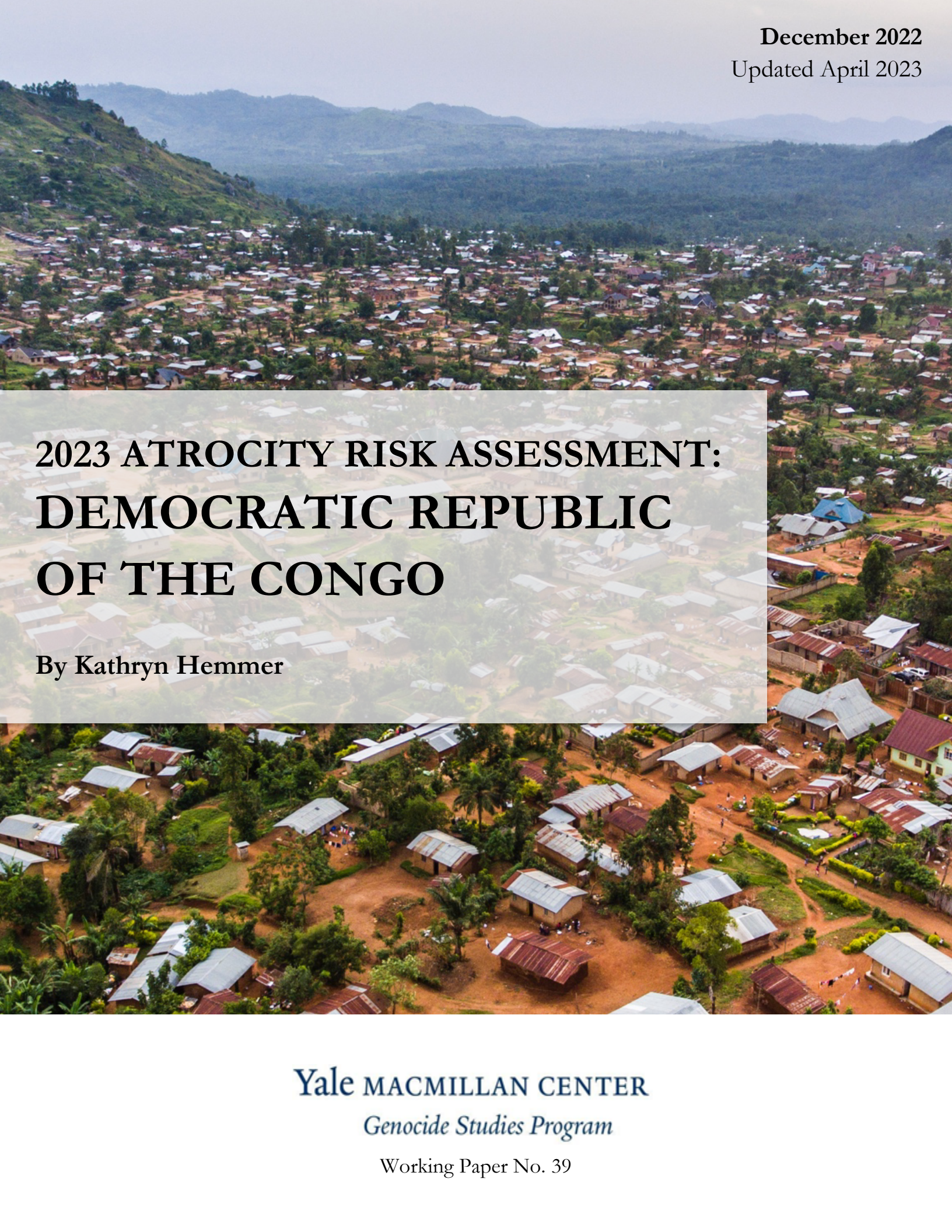


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2023 ATROCITY RISK ASSESSMENT: DEMOCRATIC REPUBLIC OF THE CONGO

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ACRONYMS AND ABBREVIATIONS

ADF	Allied Democratic Forces
CODECO	Cooperative for the Development of the Congo
FARDC	Armed Forces of the Democratic Republic of the Congo
FRPI	Front for Patriotic Resistance in Ituri
IDP	Internally displaced person
M23	March 23 Movement
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
OHCHR	Office of the High Commissioner for Human Rights
UNICEF	United Nations Children’s Fund
UNJHRO	United Nations Joint Human Rights Office

EXECUTIVE SUMMARY

Background

The Elie Wiesel Genocide and Atrocities Prevention Act of 2018 (P.L. 115-441) establishes atrocity prevention as a “core national security interest and a core moral responsibility” of the United States. In accordance with this objective, the following atrocity risk assessment evaluates how a new mass atrocity could plausibly develop in the Democratic Republic of the Congo (DRC) and how the US and other actors can take preventative action to prevent such large-scale civilian casualties.

The DRC has experienced continuous mass killings since 1993 in an evolving conflict referred to as the *guerre sans fins*: the never-ending war.² Such instability contributed to the DRC's ranking among the top five most at-risk countries to experience a new mass killing in 2021 or 2022, according to the Early Warning Project's Statistical Risk Assessment.³ While rates of violence and forced displacement have soared, donor fatigue and a loss of public attention have placed strains on both diplomatic and humanitarian responses, further jeopardizing the possibility of an eventual peace.

Structural Risk Factors

Several structural risk factors have led to overall instability and a heightened probability of atrocities, namely:

1. The DRC's history of mass atrocities
2. Sexual and gender-based violence
3. Threats to humanitarian and peacekeeping missions
4. Widespread impunity
5. Lack of military accountability

Plausible Atrocity Scenarios

These risk factors have laid the groundwork for two potential scenarios that, while improbable, could conceivably occur in the next one to two years. Both involve deep-rooted interethnic conflicts in the eastern provinces and would result in possible ethnic cleansing and genocide. These scenarios were chosen among many others in part due to the unique positioning of the Congolese and international communities to deliver aid, build capacity, and provide mediation. Neither course of events is inevitable, but preventive efforts will remain crucial for mitigating the risks of such worst-case outcomes.

- In Scenario A, systematic killings of Banyamulenge and Rwandophone communities would reach new levels, accompanied by spiraling hate speech and national attacks on the citizenship of Rwandophones. This might follow further escalation of M23 attacks and diplomatic tensions with Rwanda, which could lead to anger toward Congolese Rwandophone and ethnic Tutsi groups.
- In Scenario B, primarily-Lendu CODECO militias would expand attacks against Hema civilians, becoming more calculated over time. These attacks might include mass killings, sexual and gender-based violence, and the targeting of key forms of resilience such as food sources and humanitarian aid. Additionally, militias on all sides may ramp up the forced recruitment of child soldiers in order to respond to escalations.

Recommendations

The assessment concludes with recommendations to the Congolese government, US government, and other international partners to take preventative action in eastern DRC. The recommendations center around 9 key objectives:

1. Providing immediate support for humanitarian aid and protection programs for at-risk populations
2. Tackling hate speech and ethnic bias
3. Addressing widespread impunity
4. Increasing regulation of the gold trade
5. Promoting community dialogue and transitional justice
6. Helping to end forced recruitment, especially of child soldiers
7. Ensuring full inclusion of all Congolese ethnic groups in the political process
8. Supporting the development of key infrastructure
9. Encouraging human rights monitoring and reporting

INTRODUCTION

Although the DRC covers a nearly one million mi² footprint in Central Africa, the vast majority of armed conflict today is concentrated in the eastern provinces of Ituri, North Kivu, and South Kivu. These provinces have contained the epicenter of conflict since the First and Second Congo Wars, which lasted until 2003. The Second Congo War, fought almost entirely on Congolese territory, saw the participation of nine African countries and more casualties than any conflict since World War II.⁴

Despite the eventual 2002 peace deal, the signing of a transitional constitution in 2003, and the ongoing presence of the United Nations peacekeeping mission, MONUSCO, violence against civilians is ongoing.⁵ Many regional armed groups, skeptical of the government's capacity to foster peace, refuse to lay down their arms and instead continue their battle for regional control.⁶ The Council on Foreign Relations cites poor governance, weak institutions, and rampant corruption as reasons for the failed demobilization efforts.⁷ The peace process has also lacked measures to address underlying ethnic tensions, resulting in continued conflict among the region's various ethnic communities.⁸

Armed groups have proliferated in eastern DRC, with over 130 currently in operation in North Kivu and South Kivu alone.⁹ Violence has gone unchecked as a result, particularly in the far east along the Ugandan, Burundian and Rwandan borders (see Figure 1).¹⁰



Figure 1. Incidents of violent killings in the DRC since January 2022.¹¹

Armed groups routinely target civilians, and the UNJHRO has warned that attacks by the Allied Democratic Forces (ADF) rebel group may amount to crimes against humanity and war crimes.¹² Civilians fall victim to ADF violence both as direct targets and as casualties of the group’s violent clashes with FARDC government forces (who themselves have violated international humanitarian law in numerous cases).¹³ Yet, the ADF is far from the only culpable militia. In Ituri province, branches of the Cooperative for the Development of Congo (CODECO) have killed and terrorized IDPs as well as Hema minority communities. The 2021 resurgence of the M23 militia has also caused concern in the region, as its expansion has forcefully displaced hundreds of thousands of civilians.¹⁴ The M23 resurgence has emerged alongside a troubling rise in hate speech toward Rwandophones, causing concern for potential atrocities. Many other forces — from independent Mai-Mai militias to clashing ethnic groups — further add to the intensifying conflict.¹⁵

Both MONUSCO and the Congolese government have attempted to ease tensions. Following soaring violence, President Félix Tshisekedi implemented a “state of siege” in May 2021.¹⁶ Unfortunately, his attempt to calm hostilities fell short. While FARDC and UN contingents made slight headway in containing the conflict, overall, strikes against civilians increased. As of June 2022, a staggering 18,000-strong UN peacekeeping force had deployed to DRC.¹⁷ However, UN Security Council Resolution 2666 in December 2022 established a troop ceiling of 13,500 military personnel while also extending the mandate of MONUSCO for one year.¹⁸

The DRC currently faces a dire humanitarian situation. Particularly in conflict-stricken regions, sexual and gender-based violence is rife, and children are at increased risk of abduction, forced recruitment, and brutality.¹⁹ Across the country, nearly 6 million people are internally displaced, not to mention the 800,000 Congolese refugees who have sought protection in other countries.²⁰ Finally, the DRC has been hit with a 14th outbreak of Ebola, spiraling measles and cholera epidemics, as well as the COVID-19 pandemic.²¹

Looking forward, the DRC’s political climate will be influenced by the December 2023 elections. The DRC saw its first peaceful transfer of power (to current president Félix Tshisekedi) following the 2018 elections.²² Nonetheless, the elections were tainted by irregularities and a potentially-flawed vote count. With the 2023 elections approaching, the US government has pledged \$23.75 million to fund election observation and bolster the democratic electoral process.²³

STRUCTURAL RISK FACTORS

Five principal factors contribute to the ongoing risk of atrocities in the Democratic Republic of the Congo: (1) its history of mass atrocities, (2) sexual and gender-based violence, (3) threats to humanitarian and peacekeeping missions, (4) widespread impunity, and (5) lack of military accountability.

History of Mass Atrocities

Multiple armed groups are responsible for past and ongoing atrocities in the DRC. Notable among them is the Armed Forces of the Democratic Republic of the Congo (ADF), who were responsible for nearly 900 civilian deaths in North Kivu and Ituri in 2020.²⁴ This mass violence has continued, with the ADF executing over 1,500 civilians in Beni, Mambasa and Irumu territories between January 2021 and September 2022.²⁵ UNJHRO has characterized the assaults as “systematic and brutal,” and the OHCHR has stated that ADF attacks may constitute “crimes against humanity and war crimes.”²⁶

Efforts to control the situation – including FARDC and MONUSCO interventions, imposition of martial law, and attempts at justice through the judicial system – have all failed or fallen short. This sets a frightening precedent: one that must be closely evaluated in order to prevent future atrocities in DR Congo.

Sexual and Gender-Based Violence

Rape and sexual violence are rampant in DRC conflict zones. Armed groups use mass rapes as a weapon of war, “often as public events including other types of sexual torture.”²⁷ Women and children are the most vulnerable – and the most often targeted – victims. Moreover, militant groups show no mercy to IDPs: in 2019, half of the sexual violence victims treated by the NGO *SOFEPA*DI in Ituri were internally displaced people.²⁸ Sexual violence has also been linked to interethnic violence, notably in Ituri and Kasai.²⁹ The [chief offenders](#) are FARDC and National Police members: UNJHRO has identified many FARDC violations as potential war crimes.³⁰

The UN [ranks](#) North Kivu (34% of cases), South Kivu (19%), and Ituri (14%) as the provinces most affected by sexual violence. Taken in sum, the three northeastern provinces account for two-thirds of the sexual violence abuses committed nationally.³¹

Threats to Humanitarian and Peacekeeping Missions

1. Attacks on Humanitarian Organizations

In addition to attacking civilians, armed groups in the DRC have made targets of humanitarian organizations. The UN Office of the High Commissioner for Human Rights (OHCHR) recorded 292 violent attacks on humanitarian actors in 2021, with seven individuals killed.³²

Both World Food Program (WFP) and Doctors Without Borders (MSF) convoys have been attacked in the eastern provinces. A February 2021 attack on the WFP killed the Italian ambassador

to Congo and two others.³³ A few months later, shots fired at an MSF vehicle ultimately prompted the temporary suspension of MSF activities in the surrounding area.³⁴

These attacks produce devastating consequences, including the “suspension and sometimes closure of projects.”³⁵ In a UN Human Rights Council Meeting, Deputy High Commissioner Nada Al-Nashif expressed concern about the “shrinking humanitarian space” and its implications for displaced people and victims of violence.³⁶ Considering the 27 million Congolese people currently in need of humanitarian assistance, these risks should not go ignored.³⁷

2. Dwindling faith in MONUSCO

The UN peacekeeping mission in the DRC, MONUSCO, has been active since it replaced the previous MONUC mission in July 2010. Although MONUSCO personnel are already concentrated in the eastern provinces, the mission is slowly re consolidating its presence in preparation for a full withdrawal.³⁸

Since its establishment, MONUSCO has reported 230 peacekeeper fatalities.³⁹ The UN has accused the M23 of “deliberately” targeting MONUSCO, and numerous UN peacekeepers have died in violent protests.⁴⁰ These attacks have in turn limited the Mission's ability to provide protection to civilians.

Concurrently, anti-MONUSCO sentiment has risen in the wake of the M23 resurgence and mass killings at the hands of the ADF.⁴¹ Civilians and government forces alike accuse MONUSCO of failing to step in and have lost faith in the mission's capacity to fulfill its mandate.⁴²

These dynamics — at a time of heightened conflict — have furthered insecurity in the region and simultaneously reduced the capacity of MONUSCO to respond in cooperation with civil society and government actors.⁴³ UN Resolution 2666, which extends MONUSCO's mandate until December 2023, highlights the role of government in civilian protection.⁴⁴ However it is unclear if Congolese government forces will be able to fill the security vacuum following MONUSCO's withdrawal.

Widespread Impunity

Although the Tshisekedi administration has begun the transitional justice process, judicial mechanisms to prosecute international crimes have been largely left out of the conversation.⁴⁵ Meanwhile, military courts “have made little progress in filling the wide accountability gap,” according to a 2021 Human Rights Watch report. This is complicated by the Tshisekedi administration's own record of human rights abuses, which includes hundreds of counts of arbitrary arrest and the harassment of political critics.⁴⁶

Impunity for crimes exists across the DRC. In one publicized case, authorities failed to press charges for the murders of 40 indigenous children and dozens of Indigenous Iyeye adults in Monkoto territory.⁴⁷ A UN 2022 report on torture further revealed that only 89 individuals in conflict areas were convicted of torture despite the 3,618 registered cases and 4,949 reported victims of “torture, cruel, inhuman, or degrading treatment” in the same regions. The situation has only been worsened by the introduction of martial law in North Kivu and Ituri.⁴⁸ There, arbitrary arrests and counts of military abuse have proliferated under the state of siege and exhausted the judicial system.⁴⁹

Lack of Military Accountability

The Congolese army (FARDC) and other state-run armed forces have been accused of large-scale extrajudicial killings and sexual violence, among other atrocities, during their operations.⁵⁰ In fact, UNJHRO attributes 44% of all registered abuses during the reporting period (June 2021-May 2022) to state officials.⁵¹ However, government armed forces rarely face conviction. Out of 1,293 reported cases of torture committed by Congolese armed forces, only 89 individuals were convicted.⁵²

FARDC human rights abuses have increased in recent years, leading to civilian distrust. The military’s oppressive tendencies have other harmful consequences as well, such as the erosion of “civilian capacity to run provinces.”⁵³

PLAUSIBLE ATROCITY SCENARIOS

When responding to complex conflict situations, many actors lack the resources to adequately focus on atrocity prevention. As a result, early warning signs may go unheeded and worst-case scenarios may be deemed too improbable to justify potentially costly preventive action. This report aims to reveal key opportunities where such preventive action could significantly impact the trajectory of violence in eastern DRC.

Based on ongoing dynamics and the history of conflict in the region, I have therefore identified two scenarios in which large-scale, systemic violence against civilians could plausibly occur in the next one to two years. In the following sections, I will outline these scenarios, potential triggering factors, and recommendations for prevention. As worst-case scenarios, the series of events illustrated in this report are, by definition, neither inevitable nor highly probable. Furthermore, they do not provide a comprehensive illustration of all atrocity risks currently present in the DRC.

The resurgence of the M23 militia has drawn global attention in recent years and continues to pose grave threats to both civilians and regional stability. Because many civil society and governmental organizations have rightfully prioritized this issue, I have instead chosen to examine two lesser-discussed conflicts that could be aggravated in part by M23 escalation.

SCENARIO A: “SLOW GENOCIDE” OF BANYAMULENGE TRANSFORMS INTO MASS KILLINGS

In Scenario A, systematic killings of Banyamulenge and Rwandophone communities would reach new levels, accompanied by spiraling hate speech and national attacks on the citizenship of Rwandophones. This might follow further escalation of M23 attacks and diplomatic tensions with Rwanda, which could lead to anger toward Congolese Rwandophone and ethnic Tutsi groups.

Background

The Banyamulenge, an ethnic Tutsi group, have lived in South Kivu for over 100 years.⁵⁴ Even so, their autochthony — and thereby, their citizenship and right to land in the DRC — has been ceaselessly called into question by neighboring ethnic groups and the national government.⁵⁵ Some researchers have labeled broader violence against Banyamulenge communities as a “slow genocide.”⁵⁶

In recent years, antagonist militias have razed hundreds of Banyamulenge villages and looted thousands of cattle.⁵⁷ This has precipitated mass displacement while also dispossessing Banyamulenge pastoralists of indispensable sources of income: their land and livestock. Displaced Banyamulenge civilians seeking refuge have been further targeted in Minembwe, Bijombo, and Mikenke.⁵⁸ In July 2022, the French newspaper *Libération* published the story of one Banyamulenge herder who was killed, burned, and then reportedly cannibalized in Kalima, South Kivu.⁵⁹

Furthermore, widespread hate speech has perpetuated conspiracy theories and incited violence in the region.⁶⁰ Many high-profile political figures have participated in such derogatory and propagandist rhetoric. Martin Fayulu, the 2018 presidential candidate of the opposition coalition, was recorded stating that “The Banyamulenge don’t exist.”⁶¹ He continued, saying that “Our real problem is that the youth orchestrated this idea, this plan to ‘Balkanize’ the DRC; they started by destabilizing the DRC.”⁶²

Mai-Mai militias affiliated with the Babembe, Bafuliiru, Banyindu and Bavira communities are among the principal perpetrators of violence toward the Banyamulenge.⁶³ To make matters worse, Congolese soldiers have purportedly supported such Mai-Mai groups and have widely failed to protect Banyamulenge civilians from attacks.⁶⁴

ⁱ The Kinyarwanda-speaking Tutsi in the South Kivu region only began referring to themselves as 'Banyamulenge' in the 1960s as a way to "distinguish themselves from more recent Rwandan refugees and immigrants." However, their ancestors first migrated to what is now the DRC in the eighteenth and nineteenth centuries.

Banyamulenge resistance groups such as Twirwaneho and Gumino have also been responsible for violence against civilians, and their participation in the conflict shouldn't be disregarded.⁶⁵ Nonetheless, this violence has periodically been exaggerated. Following the “Kipupu massacre,” local politicians accused the Banyamulenge of killing 220 civilians; a later investigation found the number hovering around 18.⁶⁶

Scenario A

In this scenario, killings of Banyamulenge and other Rwandophones would intensify and become increasingly systematic. Episodes of ethnic cleansing might also transpire, with Rwandophones forced from their land and told to leave the country. This scenario would be triggered by (1) a continued rise in anti-Rwandophone hate speech caused by M23 escalation and (2) local or national justification and/or support of targeted violence.

Many attacks on Banyamulenge communities have primarily resulted in looting and destruction of property. This hypothetical scenario involves a shift of objective to the systematic extermination of Banyamulenge civilians. Banyamulenge communities might be ethnically cleansed from South Kivu, either by political decree or under threat of violence (in 2019, MONUSCO identified some ethnic cleansing in Minembwe).⁶⁷ In other provinces, attacks on Tutsi individuals would become more organized. Rwandophone groups nationally could be affected by similar policies or by individual targeting. This would trigger particular concern should these mandates have broad political support and enforceability.

Potential Triggers

If the M23 militia continues to advance and commit atrocities in North Kivu, it is plausible that Congolese groups across the country would search for a vulnerable scapegoat. If they were to blame ethnic Tutsi and Rwandophones – regardless of M23 affiliation – for the conflict, then it is possible that various armed groups would launch efforts to wipe out Rwandophone communities and individuals. In the case of the Banyamulenge, this scapegoating would feed into already-existing narratives that characterize the Tutsi as greedy immigrants attempting to steal land in DRC.⁶⁸ The same anger caused by M23 advancement could be triggered by a perceived or real escalation of Rwandan involvement in eastern DRC. This might similarly induce xenophobia directed toward individuals labeled as ‘Rwandans’ or toward the Banyamulenge, whose citizenship and autochthony have been repeatedly called into question in South Kivu.

Across the board, Rwandophone populations lack political enfranchisement. As a result, they depend on the decisions of local and national government bodies, who may choose to either protect or oppress them. In one scenario, the Congolese government would neither participate in attacks nor punish the perpetrators. This would enable atrocities to occur without interference and could constitute a violation of the state's responsibility to protect against human rights violations.

In the worst-case scenario, politicians on the local or national level would contribute to anti-Rwandophone hate speech, actively incite violence, or provide resources to the aggressors.

Potential Perpetrators

The perpetrators of violence against the Banyamulenge may include Mai-Mai militias affiliated with the Babembe, Bafuliiru, Banyindu and Bavira communities, working independently or in conjunction with one another. These militias may receive additional resources and/or support from FARDC members or foreign armed groups, enabling them to mount more violent campaigns.⁶⁹ Their motivation to fight — driven by the desire to acquire political control and defend their territory and agricultural land — would remain consistent with historical precedent.

Atrocities committed against Rwandophone populations in other parts of the country could be committed by a number of Congolese groups who feel threatened by the perpetual violence and who are cynical about the government’s ability to address unrest.

Accelerants

Two ongoing dynamics could accelerate the development of Scenario A: (1) the rise of hate speech and (2) the geographic concentration of Banyamulenge communities.

1. Rise of Hate Speech

The UN recognizes that hate speech has historically acted as a “precursor to atrocity crimes, including genocide.”⁷⁰ In the case of the DRC, a 2021 UNJHRO report found that 31% of hate speech recorded in the previous year had been directed toward the Banyamulenge, and a MONUSCO report denounced “recent statements encouraging the ‘cleansing’ of Hauts Plateaux and justifying the murder of members of the Banyamulenge community.”⁷¹

The Aegis Trust, a British anti-genocide NGO, recently posted an example of hate speech in which the speaker says, “On that 25th [June 2022], it will be the final day. On that 25th, it will be the day of cleaning...we are cleaning out all the Banyarwanda in Uvira...We don’t want to see these Inyenzi with their filthy noses. We don’t want any Nilotic in Uvira territory.”⁷² This reflects a broader theme of blaming “Banyarwanda occupiers” for conflict in the DRC — an idea that has roots in the racist ‘Hamitic hypothesis’: a theory propagated by the Belgian colonial administration which painted Tutsi communities as “Nilotic invaders” who threatened the local Bantu farmers (Hutus).⁷³

Reminders of Rwanda

Anti-Banyamulenge and Anti-Tutsi hate speech and conspiracy theories follow patterns that were characteristic of the 1994 genocide against the Tutsi in Rwanda.⁷⁴ Some slurs have even been directly recycled from the Rwandan genocide. The word *inyenzi* (cockroach) — once used by the Rwandan

government to dehumanize the Tutsi minority — is now employed against Congolese citizens designated as “Tutsis.”⁷⁵

Hate Speech on Social Media

Improved access to affordable technology has enabled a growing community of militia leaders, their supporters, public figures, and diaspora groups to spread hate speech and conspiracy views on social media platforms like WhatsApp, Facebook, and YouTube.⁷⁶

In one study of Anti-Banyamulenge hate speech, the author cites numerous examples of community and diaspora leaders using social media to broadcast calls to violence against so-called “Rwandans”: “Anyone still siding with the Tutsi or Rwandans will be decisively crushed” (attributed to General Kasimbiria John); “Banyamulenge are Rwandan Tutsi. Rwandan Tutsi assassins” (from a 2019 Arizona demonstration posted on YouTube).⁷⁷

International Response to Hate Speech

EAC regional leaders and the African Union have called for the cease of hate speech and threats of genocide, and the OHCHR has decried hate speech for triggering violence and discrimination.⁷⁸ The UN has furthermore called out Congolese leaders such as ex-development minister Justin Bitakwira for inciting hostility and hate.⁷⁹ In an August 2022 press conference, Secretary of State Antony Blinken remarked, “The United States will continue to condemn such unacceptable and dangerous rhetoric [targeting Rwandophones], and I encouraged President Tshisekedi, his government, to do the same.”⁸⁰ A few months later, President Tshisekedi warned citizens in a national address, “not to yield to Xenophobia and other hate speech or stigmatization of Rwandophone communities.”⁸¹

2. Geographic concentration of Banyamulenge communities

Due to recent violence and displacement, Banyamulenge communities are now more geographically concentrated than before. In Bijombo-Minembwe, the Banyamulenge were forced to congregate in Mikenke and the Minembwe town center, despite the destruction of most surrounding infrastructure and the lingering fear of attack.⁸² According to the Kivu Security Tracker, the Minembwe town center is “a village deserted by all other communities.”⁸³ This phenomenon has been repeated across the region, leaving Banyamulenge communities concentrated in “a few small villages.”⁸⁴ As a result, the Banyamulenge are more vulnerable to outside attacks, and Mai-Mai groups may view the consolidation of these communities as a prime opportunity to strike.

Key Trends to Monitor

1. M23 resurgence and DRC-Rwanda tensions

DRC-Rwanda relations have deteriorated since the 2021 resurgence of M23, a rebel group predominantly composed of Congolese Tutsi.⁸⁵

Box 1: Abbreviated timeline (Nov 2021-Mar 2023)

- November 2021: M23 resurgence begins in eastern DRC after a ten-year lull.⁸⁶
- May 2022: M23 is declared a terrorist movement by the Congolese government; RwandAir flights into the DRC are suspended.⁸⁷
- June 2022: The Congolese government accuses Rwanda of “supporting, financing and arming” the M23 rebels.⁸⁸
- June 2022: Anti-Rwanda protests in Kinshasa and Bukavu follow the announcement.⁸⁹
- September 2022: Tshisekedi approves the deployment of an EAC Joint Regional Force to address violence in the eastern provinces.⁹⁰
- October/November 2022: M23 violence escalates, with fighting edging toward Goma and tens of thousands of civilians displaced.⁹¹ Kinshasa expels Rwandan Ambassador Vincent Karega, citing Rwanda’s alleged connections to M23.⁹²
- January 2023: Rwanda shoots at a Congolese plane it says violated Rwandan airspace. The Congolese government calls the Rwandan government's actions an “act of war.”⁹³
- March 2023: Tensions continue to rise between the DRC and Rwanda as both countries accuse each other of cross-border aggressions and the DRC purchases attack drones from China.⁹⁴

The ethnic Tutsi rebels who make up the M23 fighting force (based in North Kivu) are distinct from the Banyamulenge (who live in South Kivu). The Banyamulenge have therefore made a pointed effort to publicly reject M23 violence and any alleged connections to the group.⁹⁵ One community figure stated in their defense, “Take the case of the M23. We, the Banyamulenge, have completely broken ties with Rwanda.”⁹⁶ However, many Congolese fail to recognize this, posing additional risk to all Congolese Rwandophone groups and communities jointly labeled as “Rwandans” or Tutsis.⁹⁷

University of Rwanda researcher Felix Mukwiza Ndahinda observed that “Anti-Tutsi hate messages and conspiracy theories are regularly shared on Congolese social media platforms during times of crisis between the Democratic Republic of the Congo (DRC) and Rwanda.”⁹⁸ Recently, the DRC has seen a wave of anti-Rwanda protests and attacks, triggered by diplomatic tensions and accusations that the Rwandan government has backed the M23. Anti-M23 protests in June 2022, “quickly turned xenophobic, with Tutsis in particular being singled out.” Violence continued throughout the summer and fall as protesters burned Rwandan flags and vandalized businesses owned by Rwandans and Congolese Tutsis.⁹⁹ In Goma, incidents of residents searching vehicles for Rwandans were reported, and in Kinshasa, the Congolese police arrested machete-carrying youth for participating in Tutsi “hunts.”¹⁰⁰

In late October, thousands gathered in North Kivu to protest Rwanda’s support of the M23 rebels.¹⁰¹ President Tshisekedi later met with Kinyarwanda-speaking communities to address their fears of ethnic violence.¹⁰² However, it remains unknown how escalating tensions between the DRC

and Rwanda — and increased M23 violence — might fuel aggression toward Rwandophones throughout the country in the future.

2. Threats to Banyamulenge citizenship and political participation

Box 2: History of Banyamulenge Oppression

- 1981: The citizenship of “Rwandophones” (Banyamulenge and other Rwandan-heritage groups) is revoked.¹⁰³
- 1987: Banyamulenge and Banyarwanda are denied voting rights in legislative elections.¹⁰⁴
- 1994: The arrival of 1.2 million refugees increases anti-Rwandan sentiment.¹⁰⁵
- 1996: The Deputy Governor of South Kivu gives the Banyamulenge a one-week ultimatum to leave the territory.¹⁰⁶
- 2004: The Gatumba massacre leaves dead more than 150 refugees in a Burundian refugee camp near the DRC border.¹⁰⁷ Human Rights Watch reports that rebels specifically targeted Banyamulenge, while “sparing refugees from other ethnic groups.”¹⁰⁸
- 2004: Law No. 04/024 provides for the nationality of all ethnic groups whose “people and land were part of the [DRC] upon independence” in 1960.¹⁰⁹

Citizenship

The topic of nationality is particularly important in the Rwandophone case, as stripping communities of their claims to citizenship could be used to justify both mass killings and ethnic cleansing. While the 2004 citizenship law appears, at first glance, to guarantee citizenship for many Rwandophones, it is subject to numerous loopholes and ambiguities.¹¹⁰ For example, Article 28 denies nationality in the cases of “fraud” or “deception”: a stipulation that could be easily manipulated.

Political Representation

Local level

Political representation is considered a prerequisite to qualify for Congolese citizenship and is therefore “a matter of community survival.”¹¹¹ This makes political power crucial for Rwandophone populations who require it both to justify their citizenship and to defend against discriminatory policies. This dynamic partially explains the intense controversy surrounding the proposed creation of Minembwe municipality, a change that would have given the Banyamulenge a seat in government.¹¹²

National level

President Tshisekedi has, at least verbally, supported the Banyamulenge’s right to Congolese nationality. In 2020, he affirmed that “The Banyamulenge are Congolese. They have lived in the

DRC for generations.”¹¹³ Following the crowd’s hostile reaction, however, “he has not dared declare it again since.”¹¹⁴ One might characterize Tshisekedi’s relationship with the Banyamulenge as neutral, at best. That said, future administrations might take a negative, or even aggressive, stance toward Rwandophone populations. They might go as far as to incite violence. Considering 2018 presidential candidate Fayulu’s contestation of Banyamulenge autochthony, this is certainly a plausible case that could emerge alongside the 2023 presidential elections.¹¹⁵

SCENARIO B: PROLIFERATION OF HEMA-LENDU INTERETHNIC VIOLENCE

In Scenario B, primarily-Lendu CODECO militias would expand attacks against Hema civilians, becoming more calculated over time. These attacks might include mass killings, sexual and gender-based violence, and the targeting of key forms of resilience such as food sources and humanitarian aid. Additionally, militias on all sides may ramp up the forced recruitment of child soldiers in order to respond to escalations.

Background

History of Conflict

Conflict between the Hema and Lendu has existed since the colonial period, during which the Belgian colonial administration favored Hema minority farmers. The colonial legacy persists to this day. Many Hema continue to racialize the Lendu as barbaric, uncivilized, and vengeful. In return, the Lendu look upon the Hema as “invaders.”¹¹⁶ Deep-seated economic and political disparities also contribute to the Lendu’s motivations to clear the region of Hema communities. The Hema have historically been given more land and economic power, not only by the colonial administration but also during the 1970s Zairianization policies which redistributed farms to Hema members.¹¹⁷ The Lendu have furthermore been politically marginalized. Whereas in Djugu the Hema operate under “chiefdoms,” Lendu communities are governed by “sectors,” which have less autonomy.¹¹⁸ One resulting motivation of CODECO (the name given to the Lendu militias) is to reclaim the land and political power that they feel deprived of.¹¹⁹

Recent Conflict

In the past two years, CODECO factions have killed hundreds of Hema civilians, leading to mass displacement in Ituri province.¹²⁰ One estimate placed the number of IDPs at 1.97 million (approximately 742,000 of whom are concentrated in Djugu territory, where CODECO is most active).¹²¹ However, internally displaced people struggle to find refuge even in designated IDP camps. In February 2021 alone, CODECO militants targeted four IDP sites, killing close to 60 Hema civilians.¹²²

CODECO reemerged in 2017 following a surge of land disputes and a resulting wave of violence against the Hema.¹²³ An OHCHR report evaluating the 2017-2019 period in Djugu ultimately concluded that violence was “systematic” and may have amounted to crimes against humanity and war crimes, specifically for murder, torture, looting, persecution, rape, and other forms of sexual violence. The brutal attacks included decapitations of women and children, dismemberment, and the robbing of body parts as war trophies. The report found that the majority of the victims targeted belonged to the Hema community.

CODECO eventually fractured in 2020 in the wake of leader Justin Ngudjolo’s death. The resulting factions have different tactics and objectives, which has complicated attempts at dialogue. In any case, the factions remain both strong and ruthless. The URDPC (the largest faction to arise after the fracture) “is the most active armed group in all of eastern DRC,” according to Kivu Security Tracker: its spokesperson was once quoted ordering fighters to “shoot at anything that breathes.”¹²⁴ The escalation of CODECO violence made Djugu “the most dangerous territory for civilians in all of eastern DRC” in April 2021, and it remains a conflict hotspot despite the ongoing state of siege.¹²⁵

CODECO-sponsored attacks on IDP sites in 2022

A disproportionate number of CODECO attacks have occurred in IDP sites. In February 2022, CODECO orchestrated a night raid on the Plaine Savo IDP camp.¹²⁶ 62 Hema civilians were killed, including over a dozen children.¹²⁷ Following the attack, tens of thousands of people sought refuge at a nearby MONUSCO base. A month later, CODECO attacked a church building used to house 1,000 people who had sought refuge following a previous massacre.¹²⁸ Then in May, CODECO militants launched a simultaneous, coordinated attack on an IDP camp in Lodda and a military camp located 10 kilometers away. 15 died, including at least 10 children. The camps were, in all probability, not targeted randomly: both are home to Hema majorities.¹²⁹

Women, children and civilians caught in the crossfire

Women have been disproportionately targeted by violence in Ituri. A UN report identified disturbing patterns of CODECO sexual violence, including rape and sexual slavery.¹³⁰ FARDC forces were also cited as leading perpetrators of sexual violence.

Children haven’t been spared from the ongoing cruelty either. Within two months, UNICEF registered over 100 serious child rights violations in Ituri — among them, killings, mutilations, rape, and attacks on schools and health centers.¹³¹ After the Plain Savo massacre in February 2022, a medical clinic director observed that CODECO had seemingly targeted young girls, “trying to shoot them in the genital area.”¹³²

Several reports have warned of the evolution of violence in Ituri, noting that attacks have become increasingly indiscriminate. FARDC officers explained that they often cannot discern civilians from CODECO fighters.¹³³ Nevertheless, the government’s military strategy has remained the same.

What's more, the FARDC has begun responding to violence in Ituri with aerial bombings, putting civilians at heightened risk.

Scenario B

CODECO militias have systematically and brutally attacked not just Hema individuals but displaced civilians in particular. This indicates a potential long-term goal to cleanse or exterminate the entire Hema population — with the eventual objective of claiming land in Ituri.¹³⁴

In Scenario B, one or multiple primarily-Lendu militias could conceivably choose to stage operations to (1) displace Hema from their land, forcing them into concentrated IDP sites and (2) terrorize, abuse and kill displaced Hema civilians, including women and children. This would follow precedent but take place on a larger scale.

The scenario would further escalate if CODECO factions were to increase attacks on aid workers and MONUSCO peacekeepers, preventing IDPs from accessing humanitarian aid and protection.¹³⁵ Militias might also surround Hema-majority villages or camps, preventing escape. According to the Danish Refugee Council, food insecurity in the region (Ituri) afflicts half of the population.¹³⁶ Recently, the situation has been aggravated by high food prices linked to the Russia-Ukraine war and increased demand in overflowing IDP camps.¹³⁷ CODECO militias might further leverage this by targeting food supplies. Since the Hema are primarily pastoralists, this could include the looting of cattle, as has occurred in the case of the Banyamulenge. Food insecurity might also incentivize otherwise conflict-averse Lendu civilians to join CODECO militias.

A large CODECO mobilization would rely upon a critical mass of fighters. To enlist enough people, militias on all sides might forcefully recruit children. The UN has previously called out CODECO factions for recruiting child combatants and forcing Lendu men to join their ranks.¹³⁸ In recent years, the Congolese government has made measurable strides toward preventing the recruitment of child soldiers. Nonetheless, the situation remains precarious. For example, Hema communities under threat of violence might still be willing to recruit children and risk legal retribution in order to protect themselves.

Enabling Factors

1. Illicit movement of gold and other conflict minerals

The International Peace Information Service has reported on CODECO interference in mining sites across Ituri, and the UN Group of Experts noted that the DRC's gold sector is especially "vulnerable to exploitation by armed groups."¹³⁹

In the past year alone, CODECO militias have made several moves to seize control of gold mines in Ituri. In a May 2022 attack on Camp Blanquette gold mine, rebels killed 35 people.¹⁴⁰ The camp, looted and destroyed by CODECO, is located in the middle of a forest far from any strategic military sites, a detail that strongly indicates the attack's connection with the gold trade.¹⁴¹ In August CODECO raided a different mine, located in Mongbwalu village, killing three.¹⁴² Gold deposits in Mongbwalu have reportedly been the sites of numerous clashes between CODECO and the Zaïre-FPAC militia, which is mainly composed of Hema fighters.¹⁴³

Ituri accounts for a large percentage of the smuggled gold found in Uganda, and both CODECO factions and the Zaïre militia profit as a result.¹⁴⁴ The gold trade not only contributes to their desire to seize land but also gives them the means to buy arms and financially sustain their operations.

2. Outside intervention and support

In a 2020 report, the International Crisis Group discovered that fighters from North Kivu had relocated to Ituri to participate in the conflict. The Group also identified interference from former rebels, including some based in Uganda. Lastly, researchers warned that the crisis might spread due to the “involvement of neighboring countries.”¹⁴⁵

Key Trends to Monitor

1. Development of CODECO factions

In June 2022, representatives of various CODECO militias pledged to halt military activity and join the Disarmament, Demobilization, Community Recovery and Stabilization Program (P-DDRCS).¹⁴⁶ This aligned with a temporary dip in violence in the third quarter of 2022 (see Figure 2), especially violence committed by the URDPC. However, killings have resumed since June, and experts have questioned the program's overall efficacy.¹⁴⁷

With CODECO fractured into multiple groups, there is a higher chance that one branch radicalizes and commits widespread abuses. This is a concerning possibility in the case of CODECO, considering its religious roots (the UN Group of Experts has labeled it a ‘cult’).¹⁴⁸ With time, the factions may also gain structural capacity which would enable more coordinated attacks. In yet another case, factions might abandon diplomacy and demobilization if their efforts do not generate positive political outcomes.

2. Potential security vacuum: MONUSCO withdrawal and M23 violence

As MONUSCO's withdrawal approaches, and as CODECO-sponsored violence continues, it is unclear if government forces will be able to fill the resulting security vacuum. This holds especially true in light of the recent M23 escalation, which has prompted government FARDC forces to redeploy to M23 hotspots.¹⁴⁹ With FARDC forces concentrated farther south, fewer resources remain to address violence in Ituri, particularly against Hema populations. The risk of a security gap could be mitigated by the government's new tactic of recruiting CODECO fighters to battle the M23 in North Kivu, although the outcomes of this are yet to be seen.¹⁵⁰

It is important to recognize that both MONUSCO and the Congolese army have been criticized for their failure to stop attacks in the eastern provinces, including in Ituri.¹⁵¹ Additionally, the national army has both committed abuses against civilians and violently clashed with CODECO, which has also led to civilian casualties. That said, MONUSCO and the FARDC continue to represent two potential sources of resilience in Ituri which could be harnessed to protect Hema civilians. If CODECO factions are left unwatched and MONUSCO protection discontinues, the risk of large-scale attacks will inevitably increase.

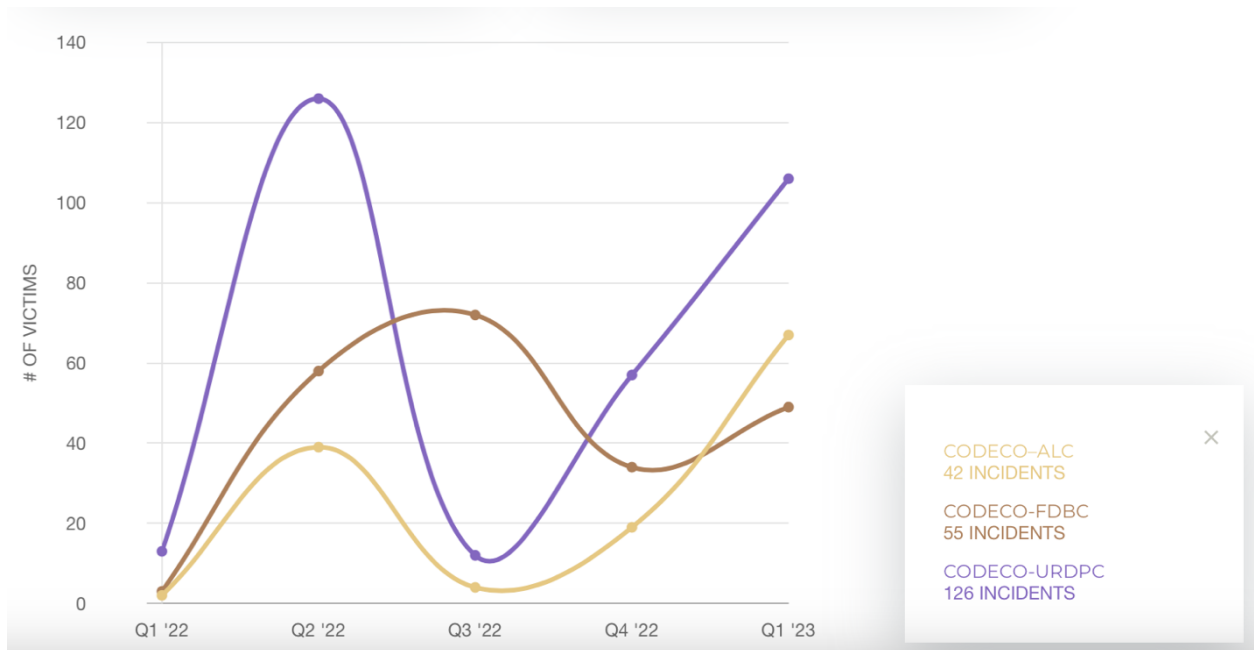


Figure 2. Incidents of violent killings committed by CODECO factions since March 2022.¹⁵²

PREVENTION AND RESPONSE RECOMMENDATIONS

The scenarios outlined in this report represent only a fraction of the atrocity risks existent in the region today, where complex cycles of violence lead to patterns of strikes and counterstrikes which too often target all individuals potentially affiliated with an opposing group. In light of these risks, key actors must take urgent and concerted action to prevent future atrocities—in South Kivu, Ituri, and beyond. The following recommendations thus offer strategies that could reduce the chances of a new atrocity occurring in the DRC while also fostering broad-based inclusion, promoting peace, and safeguarding the rights of all Congolese civilians.

1. Provide immediate support for humanitarian aid and protection programs for at-risk populations

According to OCHA, the DRC is one of the top ten most underfunded humanitarian situations worldwide.¹⁵³ USAID reports that despite increased need in 2022, the UN has requested less funding due to “waning donor resources.”¹⁵⁴

In order to close this funding gap, the US should:

- Increase US government humanitarian funding for the DRC complex emergency in FY 2023, in particular for food security and nutrition programs; protection, shelter and settlement funds; and aid for targeted groups such as the Banyamulenge and Hema.

The Congolese government in partnership with international organizations should:

- Invest in early warning systems to ease fears and reduce the impact of attacks.
- Conduct training and develop more effective rapid response strategies alongside MONUSCO.
- Immediately increase protections of targeted groups and IDP camps.
- Work with communities on joint peacekeeping efforts to build trust and support local advocacy.
- Improve communications capabilities and access to conflict updates in targeted communities.
- Focus on sustainable development and capacity-building, as outlined in the 2022 UN Action Agenda on Internal Displacement.¹⁵⁵

2. Tackle hate speech and ethnic bias

The US and international partners should

- Respond to online hate speech spread by members of Congolese diaspora groups.
- Encourage companies like Google to include other Congolese languages like Kifuliiru and Kibembe in their translation programming (Lingala was added in May 2022) or to track individual slurs.¹⁵⁶
- Encourage social media platforms to increase monitoring of hate speech online.
- Make a statement warning current and future national leaders against partaking in hate speech, particularly as the 2023 elections near.

The Congolese government should:

- Pass legislation further penalizing lynching and the incitement of ethnically-motivated attacks.
- Step up efforts to police hate speech and harmful conspiracy theories on social media (it is under the DRC's High Media Authority's jurisdiction to suspend media outlets for hate speech).¹⁵⁷
- Penalize local and national politicians who incite violence against civilians or propagate conspiracy narratives.
- Train FARDC forces and tackle ethnic bias within army ranks.

3. Address widespread impunity

Allowing widespread impunity sets a precedent that militias can commit atrocities without retribution. This increases the risk of violence against civilians and dissuades humanitarian organizations from operating within conflict areas. One NGO in Ituri's Djugu territory indefinitely suspended its programs after CODECO targeted aid infrastructure, partly due to the lack of investigation into the attacks.¹⁵⁸

The US should:

- Incentivize the DRC to hold all perpetrators of atrocities accountable.

The U.N. should:

- Continue support of transitional justice mechanisms and consider further extending the mandate of the International Team of Experts (IToE) on the DRC in 2023.

The Congolese government should:

- Establish international justice procedures to prosecute serious violations of international law.¹⁵⁹

- Take steps to prevent arbitrary arrests that have “exhausted the judicial system’s capacities” and prevented the prosecution of serious crimes.¹⁶⁰
- Conduct full investigations into individuals and armed groups — including FARDC and government forces — believed to be responsible for sexual violence, recruitment of child soldiers, denial of humanitarian relief, forced displacement of civilians, and attacks against civilians.

4. Increase regulation of the gold trade

The US should:

- Evaluate potential sanctions on companies involved in the illicit gold trade: the US Treasury’s 2022 sanctions on the African Gold Refinery in Uganda led to a subsequent drop in gold exports and “rendered destitute many gold smugglers,” according to a confidential UN report leaked in August 2022.¹⁶¹

The US and other UN member states should:

- Follow the UN’s recommendation to publish complete annual statistics of natural resource imports and exports, including gold and other conflict minerals.¹⁶²

The Congolese government should:

- Prosecute individuals and armed groups who participate in the illegal gold trade.

5. Promote community dialogue and transitional justice

The Congolese government and international partners should

- Bring together Hema and Lendu community leaders and representatives of the various CODECO militias to discuss disarmament, land disputes, and the terms of a transitional justice process (including the topic of amnesty). These talks should be ongoing to prevent a return to conflict.
- Facilitate community dialogue to combat racialized stereotypes and conspiracy narratives, especially in (1) communities that might participate in violence and (2) larger cities with diverse populations.
- Ensure that disarmament, demobilization and reintegration (DDR) programs present viable and appealing employment options for ex-combatants.

6. Help end forced recruitment, especially of child soldiers

Militias in the DRC use more child soldiers than almost any other country.¹⁶³ Military courts have begun prosecuting army officers for recruiting child soldiers, which violates Article 190 of the Congolese constitution.¹⁶⁴ However, this is only a small step in preventing future recruitment.

The US should:

- Fund efforts to (1) investigate militias suspected of using child soldiers and (2) reintegrate demobilized child soldiers.

The Congolese government and international partners should:

- Support Lendu civilians and chiefs who oppose CODECO militias by making sure they have the resources to withstand violent recruitment strategies.

The Congolese government should:

- Hold militias accountable for their commitment to stop recruiting child soldiers.¹⁶⁵
- Continue to prosecute army officers who recruit child soldiers.

7. Ensure full inclusion of all Congolese ethnic groups in the political process

The US and UN should:

- Support Congolese government and civil society efforts to build a more inclusive political climate.

The Congolese government should:

- Adopt legislation similar to the recently-signed law on the Promotion and Protection of the Rights of the Indigenous Pygmy People to protect the Banyamulenge and other ethnic Tutsi groups targeted as “non-native.”¹⁶⁶
- Pass legislation more clearly defining national citizenship and carefully monitor the local application of citizenship laws.
- Work toward securing the political representation of marginalized ethnic groups.

8. Support the development of key infrastructure

A lack of secure roads has trapped targeted communities in isolated villages and prevented humanitarian organizations from delivering aid.

The US and international partners should:

- Support projects led by organizations such as the World Bank and the African Development Bank to develop critical infrastructure in remote areas.¹⁶⁷
- Work with the Congolese government to identify crucial infrastructure priorities that would serve the interests of building peace and preventing atrocities.

9. Encourage human rights monitoring and reporting

The US and international partners should:

- Support human rights monitoring and documentation, particularly in areas that experience high risk of atrocities.
- Oversee an independent investigation of violence against the Banyamulenge and Hema to identify patterns characteristic of genocide and to help future transitional justice efforts.
- Publicize instances of killing, imprisonment, and expulsion of reporters.

The Congolese government should:

- Support the free press and facilitate human rights monitoring.

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