes at secondary schools where they were more likely to find children aged between 10 and 15-years-old.⁵⁴ In addition to the Institute Duru and the Ecole Primaire Kiliwa, other schools attacked included the Ecole Primaire Mandoro, the Ecole Primaire Kpaika and the Ecole Primaire Malingbundu.

According to school officials, the LRA took 65 students from Institute Duru, one of the most important schools in the region, on September 17. A teacher who witnessed the attack told Human Rights Watch researchers that the combatants padlocked the doors of the other classrooms, locking the students inside, before beginning their work in the classrooms of the younger students aged 10 to 12-years-old. He said:

I was in the classroom with the children when three LRA combatants entered and two others blocked the door. The children were screaming and trying to hide under the benches and the desks. It was chaos. The LRA started to hit the children. They seriously injured some of them. They made gestures with their hands telling the children to be quiet. I tried to calm things down. I didn't want the children to be hurt. I told them to stay calm, not to resist because they might be killed. Then the LRA began to tie them up into a long line, one behind the other. They tied up all the students except a young girl of 10-years-old and an older boy of 17. In total they took 33 of my students that day.⁵⁵

In another classroom at the same school, LRA combatants locked the door from the inside to keep students from fleeing, tied them up, and then handed them one by one through the window to other waiting combatants.⁵⁶

⁵³ Human Rights Watch interview with Kiliwa school director, Dungu, January 7, 2009.

⁵⁴ Human Rights Watch interviews with school staff, government officials, and other witnesses, Dungu, January 7 and 8, 2009; Human Rights Watch interview with child protection officer, Yambio, Southern Sudan, December 9, 2008.

⁵⁵ Human Rights Watch interview, school teacher, Dungu, January 7, 2009.

⁵⁶ Human Rights Watch interview with student abducted from Duru, Dungu, January 8, 2009.

A history teacher who was abducted with 24 students told Human Rights Watch researchers that the six LRA combatants who took them away were armed with AK-47 assault rifles, wore parts of military uniforms, were dirty and had long hair. He said, “I couldn’t understand the language they spoke. They were organized and had planned this attack well. They had long ropes to tie everyone up into a single line, and didn’t beat anyone as everyone had to carry something. They made us carry very heavy loads. They took us to the bush and we walked for about 10 miles before stopping. During the walk they killed one very old man because he refused to carry the load.”⁵⁷

One 17-year-old boy, who escaped from the LRA two months after being abducted, told Human Rights Watch researchers that he had been taken from his home in the village of Kpaika in the middle of the night on September 21. He said:

All of a sudden, 20 LRA combatants forced their way into my house and grabbed my three sisters and me. They tied us up and took us to the center of Kpaika, where we were eventually joined by 37 other girls and boys. They tied us up in a line, with rope connecting us at the waist. We watched as they burned the church, the school, and the health center, and then they even killed people by beating them over the head with clubs, machetes, and axes. In the morning, they gave us their stolen goods to carry and we began the long walk to Camp Kiswahili, where Kony was waiting. They beat us regularly as we walked, and those who didn’t walk fast enough were killed. I saw them kill three boys from Kpaika with an axe because they were walking too slowly. They also killed at least 15 adults along the way who were also abducted in Kpaika.⁵⁸

A young woman who was visiting her grandparents in Duru and who was hiding in the bushes during the attack saw the LRA assailants use the same methods to abduct her relatives. She said, “We saw them go into our grandfather’s house. They used ropes to tie people in a line. They tied my grandparents and cousins. There were about nine combatants. They had long hair, very messy. Some had guns, machetes. They were taking food from the houses.”⁵⁹

⁵⁷ Human Rights Watch interview with teacher, Yambio, December 8, 2008.

⁵⁸ Human Rights Watch interview with child abducted in Kpaika, Dingu, January 8, 2009.

⁵⁹ Human Rights Watch interview with young woman, Yambio, southern Sudan, December 6, 2008.

Parents were devastated at the capture of their children. According to a 35-year-old woman from Bayote, a group of nine combatants carrying guns surrounded her compound, looted all the valuables and food, and abducted three of her daughters:

I was holding my baby and one daughter in my arms, the other two daughters were nearby... Two of them started to beat me with sticks. They took my daughter from my arms and beat me and I lost consciousness. When I woke up, my husband and his two other wives and my baby were still there but my three girls were not... I could not walk from the beating for two days. I was very psychologically affected. Since they already took our children I thought, just let them kill us.⁶⁰

Another mother whose daughter was abducted by the LRA said, “I cry everyday for her. You can’t imagine what it’s like to have your daughter taken from you. It makes me ill when I think about what they could be doing to her in the bush. I don’t know if I’ll ever see her again, or even if she’s still alive.”⁶¹

Some parents organized search parties to try to find their children, but in vain.

According to some abducted children who managed to escape and were interviewed by Human Rights Watch researchers, at least 23 of the children taken in September 2008 or earlier from CAR and southern Sudan were later killed, either because they were judged too young, too weak, or too uncooperative to be easily integrated into the LRA group.⁶² Two captured LRA combatants told a Human Rights Watch researcher that they had killed a number of the children originally abducted from the Duru area, but that they could not remember how many.⁶³

In some cases, LRA commanders forced abducted children to kill others. A 14-year-old boy abducted by the LRA in Duru, who managed to escape three months later said:

When I first got to the LRA camp they said that if you tried to escape they would kill you. Then a few weeks later three people tried to escape. One of them was a 12-year-old boy from Kiliwa and the other two were about 16-

⁶⁰ Human Rights Watch interview with mother of abducted child, Gangura, southern Sudan, December 7, 2008.

⁶¹ Human Rights Watch interview with mother of abducted child, Dungu, January 7, 2009.

⁶² Human Rights Watch interview with abducted persons who escaped from the LRA, Dungu, January 7 and 8, 2009.

⁶³ Human Rights Watch interview with two former LRA commanders, Dungu, January 9, 2009.

years-old and were from CAR. I had to participate in doing this. We killed one on one day and then the other two the next day. They put us in a circle around the boys, and then we each had to take turns hitting them on the head with a club. We passed the club between us hitting them one at a time until they were dead. You could not refuse or you would be killed as well.⁶⁴

Inadequate Protection

Operation Rudia called for the deployment of three Congolese army battalions (over 2,000 troops) and about 200 UN peacekeepers in Haut-Uele District by September 13, 2008.⁶⁵ Although the operational plan states that Operation Rudia was to contain the LRA and help prevent human rights abuses by the LRA, the scale of the planned deployment by MONUC was well short of what would be required to carry out such a task. Because of logistical problems and competing priorities, only some 400 Congolese soldiers and 154 Moroccan peacekeepers had arrived when the LRA turned against Congolese civilians on September 17, 2008,⁶⁶ and there were no MONUC or Congolese army troops outside the district capital, Dungu.⁶⁷ MONUC and Congolese army forces stationed only four and a half miles (seven kilometers) from Dungu town center did not deter the LRA attack on November 1.⁶⁸ According to MONUC officials, Dungu was never intended to be a base from which to lead military operations against the LRA. Rather it was a logistical support base for the joint MONUC-Congolese army containment operation.⁶⁹

As the attacks in September demonstrated that the Congolese army and MONUC were unable to protect civilians from the LRA, the Congolese army sent reinforcements to the northeast. By mid-October, 2,200 Congolese soldiers had arrived in Dungu, including many from the elite Republican Guard. With air support from MONUC, some of those troops were deployed to Duru on October 16, but within two weeks, they were forced to withdraw because MONUC was unable to provide adequate rations and other logistical support.⁷⁰ The soldiers were deployed to Kiliwa instead, a post nearer Dungu and easier to supply.

⁶⁴ Human Rights Watch interview with abducted child, Dungu, January 8, 2009.

⁶⁵ Human Rights Watch interview with senior MONUC official, Kampala, September 2, 2008; and Human Rights Watch interview with senior MONUC official, Dungu, January 9, 2009.

⁶⁶ Human Rights Watch interview with senior MONUC official, Dungu, January 9, 2009.

⁶⁷ Ibid.

⁶⁸ Human Rights Watch interview with senior MONUC official, Dungu, January 9, 2009.

⁶⁹ Human Rights Watch interview with senior MONUC officials, Bunia, January 16, 2009.

⁷⁰ Ibid.

In early November, possibly in anticipation of an eventual military operation against the LRA, the Congolese army commander in Dungu, Colonel Mundos, requested MONUC support to move troops to Doruma and Faradje, key population centers surrounding the LRA's main bases. For reasons that are not clear, MONUC declined the request.⁷¹ According to MONUC officials, one explanation given was the lack of resources and helicopters at a time when MONUC was concentrating on dealing with the crisis in the Kivus where the rebel National Congress for the Defense of the People (CNDP) force was advancing rapidly. Another explanation given was that MONUC officers feared that the Congolese army, exposed in relatively distant locations, would be unable to defend itself from a possible LRA attack.⁷² Whatever the explanation, the decision meant that no troops would be present to protect civilians in those towns when the LRA launched its attacks a month later.

Several MONUC officials repeatedly requested additional support for their Dungu base after the September attacks, but none of the requests for additional troops, helicopters, and other resources was granted.⁷³ As with the decisions regarding additional support to the Congolese troops, the need to keep scarce resources for the Kivus may have determined the refusal.

⁷¹ Human Rights Watch interviews with senior MONUC officials, Dungu and Bunia, January 9 and 16, 2009.

⁷² Ibid.

⁷³ Human Rights Watch interview with MONUC officials in Dungu and Bunia, January 9 and 16, 2009.

VI. The Christmas Massacres

I saw the LRA kill our neighbor and another man in the road. I kept thinking who are these people? What have we done to them? Why are they killing us?

—A man attacked by the LRA and left for dead on Christmas Day at Faradje

Operation Lightning Thunder

Throughout 2008, as Joseph Kony repeatedly promised to sign the peace agreement and then did not do so, President Museveni and army leaders threatened to resort to a new military campaign against him.⁷⁴ DRC President Joseph Kabila initially opposed Ugandan military operations against the LRA on Congolese territory, but, under pressure from the United States and following the September LRA attacks, Kabila changed his mind. Once the November 29 deadline passed without Kony having signed the agreement, preparations moved ahead rapidly for a military operation involving Ugandan, Congolese, and SPLA troops. The US provided important intelligence, planning, technical, and logistical support.⁷⁵ The stated objectives of the operation, codenamed “Lightning Thunder,” were to destroy or occupy LRA camps, to “search and destroy” LRA forces, to “search and rescue” persons abducted by the LRA, and to capture or kill LRA leaders, particularly those indicted by the ICC.⁷⁶

The operation ran into difficulties from the beginning. It was planned to start with an aerial bombardment of Kony’s base at Camp Kiswahili, on the western edge of Garamba National Park, by Ugandan specially adapted MiG fighter jets to be immediately followed by a ground assault by the UPDF. On the day of the attack, December 14, 2008, unexpected weather problems prevented the Ugandans from using the MiGs. Instead, they used slower and noisier attack helicopters which, according to diplomats, may in part have reduced the

⁷⁴ See for example, “UPDF Will Hunt Down Kony,” *The New Vision*, August 4, 2008, “Regional Defence Chiefs Plot Kony End,” *The New Vision*, May 3, 2008, and “President Vows to Destroy Rebel Leader,” *The Daily Monitor*, May 6, 2008.

⁷⁵ Human Rights Watch interview with diplomats, Uganda, January 20, 2009. “U.S. Military Helped Plan and Pay for Attack on Ugandan Rebels,” *The New York Times*, February 7, 2009.

⁷⁶ Human Rights Watch interviews with international diplomats, senior MONUC officials, and Ugandan military officials in Dungu, Bunia, and Kampala, January 2009; “Uganda, DRC and Southern Sudan Launch Joint Operation against the Lords Resistance Army (LRA),” UPDF, SPLA, and FARDC joint press statement, signed by Brig. James Mugira, Brig. Matual Majok and Brig. Deodenne Kitenge, December 14, 2008. Available at <http://www.mediacentre.go.ug/details.php?catId=3&item=283>.

element of surprise necessary for a successful strike.⁷⁷ Meanwhile, the Ugandan ground troops, hampered by transport problems, arrived in the area only some 72 hours later.⁷⁸

The bombardment destroyed the camps, but Kony and other senior commanders escaped. According to children who were in the camp on the day of the bombardment and later escaped to safety, Kony left the camp to go on a hunting expedition less than 20 minutes before the attack.⁷⁹ LRA combatants dispersed into several groups and were able to either flee or hide before the UPDF arrived.

Despite its mandate to protect civilians, MONUC was not included in the planning for this operation and senior MONUC officials were informed only hours before the campaign began.⁸⁰ According to Ugandan military officials, the plan was for the Congolese army and SPLA (along the Sudanese-DRC border) to protect civilians while the Ugandans went after Kony and the other indicted commanders.⁸¹ Yet 10 days after the launch of “Operation Lightning Thunder,” there were no Ugandan, Congolese, or UN peacekeeping forces in the main towns surrounding the LRA’s former base.

Killings December 2008 and January 2009

On December 24 and 25, 2008—10 days after the launch of Operation Lightning Thunder—the LRA conducted a coordinated series of attacks against at least three locations that involved the widespread massacre of civilians. The LRA appears to have waited for the holiday period when they could expect to inflict the maximum number of deaths quickly by targeting gathered villages. They followed up the first attacks with others, which continue at the time of this writing.

The LRA killed at least 815 Congolese civilians and at least 50 Sudanese civilians between December 24, 2008 and January 17, 2009. The victims included at least 300 in the Doruma area to the west of Garamba National Park and near the border between DRC, the Central

⁷⁷ Human Rights Watch interview with diplomats, Kampala, January 20, 2009.

⁷⁸ Human Rights Watch interviews with diplomats, senior MONUC officials, and Ugandan military officials in Dungu, Bunia, and Kampala, January 2009.

⁷⁹ Human Rights Watch interview with children present at the camp, Dungu, January 8, 2009.

⁸⁰ Human Rights Watch interviews with international diplomats, senior MONUC officials, and Ugandan military officials in Dungu, Bunia, and Kampala, January 2009. Human Rights Watch also found no evidence of a functioning tactical headquarters in Dungu in mid-January. In an interview with a Human Rights Watch researcher in Kampala on January 28, 2009, however, the Ugandan army spokesperson, Major Felix Kulayigye, claimed there is a tactical headquarters in Dungu which coordinates activities between the Ugandan and Congolese armies and MONUC.

⁸¹ Human Rights Watch interview with senior Ugandan military official, Dungu, January 9, 2009.

African Republic, and southern Sudan; 153 civilians in the Faradje area southeast of the park; 256 civilians near Tora, south of the park, and another 44 in the Duru area just west of the park, near the border between DRC and southern Sudan. In addition LRA forces killed 62 people in attacks west of Dungu including Napopo on January 2, in Bangadi on January 5, and in Diagbe on January 13, 2009.⁸² During most of these attacks there were only a few abductions, unlike the pattern over previous months, possibly because the LRA saw abducted persons as likely to hamper rapid movement. However, 160 children were abducted at Faradje.

Massacres in the Doruma area

On December 25, 26, and 27, 2008, the LRA attacked at least 13 villages around Doruma, a small town in northern Congo near the border with Sudan and the Central African Republic. The timing and tactics indicate that their purpose was to kill the largest number of civilians possible. They struck when people were gathered together for Christmas festivities and, on at least one occasion, lured more victims to the scene by pretending a party was taking place. Unlike attackers elsewhere, the assailants showed little interest in looting or in abducting civilians: they came to kill. They used the same tactics in each village: they surrounded the victims, tied them up with cords or rubber strips from bicycle tires, stripped them of their clothes, and then killed them with blows to the head from large sticks, clubs, axes, or machetes. They raped dozens of women and girls before crushing their skulls. They did not spare children and babies. Of the few who survived, most suffered serious head injuries and had apparently escaped because the assailants thought they were dead.

The Christmas attack was not the first time that the LRA had come to the Doruma area. LRA combatants had passed by the town at least three times between 2006 and 2008 as they traveled the road between the park and the CAR border. On one occasion, LRA combatants boldly marched through the center of town, took down the Congolese flag from its flag pole, and marched on again.⁸³ They had caused little trouble and had told the local administrator, Giles Nzerien Mandata, that they had no problem with the Congolese people. But in

⁸² These figures are primarily based on lists of victims prepared by Human Rights Watch researchers together with members of local civil society groups. The information was checked through interviews with witnesses and those who buried bodies, family members, abducted persons who escaped the LRA, and by visits to massacre sites, hospitals and health centers. See annex for lists of those killed and abducted. Some of the figures from killings in and around Tora are based on information from UN OCHA.

⁸³ Human Rights Watch interview with Giles Nzerien Mandata, Chef de Poste of the Congolese government, Doruma, January 10, 2009.

December 2008 it was different. As the local administrator told Human Rights Watch researchers, this time it was “total horror.”⁸⁴

Batande killings

One of the first attacks in the Doruma area was also one of the worst. On Christmas day, the LRA slaughtered at least 82 people of a population of about 100 in the small hamlet of Batande, about five miles northeast of Doruma town and only a mile or so from the Sudanese border. The residents of the hamlet all knew each other well and they celebrated Christmas by eating together after the Christmas church services. The village women had prepared special food and the men had erected a makeshift thatched marquee (*pailote*) just outside the Protestant church. By 3 p.m. most of Batande’s residents as well as a few guests were gathered together enjoying their meal, when a group of armed LRA combatants appeared out of the forests and surrounded them.

A 72-year-old man who came late to the Christmas lunch was a short distance away on the footpath leading to the church when the LRA attacked. He hid in the bushes and watched the horror unfold. He told Human Rights Watch researchers:

The LRA surrounded all the people and began to tie them up with cords, rubber strips from bicycle tires and cloth from the women’s skirts which they tore into strips. I saw them tie up my wife, my children and my grandchildren. I was powerless to help them. After tying them up, they took 26 of the men, including the pastor and his eldest son and some of the older boys, and led them away into the forest in front of the church.

I followed them and hid nearby so I could see what was happening. They tore off their clothes and put them face down on the ground. Then they started to hit them one by one on the head with large sticks. They crushed their skulls till their brains came out. Three LRA were doing all the work. They were quick at killing. It did not take them very long and they said nothing while they were doing it. They killed all 26. I was horrified. I knew all these people. They were my family, my friends, my neighbors.

When they finished I slipped away and went to my home, where I sat trembling all over. That night I heard the LRA celebrating. They ate the food

⁸⁴ Ibid.

the women had prepared and drank the beer. Then they slept there among the bodies of those they had killed.

The next morning they left and I went to try to find my wife. There were bodies everywhere. It was then I discovered they had killed the women and children as well. I started to dig graves to bury the dead. Initially I was alone but then some other people came to help me. I could not find my wife. It was only after a few days that I found her just beyond the stream. Her skull had been crushed like the others. Her body was already decomposing so I had to bury her where she was killed in a mass grave with other women and children.⁸⁵

Among the 82 killed in Batande were some 50 women and children, the youngest an eight-month-old baby boy. According to the people who buried the victims, the bodies of many of the women and girls were found in separate small groups in the forest area some 300 yards northeast of the church. From the state of the bodies and the positions in which they were found, it appears that many of them had been raped.⁸⁶ At least three residents of Batande were taken by the LRA and killed the following day in other locations (see below). These people may have been taken to serve as guides to neighboring villages.

On December 26, the few remaining residents of Batande, including the elderly man mentioned above, began the gruesome task of counting and burying the dead, aided by a small group of people from Doruma who had heard about the killings. During the afternoon of December 27, the first group of Ugandan soldiers arrived, two days too late to help the people of Batande. Two hours later a second group of Ugandan soldiers passed through, helped the local residents to identify more areas where bodies could be found, and then followed the direction taken by the LRA.⁸⁷

On January 12, Human Rights Watch researchers visited Batande accompanied by an eyewitness to the killings and those who had assisted in burying the bodies. The evidence found at the massacre scene was consistent with statements by witnesses. Researchers found 16 gravesites with freshly turned earth, including six graves at the Protestant chapel, six in a 250 yard radius from the church, and two at the entrance into Batande. They were told about two further gravesites a short distance away on the north side of the stream.

⁸⁵ Human Rights Watch interview with witness to the Batande killings, Doruma, January, 10, 2009.

⁸⁶ Human Rights Watch interview with witnesses who participated in burials, Batande, January 9 and 10, 2009.

⁸⁷ Human Rights Watch interview with witnesses who participated in burials, Batande, January 9 and 10, 2009; Human Rights Watch interview with Major Felix M. Kulayigye, Ugandan army spokesperson, Kampala, January 28, 2009.

According to those who participated in the burials, these graves contain 82 bodies. Human Rights Watch researchers also found pools of dried blood, cords, and rubber strips used to tie up the prisoners, and at least five large blood-stained sticks, each about four-inches in diameter in the locations where witnesses indicated the killings had taken place and where the bodies were later found.⁸⁸ The few remaining residents of Batande told Human Rights Watch researchers that there were bodies still in the forest that had not been buried due to their state of decomposition and the lack of security to carry out the burials. The smell of corpses still hung over Batande nearly three weeks after the massacre.

Killings at Nagengwa, Mabando, and other villages

On the morning of December 26, LRA forces attacked Nagengwa, some two miles from Batande, where they killed 30 people. At least 19 victims from the village were later found naked by the nearby stream with their hands tied and who had had their skulls crushed with axes or large wooden clubs.⁸⁹ Many of the dead were children; two were babies who had been killed by having their heads twisted, breaking their necks. Two three-year-old girls in Manvugo who survived attempts to kill them by the same method were in Doruma hospital with serious neck injuries at the time of this writing.⁹⁰

A 53-year-old mother of four survived the attack in Nagengwa when she fell under the bodies of other family members and the assailants apparently presumed she was dead. She said:

I was at home with my brother and five of my cousins when the LRA came to our house. They immediately brought us all together and tied up the other six. They didn't tie me, I guess because I'm too old. One of the soldiers then went into the house and started to take all the clothes and other goods they could find. Then they came out and started the killing. The first person killed was my brother. They chopped his skull with an axe. Then they pulled me and one of my cousins to the side and hit my cousin with the axe. He fell down, and I fell under him. The blood from his head ran onto me, and the LRA thought I had already been killed. It all happened very quickly, and soon the other six were all dead and the LRA left with their stolen goods. I was terrified and

⁸⁸ Human Rights Watch researchers photographed the area and the items found and noted the locations of the gravesites. Human Rights Watch researchers and other civil society members who participated in the field visit collected some of the evidence, including cords used to tie up the victims, the blood stained sticks and items of clothing found at the scene, and moved it to a secure location.

⁸⁹ Human Rights Watch interview with witnesses and people who participated in burials at Nagengwa, Doruma, January 11, 2009.

⁹⁰ Human Rights Watch observations at Doruma hospital, January 10, 2009.

stayed in the same place [under the bodies] until 4 a.m. when I got enough strength to run into the bushes and hide.⁹¹

The afternoon of the same day, LRA forces killed a further 50 people in Mabando village, northeast of Nagengwa. The assailants lured their victims to a central place by playing the radio and forcing some victims to sing songs and to call for others to come join the party.⁹²

Later on December 26, and in the days that followed, LRA combatants attacked at least nine other villages including Douane (also known as Manvugo), Natalubu, Bama, Naulu, Katinga, Bakulagba, Masombo, Gadi, and Mogoroko, all within a 15 mile radius of Doruma. In each village they killed civilians by brutal blows to the head.

Following the Christmas attacks, some 10,000 area residents sought refuge in town. Lack of food, however, soon forced some people to return to their fields at least for short periods of time, putting them at risk of further attacks by the LRA, who were still in the forest area some 15 miles from Doruma at the time of writing.

Massacres and Abductions in Faradje

On December 25, the same day that killings were taking place in Batande, another group of LRA combatants attacked the town of Faradje, about 180 miles (300 kilometers) east of Doruma. According to Ugandan army officials, this group was commanded by Lt. Col. Charles Arop.⁹³ With a population of about 37,000, Faradje is one of the larger towns in the region with a substantial number of shops, so it presented richer prospects for looting than did the farming villages.

In the afternoon, as residents gathered for a Christmas concert, a group of about 200 LRA combatants descended on the town and killed at least 143 people, mostly men, and abducted 160 children and dozens of adults.⁹⁴ The attackers looted extensively before burning 940 houses, three primary schools, and nine churches.⁹⁵

⁹¹ Human Rights Watch interview with victim at Mabando, Doruma, January 10, 2009.

⁹² Human Rights Watch interview with Giles Nzerien Mandata, Chef de Poste of the Congolese government, Doruma, January 10, 2009. Human Rights Watch interviews with local residents at Mabando, Doruma, January 10, 2009.

⁹³ Human Rights Watch interview, Brigadier General Patrick Kankiriho, UPDF commander of operations, Dungu, January 7, 2009.

⁹⁴ A list of children abducted in Faradje appears in the annex.

⁹⁵ Human Rights Watch interview with Maneno Léon, Faradje Assistant Territorial Administrator, Faradje, January 13, 2009; Human Rights Watch interviews with Faradje residents who survived the attack and children and adults who were abducted but later managed to escape, Faradje, January 13-16, 2009.

In mid-January, Human Rights Watch researchers retraced the LRA's path of destruction through the town, interviewed dozens of victims and witnesses, and viewed the locations where victims were killed and later buried. Much of the town had been burned and many neighborhoods were still largely deserted at the time of the visit.

In Faradje, the LRA combatants targeted adult men, including the local doctor, two school inspectors, two pastors, teachers, and state officials. They began their military operation in Aligi, a suburb of Faradje about a mile and half from the town center. The LRA combatants came via a footpath from Garamba National Park and abducted a young man from the first house they came to. They forced him to be their guide. The combatants who entered Aligi were accompanied by 10 to 15 prisoners, including eight girls and boys who were tied to each other at the waist. Some also had their wrists tied together.⁹⁶ Several of the girls wore mini-skirts and military shirts.

On the way into Faradje, the LRA combatants killed all whom they encountered, pretending at first approach to be friendly and then killing the victims with a blow to the head with an axe, machete, or a large wooden stick.⁹⁷ They killed at least 25 residents of Aligi as they silently entered Faradje.

Roger, a 48-year-old man who had just enjoyed a Christmas meal with his family, was napping in the shade outside his home in Aligi on the afternoon of December 25. Awakened by a noise, he saw two men in military uniform approaching him. "One of them put out his hand to say hello and asked me how I was," he told Human Rights Watch researchers. "I didn't recognize them, but before I could even respond the other one swung at my head with a large piece of wood. He hit me twice very hard. I fell down and was bleeding from my head. I heard my wife screaming before I passed out."⁹⁸ The assailants left Roger for dead. His wife managed to drag him unconscious into a hiding place in the forest where she tried to stop the bleeding by wrapping his injured head with her skirt. "I came to when I was lying in our hiding place and saw the LRA kill our neighbor and another man in the road. I kept thinking who are these people? What have we done to them?" The next day, Roger, supported by his wife, stumbled slowly towards the hospital for treatment. At the time of the interview with Human Rights Watch researchers, he had two large gashes on his head.

⁹⁶ Human Rights Watch interview with Aligi residents, Faradje, January 14, 2009.

⁹⁷ Human Rights Watch interviews with Aligi residents who survived the attacks and participated in burials of the dead, Faradje, January 14 and 15, 2009.

⁹⁸ Human Rights Watch interview with victim, Faradje, January 14, 2009.

At around 5 p.m., the LRA combatants entered the center of Faradje, where many residents, especially children, had gathered for the Christmas day concert. Initially the combatants pretended to be Congolese army soldiers. Some of them spoke Lingala, the commonly spoken language in Faradje, and called out to the people, telling them to come near. These tactics reassured some people and kept them from fleeing. Then the combatants fired shots in the air and began to round up the girls and boys. They killed the men they managed to capture with blows to the head.

Marie, a 30-year-old mother of seven, told Human Rights Watch researchers that her husband and other family members were killed on Christmas day. She said:

I was at home and my children were at the Christmas concert when the LRA attacked. All of a sudden, around 5 p.m., I saw people running through the streets, away from the town center. My children ran home, and then four men in military uniforms appeared behind my house. One of them said in bad Lingala, “Don’t run. Stay with us. We are here for you.” At first I thought they were Congolese army soldiers, but then one of them grabbed my 13-year-old daughter, dragged her onto the street, and pointed his gun at her. I saw his long dreadlocks and then realized it was the LRA who had come to attack us. My daughter managed to get away, and the other three soldiers encircled the nine of us who remained—four men, two women, and three children.

They came into the kitchen, grabbed the wooden sticks we use to grind maize, and started beating the men. They chopped off my husband’s middle finger with a machete before hitting him on the head. He managed to survive but later died at the hospital. The attackers gouged out the left eye of one of the other men and then killed him with a blow to the head. They chopped the ear off the third man with an axe, shot him in the knee, and then killed him with a blow to the head. The fourth man managed to escape after dodging two blows to the head. I ran into the bush with the other women and children. We heard gunshots all night and watched as the town went up in flames.⁹⁹

The LRA combatants tied up the abducted children and adults and forced them to sit in a circle and wait while the LRA captured more people and pillaged the town. One 13-year-old boy was abducted by an LRA combatant when he left his aunt’s house to fetch his sister for

⁹⁹ Human Rights Watch interview with victim, Faradje, January 14, 2009.

Christmas dinner. The combatant, who had dreadlocks, was wearing a military uniform and had spoken to the child in poor Lingala, tied him up, and took him to a place where 44 other captured children had already been tied up together. The newly abducted boy was tied to the others and left under the guard of a few combatants while others went to find more children.¹⁰⁰

When night fell, the attackers set fire to a number of buildings, possibly to allow them to see what they were doing and to make sure that the persons tied up did not escape. Around midnight, a first group of combatants left the town in the direction from which they had come, burning houses along the way, especially in the suburb of Aligi. They took with them a number of persons who were forced to carry pillaged goods. A second group left in the direction of Watsa, pillaging the hospital and burning houses on the way.¹⁰¹

Lillian, a 28-year-old mother of five, was captured along with her 11-year-old daughter and her husband. “They killed my husband in front of me by crushing his skull with a club,” she told Human Rights Watch researchers. “The combatants then forced open the doors of all the shops in the market and gave us things to transport. There were about 50 of us who had been abducted. We walked for about five miles [seven kilometers] on the main road, with more than 50 combatants, including men, women, and child soldiers. I managed to get away and came back to the burning town with dead bodies strewn across the marketplace. But my daughter is still with the LRA.”¹⁰²

A third, smaller group of combatants continued to pillage until early the following morning before they left Faradje, taking the road north towards Aba. About two and a half miles (four kilometers) out of town they attacked the suburb of Takiani, where they killed civilians, abducted more children, and once again looted.

The LRA forced the children as well as some 20 abducted adults to carry their pillaged goods back towards Garamba National Park, the direction from which they had come. One boy told Human Rights Watch researchers:

We had to walk in the bush all night long. They hit me really badly because they said I was walking too slowly. They also hit us if we tried to talk to each

¹⁰⁰ Human Rights Watch interview with abducted child, Faradje, January 14, 2009.

¹⁰¹ Human Rights Watch interviews with Faradje residents who survived the attack and children and adults who were abducted but later managed to escape, Faradje, January 13-16, 2009.

¹⁰² Human Rights Watch interview with local resident, Faradje, January 15, 2009.

other. I was at the end of the line and managed to escape in the morning around 8 a.m., and I ran all the way back to my house.¹⁰³

Soon after abducting the children, the assailants killed at least 16 of them, the majority under 10 years of age, possibly because they found them too young to be useful as porters, combatants, or sex slaves.¹⁰⁴

Protection Arrives Too Late

On the morning of December 26, MONUC—which, as described, had not been included in the planning of Operation Lightning Thunder—assisted Congolese army soldiers to deploy in and around Faradje. As the MONUC helicopters hovered overhead, LRA combatants in Takiani climbed into trees and hid in houses to avoid being seen by soldiers in the helicopters. By the time Congolese soldiers had landed and arrived on foot at Takiani, the last LRA combatants had gone, leaving a trail of death and destruction in their wake.¹⁰⁵

While the presence of Congolese soldiers in Faradje has reassured residents of the area, it has not deterred the LRA from attacking in the park and in towns and villages near to Faradje, including Nagero and Aba.¹⁰⁶

LRA combatants have usually avoided confrontation with military forces, but they attacked the park station in Nagero on the southeastern edge of the park on January 2, some 25 kilometers from Faradje, despite the presence of a small number of Congolese army soldiers and armed park rangers. Their apparent objective was to eliminate, or at least limit, the capacity of park personnel to monitor their activities in the park: they destroyed communications equipment and burned two small planes, several vehicles, and the park station office. In a departure from other attacks during this period and probably as a result of the presence of an armed opponent, the LRA used firearms during this attack. They killed 10 people, including three women, two park guards, the radio operator, a pastor, and an electrician, injured six others, and abducted at least two children. Several LRA combatants were killed by the armed guards of the station.¹⁰⁷

¹⁰³ Human Rights Watch interview with abducted child, Faradje, January 14, 2009.

¹⁰⁴ Human Rights Watch interviews with Faradje residents who survived the attack and children and adults who were abducted but later managed to escape, Faradje, January 13-16, 2009.

¹⁰⁵ Human Rights Watch interviews with Faradje and Takiana residents who survived the attacks and children and adults who were abducted but later managed to escape, Faradje, January 13-16, 2009.

¹⁰⁶ As of January 30 2009, Ugandan soldiers had not yet deployed to the Faradje area.

¹⁰⁷ Human Rights Watch interview with witness from Nagero, Bunia, January 5, 2009; Human Rights Watch interview with witness, Faradje, January 14, 2009.

In subsequent attacks on villages south and west of Faradje, LRA forces killed at least 256 people between January 8 and 16, including in the towns of Sambia, Akua, Tomate, and Tora. Given the remoteness of the region, the information from these attacks is still incomplete and the death toll may be higher.

In the town of Sambia, women and children fled to the bush or to other towns after a first LRA attack on January 8, but the men stayed to defend their property, believing they would be protected from future attack by Congolese troops. Jean-Pierre was one of the men who stayed. He told Human Rights Watch researchers:

Just before midnight on January 10, I heard gunshots and people shouting in the center of the town. I ran outside and found two LRA combatants just outside my home. They grabbed me but I scrambled and managed to get away. I heard lots of gunshots and spent the night in the bush. The next day, I came back and the town was deserted, except for a handful of people burying bodies. I saw at least 30 bodies and six gravesites. Many others were killed in the forests surrounding the town, and their bodies have not yet been discovered.¹⁰⁸

Many Sambia residents had fled west to the town of Tora which was itself attacked by the LRA on January 16, forcing the displaced persons to flee again. The UN said they received reports that as many as 100 people may have been killed in this attack.¹⁰⁹

Massacres in the Duru Area

On December 24 and 25, the LRA launched its third attack in the Duru and Bitima area in Yakulu area, just west of Garamba National Park. There they killed at least 40 civilians. Because many of the local residents later fled to southern Sudan, it has been difficult for Congolese local authorities and civil society members to collect information on the attacks.

Three groups of LRA combatants passed through Duru, Bitima, and adjacent areas on December 24 and 25, killing anyone they met along the way. At the village of Nambia, the assailants attacked on Christmas Eve, avoiding the main road and entering the village from the forest. They went from home to home, killing victims in the same way as in other locations, by crushing their skulls with axes, machetes, and wooden sticks. In one case, an

¹⁰⁸ Human Rights Watch interview with witness at Sambia, Faradje, January 15, 2009.

¹⁰⁹ "More than 100 killed in Congo Massacre," Reuters News Agency, January 29, 2009.

attacker used a machete to stab a woman in the back who was trying to flee, killing her as well as the baby she was carrying on her back.¹¹⁰

Local residents hastily wrote a note to a small contingent of Congolese army soldiers based at Kiliwa, some 60 kilometers south, begging them to come and help. Running as fast as possible with the note, the messenger needed two days to arrive at the base. When he got there on December 27, the soldiers said that they would have to wait for orders from their commander before sending help to Nambia.¹¹¹ In the meantime, most residents of the area had fled across the border into southern Sudan.

According to reports from MONUC officials and journalists, the LRA continued to attack in the Duru area and killed four civilians there on January 13.¹¹²

Attacks in southern Sudan

The LRA forces that attacked in and around Duru and Bitima on December 24 and 25 also reportedly moved into southern Sudan, where they carried out more attacks in Gangura, near Yambio, before being chased back into DRC by the SPLA.¹¹³ Other LRA groups remain in southern Sudan or hover along the border between DRC and southern Sudan.

According to early reports from the region, the LRA killed more than 50 civilians and abducted some 60 children and adults in Yambio, Maridi, and Mundri counties between mid-December and early January. Although the combatants occasionally fired guns at the start of an attack, they usually killed with machetes or clubs. As the time of writing, LRA attacks continue in southern Sudan.¹¹⁴

Rescue and Surrender

On January 28, 2009, Ugandan military officials told Human Rights Watch they had rescued 58 civilians and that a further 20 combatants had been captured or surrendered from the LRA since the start of Operation Lightning Thunder, including Ugandans, Congolese, and

¹¹⁰ Human Rights Watch interview with witness from Nambia, Dungu, January 8, 2009.

¹¹¹ Human Rights Watch interview with witness from Nambia, Dungu, January 8, 2009.

¹¹² Human Rights Watch interviews with MONUC officials and journalists who visited Duru on January 14, Bunia and Faradje, January 15 and 16, 2009.

¹¹³ Human Rights Watch interview with senior Ugandan military official, Dungu, January 7, 2009.

¹¹⁴ UN official, electronic communication to Human Rights Watch, January 28, 2009.

Sudanese.¹¹⁵ On February 10, President Yoweri Museveni said to journalists that 280 abductees had been rescued, of which 130 had reported to the UPDF and 165 to Congolese forces, and that 40 LRA fighters had been confirmed dead, though these numbers could not be independently verified.

In late January, the LRA's second-in-command, Okot Odhiambo, wanted on an ICC arrest warrant, contacted the International Organization for Migration (IOM) expressing a desire to surrender with an unknown number of his combatants and possibly with Dominic Ongwen, another senior LRA commander wanted by the ICC.¹¹⁶ At the time of writing he had not yet done so.

¹¹⁵ Human Rights Watch interview with Major Felix M. Kulayigye, UPDF spokesperson, Kampala, January 28, 2009.

¹¹⁶ International Organization of Migration, News Release, Geneva, February 3, 2009.

VII. Life with the LRA: The Children Speak

I cried so much after I was abducted and they told me that I was to become a soldier. I wanted to be in school. I didn't want to fight. They said to stop crying and not to think about home, but I thought about it everyday.

—A 12-year-old boy abducted from his school in Duru, September 17, 2008.
He escaped from the LRA three months later.

When Ugandan aircraft bombarded LRA leader Joseph Kony's main camp at the start of the military campaign on December 14, some abducted children were able to flee and reach safety at a Congolese army camp. Several of those who escaped that day told Human Rights Watch researchers about their lives in service to LRA combatants.

After setting up their camps in the park and the surrounding hunting reserve in 2006 and 2007, the LRA began extensively cultivating fields in the immediate vicinity. They grew enough beans, sweet potatoes, and other produce to meet most of their food needs. Abducted children and women worked in these fields as well as taking care of household tasks and providing sexual services to male combatants.

Male combatants who were considered reliable and compliant were allocated one abducted girl as a "wife," while senior commanders were allowed to have several. Kony took the largest number of girls and women, some 40 for himself, according to children abducted by the LRA who later managed to escape. Florence, a 17-year-old girl from the CAR who was abducted by the LRA in April 2008, told Human Rights Watch researchers about her life as a "wife." She said:

I was assigned to a commander. He spoke a different language from me, so we never spoke to each other. He forced me to sleep with him whenever he wanted. If I resisted, he whipped me. Sometimes he even grabbed my neck and tried to strangle me.

With the LRA, a man can only have one wife, and a woman can only be with one man. If they disobeyed this rule, they would be killed. Kony and the other high-level commanders were the exception, and they could have many women.

If I tried to talk to the other girls, they beat us and threatened to kill us. They thought we were plotting against them. A boy from CAR tried to escape, and they killed him with a blow to the head. I had to bury him.

I prepared the food for my commander and I also had to work on the farm. We moved around a lot because we were attacked regularly by the SPLA, and sometimes there were planes flying overhead looking for us. I went everywhere with my commander, but I didn't participate in any of the fighting or raids.¹¹⁷

When Florence was interviewed, she was eight months pregnant from having been raped by the LRA commander. She hopes to return to CAR once her baby is born.

Abducted boys were also assigned to combatants or commanders and were charged with cooking, transporting their goods from one camp to another, and working in the fields. Some received military training and others were assigned to be Kony's bodyguards.

Abducted children were often beaten and in some cases killed, if they walked too slowly while moving from one camp to another or if they tried to talk to each other. Children abducted in Congo, the CAR or Sudan lacked a common language with LRA combatants from Uganda and communicated little with them. Through ill-treatment of themselves and others they learned how to behave to avoid further abuse. Those who tried to escape and were caught were often brutally killed. To teach the others a lesson, LRA leaders in some cases forced other children to kill their own friends who had tried to escape.¹¹⁸

Pierre, 15-years-old, was abducted by the LRA from his secondary school in Duru on September 17, 2008. He and 60 schoolmates traveled through the bush from one camp to another for a little over two weeks under the escort of about 80 LRA combatants. When the group arrived at the main camp at Kiswahili, the children were divided and he became one of Kony's guards. He said:

Kony had two groups of seven bodyguards. I was in the second group which protected the outer circle around Kony. There were two children and five adults in my group. During the day we worked on the farm and did military

¹¹⁷ Human Rights Watch interview with abducted person, Dungu, January 8, 2009.

¹¹⁸ Human Rights Watch interview with abducted person, Dungu, January 8, 2009.

exercises. Whenever Kony traveled, we went with him. He also brought his forty wives with him wherever he went. Kony always had a Motorola [cell phone] with him and his number two, who was always with him, had a Thuraya [satellite] phone. Kony didn't work or do anything during the day.

The younger combatants around Kony whipped us whenever they wanted, and especially if we tried to talk to each other.

They didn't teach us their ideology, but they told us their objective was to take over Uganda so that Kony could become president. They said they needed more soldiers in order to do this. The one commandment they taught us was that anyone who tried to escape would be killed.

The combatants applied oil on their faces, chests, backs, and the palms of their hands. They said the oil made them bullet-proof and that it protected them from death while in battle. They also said the oil made people who tried to escape return to camp.

After the first two weeks in Kiswahili, we went back to a camp called Gambungbu for four days. Two abducted children from CAR had tried to escape, and Kony gave the order that their friends had to kill them in front of all the other children. Kony wanted to be there himself when they were killed. There were about sixty children who had to watch the killing.¹¹⁹

Pierre was able to escape the day Ugandan aircraft bombarded Kiswahili. He told Human Rights Watch researchers that he fled the camp right after the bombing began.

I left alone and went west through the bush. I crossed two rivers and eventually came out at the road that goes to Kiliwa. I ran all the way to Kiliwa that day, and arrived at the Congolese army (FARDC) base there around 5 p.m. At first the Congolese soldiers there wanted to shoot at me. Then I was afraid and thought maybe they were with the LRA so I hid in the bush for the night. I presented myself to the Congolese soldiers in the morning, and they eventually accepted me in their camp and gave me something to eat. Another

¹¹⁹ Human Rights Watch interview with abducted person, Dungu, January 8, 2009.

boy and two girls came out in the following days, and the Congolese soldiers brought us all to Dungu.¹²⁰

Pierre said he would like to go back to school but was afraid to go home to Duru because the LRA was still nearby. He said they would kill him if they found him.

A 17-year-old boy who was abducted with 37 others in Kpaika on September 17, 2008 said that on the way to Kiswahili camp, three of the children were killed because they walked too slowly. After the rest arrived at camp, the 17 girls and 21 boys were each assigned to a combatant or commander. He was given to one of the commanders who kept close watch over him but he nonetheless managed to escape two months after his capture. He said:

In the morning I worked on the farm, harvesting beans and sweet potatoes. We came back to eat at noon. Then we looked for wood and water, always under the surveillance of the combatants. I didn't have any military training before I escaped, but they talked about how I was going to get it soon. They showed me how to take a gun apart, wash it, and put it back together.

I escaped in late November, when my commander was eating with two women. I was about 20 yards from my commander, which is the furthest distance I'd been from him since the day I was abducted. I slipped out of the camp quietly and then ran all the way through the forest to the main road, and then I went on towards Dungu.

As far as I know, none of the other children abducted from Kpaika have managed to escape, including my two sisters who are still with the LRA.¹²¹

These testimonies from Congolese children abducted by the LRA mirror the stories of children abducted in Uganda and southern Sudan in previous years. These testimonies illustrate that despite participation in peace talks and indictments issued by the ICC, the LRA leadership continue to perpetuate widespread human rights abuses against both children and adults.

¹²⁰ Human Rights Watch interview with abducted person, Dungu, January 8, 2009.

¹²¹ Human Rights Watch interview with abducted person, Dungu, January 8, 2009.

VIII. Response from the LRA

In an interview with a Human Rights Watch researcher on January 27, 2009, the LRA's chief peace negotiator, David Nyekorach-Matsanga, claimed that the bulk of LRA combatants were not in Congo at the time of the attacks. He said that the attacks could have been carried out by a number of different groups, including local Congolese militia groups and a Ugandan army battalion made up of former LRA combatants.¹²²

In a radio interview with Voice of America also on January 27, Matsanga called for an international force to safeguard the assembling of LRA combatants at Rikwangba, the place in southern Sudan designated as the LRA's assembly point under the peace process. "The LRA are committed to peace," he said. "General Kony a week ago instructed me to initiate a peace condition, and I put the conditions to the government of Uganda." Matsanga has been negotiating with the Ugandan government on behalf of the LRA for the past two years, but many observers close to the peace process question the degree to which he represents the LRA leader or has any influence with him, and whether he is still in communication with Kony.¹²³

Human Rights Watch has documented serious abuses committed by the Ugandan and Congolese armies and the SPLA in places and times not covered in this report.¹²⁴ But Human Rights Watch researchers found no evidence that the attacks on civilians documented here were carried out by anyone other than LRA combatants. In interviews with our researchers, former LRA combatants recounted the specific orders given by Kony to LRA combatants to carry out the September killings, marking a change in strategy by Kony in relation to local Congolese populations. Children abducted during these attacks, some of whom later managed to escape, described clearly how they were taken to the LRA camps in Garamba National Park, how they were addressed by Joseph Kony, how they were abused, and how they witnessed others being abused and killed by LRA combatants. Witnesses to the attacks, some of whom had interacted with LRA combatants prior to the attacks, identified their attackers as LRA. Dozens of victims and witnesses also repeatedly described the assailants' inability to speak Congolese languages, and their dreadlocks and unkempt appearance, all

¹²² Human Rights Watch interview, by telephone, with Dr. David Nyekorach- Matsanga, January 27, 2009.

¹²³ Human Rights Watch interview with diplomat, Kampala, January 19, 2009; Human Rights Watch interview with international analyst, Kampala, January 28, 2009; Henry Mukasa, "Uganda: LRA Peace Team in Power Row," *The New Vision*, January 15, 2009; Dr. David Nyekorach-Matsanga, Lord's Resistance Army/Movement, Public Statement, January 30, 2009.

¹²⁴ Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, vol 15 No. 12(a), July 14, 2003 Available at <http://www.hrw.org/en/reports/2003/07/14/abducted-and-abused-o>

characteristics typical of LRA combatants. The tactics documented in this report are typical of LRA tactics used in northern Uganda and southern Sudan over many previous years.¹²⁵

¹²⁵ Human Rights Watch interview with international analyst, Kampala, January 23, 2009 .For more, see Human Rights Watch, *Abducted and Abused: Renewed Conflict in Northern Uganda*, vol 15 No. 12(a), July 14, 2003 Available at <http://www.hrw.org/en/reports/2003/07/14/abducted-and-abused-o>

IX. Recent International Action on the LRA

A Failed Peace Process

After the failed MONUC operation in Garamba National Park in early 2006, the international community took a more serious look at a negotiated solution to the LRA problem. In mid-2006, Riek Machar, vice president of the government of South Sudan, offered to mediate between the LRA and the Ugandan government. Donors and diplomats welcomed the initiative and began to support what became known as the Juba peace process. On December 4, 2006, the UN Secretary-General appointed former Mozambique president, Joaquim Chissano, as his Special Envoy to Northern Uganda and southern Sudan in an endeavor to support the peace efforts.

The peace process caused some controversy. Many civilians in northern Uganda welcomed the initiative, and the talks contributed to a degree of stability in northern Uganda which had not been seen for decades. But the talks also led to complications in apprehending commanders sought by the ICC, delayed military action against the LRA in Congo, and provided an opportunity for the rebels to restock their supplies.

European donors including Austria, Denmark, Sweden, and Switzerland, amongst others, led the way in supporting the peace talks. To encourage LRA cooperation in the process, the donors agreed to provide stipends to LRA participants at the talks and food aid to other LRA members to discourage LRA forces from looting civilian communities. Donors were criticized for supplying too much food, initially contributing to distributions for an estimated 5,000 LRA members and later reduced to 3,000, figures which some believed were well over the actual number. Critics claimed that the food was being stockpiled and possibly used to finance the re-arming of the LRA, but donors insisted that the food aid served to deter looting and to encourage negotiations.¹²⁶

The delicate peace talks may have contributed to attempts to play down ongoing human rights abuses by the LRA for fear of disrupting the peace process. When the LRA began their campaign of abductions in the CAR and southern Sudan in February and March 2008, some diplomats reportedly attempted to minimize the importance of abuses reported by

¹²⁶ “ICC Calls for End to LRA Aid,” Institute on War and Peace Reporting, May 23, 2008. Human Rights Watch interview with international analyst and diplomats, Kampala, January 20 and 23, 2009

humanitarian agencies.¹²⁷ A field assessment report from UN OCHA following a mission to the CAR areas attacked by the LRA was never made public and was only distributed on a restricted basis. The report said the abuses had been carried out by an armed group wearing military uniforms, some of whom were probably Ugandan, but it deliberately avoided saying the attackers were the LRA.¹²⁸ When donors did learn of the LRA abuses, they suspended food aid for two months but they resumed deliveries after the peace talks recommenced in April 2008.¹²⁹ Increasingly some European Union member states did not believe the peace talks would succeed.

In May 2008, the ICC called on international donors to put a stop to the food aid, claiming that the supplies were supporting Kony and other ICC indictees.¹³⁰ Donors continued the food aid until November 2008 when Kony failed, once again, to turn up to sign the peace agreement. Donor support for the peace process dissipated.

The United States

The US administration of President George W. Bush made neutralizing the LRA part of US counterterrorism policy in the Great Lakes region.¹³¹ Although not a party to the Rome Statute of the International Criminal Court (ICC), the United States has provided support to apprehend LRA leaders wanted under ICC arrest warrants. In 2001, the LRA was added to the US government's Terrorist Exclusion List, a list drawn up by the US State Department to designate groups that either commit terrorist activity, or provide support to groups that commit such activity.¹³² On August 29, 2008, the US Treasury Department added LRA leader Kony to its list of "specially designated global terrorists," a measure that prohibits US

¹²⁷ Human Rights Watch interview with diplomat, February 19, 2008 and international analyst, Kampala, January 23, 2009. "UN As Defense Attorney for Lord's Resistance Army, Erasing LRA Even From Transcript, Francophony Notes," Inner City Press, New York, March 29, 2008.

¹²⁸ United Nations, "Field Assessment Report: Abductions, lootings, rapes and unlawful use of child soldiers following armed attacks against civilians in the South-eastern Central African Republic," March 22-25, 2008. On file at Human Rights Watch.

¹²⁹ Human Rights Watch interview with diplomats, Kampala, January 20, 21 and 23, 2009. Frank Nyakairu, "Money in the Juba Peace Talks," The Independent Magazine, Kampala, June 2008.

¹³⁰ "ICC Calls for End to LRA Aid," Institute on War and Peace Reporting, May 23, 2008. Human Rights Watch interview with international analyst, Kampala, January 23, 2009; "Prosecutor calls for renewed efforts to arrest LRA leader Kony in wake of new attacks," ICC Press Release, The Hague, October 6, 2008, http://www.icc-cpi.int/pressrelease_details?id=427&l=en.html.

¹³¹ Human Rights Watch interviews with diplomats, Kampala, January 20-21, 2009.

¹³² Terrorist Exclusion List, <http://www.state.gov/s/ct/rls/fs/2002/15222.htm>.

citizens from dealing with Kony, and freezes any assets the rebel leader may have in US institutions.¹³³

While the US supported the Juba talks, many US officials expressed doubts as to whether Kony would sign a peace agreement. Skeptical about the peace talks, the US government led support for a regional military operation to neutralize the LRA if the talks should fail. US officials encouraged Presidents Museveni and Kabila to discuss bilateral cooperation at a meeting of the Tripartite Plus One commission in September 2007. Although at that time Kabila refused a Ugandan request to send troops across the border to attack the LRA, the two leaders signed the Ngurdoto Agreement dealing with a range of economic and military issues, including a Congolese commitment to establish a plan to neutralize the LRA and other “negative forces.”¹³⁴ Although the agreement was not immediately implemented, it provided the foundation first for Operation Rudia and then for Operation Lightning Thunder, launched in 2008.¹³⁵

Kabila’s opposition to any operation involving Ugandan troops gave way under substantial US pressure, particularly following the LRA’s attacks on Congolese forces and civilians in September 2008.¹³⁶ The United States also played a major role in persuading southern Sudan to join the operation against the LRA.

After Kony failed to sign the peace agreement on November 29, 2008 and Operation Lightning Thunder was launched, the US provided important intelligence, planning, technical, and logistical support for the operation.¹³⁷ US influence may have been important in having the rescue of abducted persons figure importantly among the objectives of the operation.¹³⁸ The attempts to rescue the women and children at Pilipili camp failed, in part due to bad weather and confusion over logistics. Despite these setbacks, the United States remains a key player in supporting the operation.

¹³³ “US Imposes Sanctions on LRA Leader,” Institute on War and Peace reporting, September 5, 2008, http://www.iwpr.net/?p=acr&s=f&o=346556&apc_state=henh (accessed at January 22, 2009).

¹³⁴ Ngurdoto-Tanzania Agreement Between the Democratic Republic of Congo and the Republic of Uganda on Bilateral Cooperation, September 2007, on file at Human Rights Watch. “Tripartite Plus determined to eradicate negative forces,” MONUC press release, September 18, 2007, <http://www.monuc.org/news.aspx?newsID=15442>.

¹³⁵ Human Rights Watch interview with international analyst, Kampala, January 23, 2009.

¹³⁶ Human Rights Watch interview with international analyst and diplomats, Kampala, January 20 and 23, 2009.

¹³⁷ Human Rights Watch interview with diplomats, Uganda, January 20, 2009. “U.S. Military Helped Plan and Pay for Attack on Ugandan Rebels,” The New York Times, February 7, 2009.

¹³⁸ Human Rights Watch interview with US diplomats, Kampala, January 20, 2009.

The United Nations

MONUC has a strong mandate to protect civilians but has limited resources stretched thinly over a vast territory. Throughout much of 2008 MONUC officials focused on the situation in the Kivu provinces in eastern Congo leaving little capacity to deal with the LRA based in a remote part of northern Congo. Although the UN Security Council authorized an additional 3,000 troops for MONUC in November 2008, no country has yet committed to providing the necessary forces. In addition, MONUC's new mandate, extended by the UN Security Council on December 22, requests that MONUC give the highest priority to the situation in the Kivus, and Council members have repeatedly urged MONUC to move the bulk of its military assets to eastern Congo. MONUC officials claim that without a clear direction from the Council to change MONUC's focus, there will be few resources available for dealing with LRA concerns in northern Congo.

MONUC officials were not involved in the planning or execution of Operation Lightning Thunder and were even largely unaware of the details of the operation. They were surprised when Ugandan planes and helicopters began to arrive at the airstrip in Dungu in mid-December. Alain Doss, the Special Representative of the Secretary General, in a press conference on December 17, said that MONUC was not "directly involved in the operations" but continued to support the FARDC logistically as it had been doing under Operation Rudia.¹³⁹ According to diplomats, MONUC was excluded from the planning, to minimize information leaks in advance of the aerial attacks on the LRA camp on December 14.¹⁴⁰

Once the operation had been launched, however, the lack of coordination with MONUC continued. MONUC officials told Human Rights Watch researchers that the Ugandan and Congolese armies did not keep MONUC informed about operational plans, making it difficult to provide protection for civilians and logistical support to the Congolese troops.¹⁴¹

When the simultaneous attacks against civilians by the LRA began on December 24 and 25, MONUC was not in a position to respond. With only 200 troops in Dungu, focused on logistical and engineering support, and no helicopters based at the Dungu airstrip, it could do little to protect civilians at risk beyond issuing a press release calling on the military forces participating in the joint operation to do everything possible to prevent and stop reprisal attacks by the LRA against the civilian population. MONUC added it would do

¹³⁹ MONUC Public Information Division, Transcript of MONUC Press Conference by Alain Doss, Kinshasa, December 17, 2008.

¹⁴⁰ Human Rights Watch interviews with diplomats, Kampala, January 20, 2009.

¹⁴¹ Human Rights Watch interview with senior MONUC official, Dungu, January 9, 2009.

everything possible to “assure the protection of civilians in the area and to facilitate humanitarian aid within the limits of its capacity in light of the concentration of most of its resources in the Kivus.”¹⁴² As the information began to trickle in of large-scale killings by the LRA, MONUC on December 26 helped to transport Congolese army soldiers to Faradje. After a request for assistance from the Ugandan army on December 29, MONUC also assisted in transporting Congolese troops to Doruma. In both cases, the soldiers arrived too late to stop the killings, though their presence may have helped to prevent further attacks.

In mid-January, MONUC sent some of its senior military officers to Dungu in order to improve coordination with the Ugandan and Congolese officers responsible for the operations and to provide better protection for civilians.

MONUC’s logistical support to the FARDC includes providing Congolese army soldiers with food rations and salary payments. This support appears to have minimized abuses by these soldiers against the local population, in sharp contrast to the behavior of Congolese soldiers in other locations in Congo.

On December 22, after the military operation began but before the LRA started attacking civilians, the UN Security Council issued a unanimous statement commending the states in the region for their increased cooperation in tackling the LRA. The Council urged Uganda and its allies to conduct the offensive according to international humanitarian law, to make sure civilians were protected, and to keep UN missions informed of their actions. The Council also recalled the ICC arrest warrants for LRA leaders and stressed the importance of justice for sustainable peace.¹⁴³

On January 14 United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes briefed the Security Council on the LRA attacks and subsequent conditions. In a statement issued after the briefing, the Security Council “strongly condemned the recent attacks” by the LRA and “emphasized that those responsible must be brought to justice.”¹⁴⁴ From February 7 to 11, Holmes arrived in Congo to see for himself the destruction wrought by the LRA. In interviews with journalists, he said the

¹⁴² MONUC public information office, *La MONUC condamne les attaques de la LRA contre les civiles à Faradje et appelle à la coalition de prévenir les représailles*, press release, December 26, 2008.

¹⁴³ United Nations Security Council, “Statement by the President of the Security Council,” S/PRST/2008/48, December 22, 2008, <http://www.unhcr.org/refworld/pdfid/4952076a2.pdf> (accessed January 30, 2009); “UN Council Backs Offensive against Uganda’s LRA,” Reuters, December 22, 2008.

¹⁴⁴ “Security Council Press Statement on Lord’s Resistance Army,” UN Security Council press statement, SC/9576, January 16, 2009, <http://www.un.org/News/Press/docs/2009/sc9576.doc.htm> (accessed January 30, 2009).

military operation against the LRA had brought “catastrophic” consequences for civilians, but that the operation needed to be followed through.¹⁴⁵

The UN High Commissioner for Human Rights added her condemnation of the LRA attacks which she called “grotesque,” and called for respect for human rights and international humanitarian law, as well as accountability for crimes committed.¹⁴⁶

Despite the expressions of horror and concern, very few UN troops had been deployed to Dungu by early February. A second team of engineers were sent to help repair roads and additional air assets were due to follow, but the MONUC base in Dungu still had no adequate rapid response capabilities for emergencies.¹⁴⁷ On February 3, UN Secretary-General Ban Ki-moon deplored the lack of response from troop-contributing nations to the request for the additional 3,000 peacekeepers. With only minimal pledges made and no new troops on the ground, MONUC has no more capacity to protect civilians in the Kivus or in Haut-Uele than it had when the resolution authorizing the increased force size had been adopted in November.

And, according to the latest reports in early February, the LRA continues to attack villages and kill civilians.

¹⁴⁵ “Uganda dismisses UN criticism over rebel hunt,” Reuters News Agency, February 10, 2009.

¹⁴⁶ UN Office of the High Commissioner for Human Rights, “Pillay alarmed by human rights situation in eastern DR Congo,” January 27, 2009.

¹⁴⁷ In a public letter to MSF on February 6, the Head of MONUC, Alan Doss, wrote that MONUC sustains a quick reaction force in Dungu for special operations. This likely refers to a temporary force that was deployed in Dungu months earlier to help train Congolese army soldiers. No such force was in existence at the time of Human Rights Watch’s visit, and UN officials contacted by Human Rights Watch said the quick reaction force was not present in Dungu at the time of writing. Human Rights Watch electronic correspondence with UN officials, February 7, 2009.

Acknowledgments

This report was researched and written by a team of researchers in the Africa Division of Human Rights Watch including Anneke Van Woudenberg, Ida Sawyer, Maria Burnett, and Jehanne Henry, with additional expertise provided by Elise Keppler from the International Justice Division. The report was reviewed and edited by Alison Des Forges, senior advisor to the Africa Division; Andrew Mawson, deputy program director; and James Ross, legal director at Human Rights Watch. Sarah Mathewson, associate in the Africa Division, provided invaluable production assistance and support, including the creation of the attached annexes. Grace Choi, publications director, provided production coordination. Danielle Serres translated this report into French.

Human Rights Watch thanks Justice Plus, a local human rights organization working in northeastern Congo, and the Catholic Justice and Peace Commission in the Dungu-Duru Diocese for their invaluable insight and support. This report would not have been possible without them.

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. Because of the sensitivity of our research, we regret that we have to withhold the names of those whose assistance we greatly appreciated.

Annex I: Civilians Killed by the LRA over the Christmas Period

(December 2008 – January 2009)¹⁴⁸

Yakuluku, December 24, 2008		
Andre-Mitaibele	Babiliko-Noke	Fidele
Ngbayo	Babiliko-Fils	Nika
Folete	Bongisa Max-Noto	Nika-Noke
Yangalayo	Zansia-Naluneu	Anahila
Kumboyo	Mangbofu	Ngewe
Kpolinsu	Vulati-Noke	Gune-Noke
Maligi-Rami	Uweyo-Azande	Bi Richard
Bape	Limbugo	Adriano-Paigbiale
Kisangulu	Anibigayo	Emmanuel
Sayo	Dangamo	Mangeyo
Dakadia	Awaye Vulati	Wote Makasi
Daduyo	Accou Cheusi	Moto Moto

Batande, December 25, 2008		
Kulufue, female	Wedigi, Pierre, male	Misa, Jean-Marie, male
Zezio, male	Mosolo, Stephen, male	Anilengbe, male
Payte, female	Babuya, Christoff, male	
Gambolipai, female	Katikpa, Gilbert, male	Mihidie, male
Anibotibeyo, female	Elise, wife of Mosolo	Dette, female
Lusanikpali, male	Mbolihinie, male	Ngelengele, male
Minisale, male	Utu Utu, female	Jose, wife of Negelenegle
Zozo, male	Nabingo, female	Ngolobangbe, Dieu-Donné, male
Batimanga, male	Bagu, Livinio, male	Tambuahe, Raphael, male
Tikangu, male	Likambote, female	Bakoyogo, male
Atoloba, male	Balani, male	Mbolitipai, female

¹⁴⁸ These tables were developed by local civil society groups, family members, and witnesses with the assistance of Human Rights Watch. They are not exhaustive and do not include the names of all the victims. Some bodies were buried before they had been identified.

Naundo, female	Nanyomolo, wife of Bagu	Nambugo, Francoise, female
Kinakodunga, male	Animbugbe, Andre, male	Nangbadu, female
Bolo, male	Akuambale, Andre, male	Nahili Regine, female
Avai, male	Nagume, Angelique, female	Unknown woman
Kpotoyo, male	Zandu, male	Unknown male child
Mihidie, female	Atoloba, male	Justin (Customs Officer), male
Thomas, male	Mbolipatile, female	A man from Basuele
Belaha, female	Tolo Bandakpe (Sudanese)	Bolotilante, female
Kpala, male	Woduapay, Pierre, male	Midutini, female
Bako-Celestin, male	Danambu, male	Bonso, Andre, male (8 months old)
Migbua, male	Kinvuko, Barthelemy, male	Mbolingbanami, Elise, female, 80 years old
Gumekpala, male	Akayakpe, male	Son of Bondo
Tolo-Muke, male	Nguasu, Joseph, male	Son of Mbolingbanami
Ihikia, Maria Tambulo, female	Namboli, Helen, female	Apai-Marie, female
Bengeangba, Benjamin	Inipoyo, Sarah, female	Ozanne, female
Bahapai, male	Tambuada, male	Nabati, female
Gaya, male	Mbolitipai, female	Mbolipatile, female
Nangala, wife of Gaya	Bolingba, Terese, female	Catherine, wife of Senge
Senge, male	Komboyeki, male	

Faradje, December 25, 2008		
Anigobe Oscar, male	Singakpi Casimir, male	Gylbert, male
Badi Fidele, male	Diedonne Manzagbota, male	Modeste Lalibe, male
Jerome, male	Mogoato Kele, male	Marcolin Ngisa, male
Gadhli Cristophe, male	Tandema Bernard, male	Mbiya, male
Indani, male	Kulindema Vona, male	Talaguma Orinde, male
Apure (Jean-Pierre), male	Beko, male	Daoba, male
Bomega Gaspard, male	Angwe N'Toholi, male	Wongho-Kwadje, male
Garasoma Jean-Baptiste, male	Jean Koko, male	Diedonne Manzagbota, male

Jean (Bubu), male	Osiya, male	Mogoato Kele, male
Ilebe Yacinthe, male	Gomazo, male	Tandema Bernard, male
Agonva Tati (Ndiri), male	Jef Bakumojene, male	Ayikuli, male
Kulindema Latigo, male	Julien Volzo, male	Tikima, male
Kaloma Pierre, male	Isidor Renouveau, male	Moise, male
Mbabhli Chrysostome, male	Pepele (Kadawili), male	Dani, male
Giliakumba Martin, male	Pasteur Amayo, male	Matoa Sebastien, male
Kundala Bindama, male	Volema (Scout), male	Singakpi Casimir, male
Boaza, male	Docteur Koko (Médecin Chef/Zone), male	Bernard Mbango-Moke, male
Kambale, male	Willy, male	Oleba Pierre, male
Remacle, male	Kaloma Nzoro, male	Badi Sylvain, male
Adrapara Alara (Papa), male	Papa Kasaduma Aiga, male	Bhayi J. Bertrant, male
Alara Aginas Etienne, male	Boy	Louis, male
Mokotali, male	Boy	Jean Orinde, male
Jacques Mayi, male	Papa Araba, male	Tambwe Sara, female
Francois Oripale, male	Agba Araba, male	Nani Jean Bergomas, male

Nagengua, December 26, 2008		
Izilani	Mbikimboli, Christophe, male	Wife of Dido, Apai
Wife of Izilani	Dido, Apai, male	Nakasia, Marie, female
First son	Mbolinako, male	Bolingba, Terese, female
Second son	Gumengba, Albert, male	Komboyeki, male
Third son	Kilikili, Richard, male	Siuka Kpayagadia, male
First daughter	Mbikonako Maro, male	Mbolihundo, male
Second daughter	Anidauwe, Baliage, male	Muke, Ngbayazu, male
Mother-in-law of Izilani	Marie, female,	Dikumbo, male
Kumboy, male	Child of Didi Zu Ngadikumbo, 6 months	Alphonse, Kpotoansako, male
Titako, male	Nazamboyo, Françoise, female	Paisayo, male
Nakundili, Rejmenda, female	Mbolihundo, male	Anibatibeyo, Beatrice, female
Nambuho, Justine, female		

Mabando, December 26, 2008		
Mhipai, male	Atoloba, male	Nambugo, female
Atoloyo, male	Ngbapay, male	Musa, male
Mbatayo, male	Boundo, male	Nawalia, female
Singba, male	Titayo, female	
Ozanne, female	Elise Kpokoto, female	Malikole Mark, male
Beletu, Etienne	Second son of Gbuladi	Ngindo, Mark, male
Teritoire, Joseph, male	First daughter of Gbuladi	Female child of Teritoire
Mbikoyo, Ferdinand, male	First daughter of Miwilipai	Mother-in-law of Teritoire
Paimangi, male	Second daughter of Miwilipai	Miwilipai, female
Gbeleyo, Pierre, male	First son of Miwilipai	Kpagu, male
Clause, male	Daughter of Angelique	Hima, male
Singba, male	Grandson of Angelique	Bonne Année, male
Zumbulu, male	Kabadunga, male	Yianganda Kwo Rose
Nicodem, male	Animbuefuyo, Remonde, female	Miahinongote, Rose
Wife of Nicodem	Rose, female	Ngbako, Raymond
Aminaba, male	A blind man	
Regine, female	Mbiko, male	
Animbuefuyo, male	Akumbayo, male	
Kpokoto, male	Tahabiako, male	
Limokogbele, male	Mamumangi, male	
Wife of Boauin	Wife of Mamumangi	
Mother-in-law of Boauin	Bedipay, female	

Natulubu, December 26, 2008		
Zigizokulu, male	Singba, Teresse, female	Gbagiyo, male
Sakelo, male	Unknown woman	Nahakpula, female
Abangahu, male	Unknown girl	Singba, Marie, female

Naulu, December 27, 2008		
Ilunga, male	Sigasi, female	Unknown male child

Bama, December 27, 2008		
Nyekumbo, male	Zapai, female	Gbakaza, male
Beletu, male	Ginizanga, male	Kulusani, female
Zanunga, female	Kutiyote, female	Kpalatiyo, male

Masonbo, January 2, 2009		
Wolingba, male	First wife of Wolingba	Elise, female
Ngbisa, female	Second wife of Wolingba	Bakoyogo, male
Son of Wolingba		

Katinga, January 2, 2009		
Balanisa, male	Minambu, male	Mother-in-law of Bangile
Bingo, male	Imalu, male	Wife of Sigbele
Midutini, female	Bangile, male	Son of Sigbele
Mbolitipai, female	First son of Bangile	Daughter of Sigbele
Sakili, male	Second son	Wenepay, female
Nabele, female	Third son	Bakowoli, male
Kpotobakoyo, male	Wife of Bangile	Kumbofuno, male
Linyasi, female	Sigbele, male	Sungunibiyo, female
Tutula, female	Sasa, male	Likambo, female

Nagero, January 2, 2009		
Makidu, male	Takipi Leonard, male	Mama Marie, female
Jean Salako, male	Mama Kavira, female	Mbili-Moke, male
Silu Masika, female	An unknown man	Atolobako Vukoyo, male

Namboli, January 4, 2009		
Mbolihundo, male	Mbikoyo, male	Anilukwali, male
Ngbafugo, male	Mbikoyezu, female	Singbagbe, female
Singba, male	Miukaumele, female	
Mbatako, male	Limolewo, female	

Bakulagba, January 2009		
Roger Yango-Muke, male	Fulale, male	Mbolihinie, female
Dasutilani, Sona, male	Martin Makuta, male	Zanunga, female
Gbagala, male		

Tomate, January 9, 2009		
Taga, male	Kuli, male	Ayeze, male
Ngeli, male	Mabi, male	Brother of Mabi, male
Nzia, male	Agare, male	Gona, male
Doctor, male	Mao, male	

Gangala, January 10, 2009		
Alakoyo, Ngbandiko, male		

Annex II: Civilians Killed by the LRA in the First Wave of Attacks

September – November 2008

Dungu Territory, September – November 2008		
Asiele Natanael, male	Andondi, male	Mawa, male
Patolo, male	Angbayagu, male	Bazia, male
Bate Patolo, male	Lengbe, male	Kumbati, male
Musanabamu, male	Mbolingaba, male	Abologbe, male
Buka, male	Sene, male	Mbugowaka, male
Ipaingba, male	Kumboho, male	Ndokili, male
Miza, male	Zeleda, male	Dogati, male
Kpidingala, male	Doto, male	Zagba, male
Yundaba, male	Apaygbe, male	Côme, male
Ngbale Michel, male	Petro Thimothe, male	Ngaka, male
Dakpa, male	Bolete Fromine, male	Bingama, male
Mawa, male	Vukoyo, male	Aniluna, male
Kati-Moke, male	Aniluno, male	Kumboho, male
Dewetanga Roger, male	Bakoyega, male	Minisi, female
Anigotiyo, male	Bingo, male	Babiliko, male
Anamama, male	Bati Manzepele, male	Teketeke, male
Binvuka, male	Memeko Atoloyo, male	Bolete, male
Yangalayo, male	Kwatilu, male	Sungudihe, male
Alexis, male	Natakpakpuhe, female	Mihinie, male
Migele, male	Mbutiyo, male	Kumbonyeki Petro, male
Zigbago, male	Zimbombo, male	Batakpakpue, male
Mbatangba, male	Zungula, male	Kamiakpi-Moke, male
Manzekpele, male	Kumboko Kinamite, male	Ndanyakpadu, male
Yopete, male	Kinamite-Moke, male	Menze, male
Mbolingaba, male	Aniuwe, male	Tihuka, male
Pole, male	Mitindiko, male	Awoko Jean, male
Anikpa, male	Waka Dahiniko, male	Dukpa, male
Dekpe, male	Jeanne, female	Mihili, male
Mizeledi, male	Gipate, female	Ugungbaya, female
Asia, male	Gisangbayo, male	Gungbale Bagayo, male

Yangaha, male	Umeyo, male	Gbahu, male
Zagbina, male	Gbata, male	Mboloni, male
Milafuyo, male	Bagbele-Moke, male	Kpangalia, male
Migundebeyo, male	Kabaduho, male	Hihi, male
Labe, male	Mazambula, male	Walia, male
Takpata, male	Diadia, male	Bangilehago, male
Pulusiyo, male	Mibihuba, male	Kumbati Thomas, male
Dubani, male	Ngida, male	Mbugowaka, male
Eduard, male	Gumete Waku, male	Ngbandisi, male
Ayaya, male	Dibale, female	Galabalamu Luc, male
Edmond, male	Atoloba, male	Mbunani Prosper, male
Biagi Justin, male	Liane, male	Unknown
Bangbalago, male	Dumo, male	Unknown
Ibingo Crispin, male	Dumoyangba fils, male	Unknown
Angbago, male	Marie Emoro, female	Andre Mbanga Butsi, male
Gamemelu, male	Kumboho, male	Lupape
Lengbe, male	Brigitte, female	9 dead in Babele
Migele Misan	Galasanga, male	Lase, male
Ngolo Mugelu Benjamin, male	Badi, male	Angbayagu Roland, male
Kinamite Andre, male		

Annex III: Children Abducted by the LRA

Children abducted by the LRA in Faradje and surroundings, December 25 to 27, 2008	
Arona Malagayo, male	Sara Tambwe, female
Maludu, female	Unknown male
Kuduma, female	Unknown male
Anigobe, female	Jean, male
Akotawa, male	Monganga, male
Dribharayo, female	Lominva, male
Bako, male	Lalibe, female
Unda, male	Bhasi, male
Manvota, male	Kini, male
Tembe, male	Lalibe, male
Banda Okata, male	Sinziri 1 , male
Mokotali Silvi, female	Sinziri 2, male
Yebiye Siro, female	Sinziri 3, male
Dieudonné Sawusi Mikili, male	Francoise Ladroa, female
Regina Sawusi, female	Jean Caogi, male
Alara Clara, female	Tadri Agabhi, male
Anzoyo Gula, female	Janof Mudula, male
Aleruka Alimidri, female	Mawanzo Qan, female
Dieudonné Garasoma, male	Mawanzo 2. Qan, male
Jean-Pierre, male	Elisabeth, female
Bibisha, female	Denise Tungati, female
Solange, female	Atangayo Tungati, female
Trésor, male	Anzoyo G'ula, female
Elisée, female	Sindano Alima, female
Perte, female	Sindano Fatuma, female
Mapasa Sengi, male	Alemon Tresor, male
Aruko Elisée, female	Matong'o Robert, male
Mayimuna, male	Seng'i Saïdi, male
Unknown male	Maimuna Mbata, female
Morice, male	Atabati Lonyoyo, female
Mondingba Mekanisi, male	Awumbo, male

Andavo, male	Liang'a Dradoma, male
Abhuyi, male	Clarice Tabhizo, female
Abingi, male	Mandango Tandema, male
Anita Migabe, male	Djuka Lema, male
Malema Dieudonné, male	Surunda Emmanuel, male
Larango Fandiabhuna, female	Willy, male
Baka Emanuel, male	Dralayo Marceline, female
Aroyo Mokotali, female	Tarayo Tabhiyo Bienvenue, female
Tandima Mandango, male	Togiatayo, female
Akotawa, male	Maludu Esther, female
Dribharayo, female	Innocent Tabani, male
Nadi, female	Arona Mosirima, male
Minisale, female	Maludu, female
Undo, male	Mawandero, female
Tembe Abriga, male	Tabiaki Dradoma, male
Anita, male	Dieudonne Esungu, female
J.P. Palu, male	Anibati Deliko, female
Mondingba Perte, male	Abhuyi, male
Alphonsine Zsungu, female	Bako, male
Larango Tandibhuna, female	Emmanuel Sirika, male
Manuota, male	Tandema Mandango, male
Cadeau Neema, female	Faïda, female
Mandulu Solange, female	Clementine, female
Mama, female	Kuduma, female
Bamosia Romain, male	Manuota, male
Lebana, female	Tandema Akaritu, male
Sengi, female	Tekela, female
Unknown little brother, male	Marie Clara Tabizo, female
Kairo Neema, female	Dribharayo Baraigiayo, female
Bhamiro Berna, female	Akuma Aguma, male
Monique Silewa, female	Kulindima Dralima, male
Anzobhua, female	Dralema, male
Aliriko, female	Charlotte, female
Male	Agoyo, male
Aliriko Angayika, female	Atangayo Mondiyi, female
Charlotte Lonyoyo, female	Charlotte Nazele, female

Awuleri Badi, male	Aliriko Mazoko, female
Bhamiriyo, female	Malema Mambakele, male
Marso Mboso, male	

Children abducted by the LRA in Faradje and surroundings, October 2008	
Matiko Liyagiyo, female	Anyako Neema, female
Mbiwa Lovoyo, female	Arandayo Mibhazoyo, female
Sayidiya Alimidri, female	

Annex IV: Adults Abducted by the LRA in Faradje and Surroundings

December 25, 2008 to January 2, 2009

Florence, female

Basa, male

Janor, male

Tadri, male

Alokwa-Takuma Pompidou, male

Bhundema-Alokwa, male

Mme Clara, female

Dido, male

Chantal, female

Mawanzo, female

4 unknown persons

Atolobako Vukoyo, male

Lalibe Modest (male)