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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

The Government of the DRC and MONUSCO fail to protect civilians: The case of the Banyamulenge

The highly precarious and alarming situation of the Banyamulenge, a minority in the Eastern part of the Democratic Republic of Congo, deserves way more attention. Extrajudicial killings, looting, a persistent lack of food supply, sexualized violence and forced displacement are part of the daily lives of the aforementioned community. Villages are being burnt down and there has even been a case where courageous civilians who tried to deliver food to IDPs in need have been murdered. Banyamulenge who live in the diaspora argue that the violence against their language group is systematic and intentional.

Thus, Society for Threatened Peoples argues that the Banyamulenge need effective protection by the international community deriving from the fact that the Government of the Democratic Republic of Congo appears to fail its protective obligation under international law. As a matter of fact, civilians even accuse the forces of the Government of the Democratic Republic of Congo as well as the Government of Rwanda to not only collaborate with but even effectively support the local militias. The so-called Mai-Mai-militias systematically attack the Banyamulenge and consist inter alia of armed groups of Bafuliiru, Babembe and Bavira who seem to have conspired against the Banyamulenge. Some Banyamulenge whom the Society for Threatened Peoples have spoken to even consider the forces of the Government of the Democratic Republic of Congo as a conflict party by now. Civilians as well as army staff appear to be murdered due to their ethnic identity as Banyamulenge, as interviewees of the Society for Threatened Peoples stated.

In addition, RED-Tabara (Résistance pour un État de Droit au Burundi), an armed group originating in Burundi, seems to be involved in the strategic attacks of the Banyamulenge. RED-Tabara benefitted from military training in Rwanda and launched several operations into Burundi since 2015, including into Cibitoke and Gatumba in 2018 as well as Kibira in 2019, as the Kivu Security Network points out. Whereas some tend to believe that the Burundian state might have subcontracted Congolese militias to fight RED-Tabara, interviewees of the Society for Threatened Peoples claimed that RED-Tabara actually collaborates with the Mai-Mai-militias in South Kivu when it comes to systematic attacks against the Banyamulenge.

Some representatives of the Banyamulenge argue that they are being persecuted and killed due to their ethnic identity. Other Congolese citizens appear to perceive them as “immigrants” and want them to “go back to where they came from” which, in many minds, wrongfully seems to be Rwanda. This misconception leads back to the colonial past of the entire region as the Banyamulenge were falsely “classified” as “Tutsi” by the ex-colonial powers. The aftermath of that plays a crucial role until today and fuels the current conflict.

Some Banyamulenge have temporarily even been denied access back into the Democratic Republic of Congo when looking for refuge or after having travelled internationally. Apart from that, some Banyamulenge accuse the Government of the Democratic Republic of Congo to have revoked their citizenship. In addition, many Banyamulenge are apparently not able to move freely within the state of the Democratic Republic of Congo despite the freedom of movement being entrenched in the universal declaration of human rights.

MONUSCO is on the grounds and has a mandate to protect civilians; however, according to representatives of the Banyamulenge, MONUSCO fails to do so. Rather, the contrary seems to prevail: MONUSCO is accused of solely standing by and watching while villages are being looted and civilians attacked. Furthermore, there have been reports of MONUSCO staff and MONUSCO-related personnel raping and sexually exploiting civilians, as inter alia the Special measures for protection from sexual exploitation and abuse – Report of the Secretary-General (A/75/754) reveals. As the aforementioned report points out, 46 or 70 per cent of the total allegations reported were related to MINUSCA and MONUSCO. When compared to the previous year, there has even been an increase of allegations in 2020 relating to MONUSCO, as stated in the report.

Deriving from the fact that the Government of the Democratic Republic of Congo appears to fail its protective obligation under international law, the Society for Threatened Peoples argues that the Banyamulenge are entitled to effective protection by the international community. Furthermore, the Society for Threatened Peoples would like to point out that evidence suggests that the Government of the Democratic Republic of Congo violates the Banjul Charta, the universal declaration of human rights, the UNDRIP as well as ICERD (“international convention on the elimination of all forms of racial discrimination”). The latter includes state obligations which the Government of the Democratic Republic of Congo, as the Society for Threatened Peoples argues, lacks to fulfil. In addition, the Society for Threatened Peoples considers it absolutely necessary that those who might be guilty of murder are held accountable under national Congolese law. Deriving from the oral reports of some interviewees, the Society for Threatened Peoples accuses the Government of the Democratic Republic of Congo as well as the Government of Rwanda of complicity with Congolese and Burundian militias regarding the systematic persecution and killing of the Banyamulenge.

Therefore, the Society for Threatened Peoples calls upon the UN Human Rights Council to:

- ensure that MONUSCO fulfils its mandate regarding the protection of civilians, including the Banyamulenge who, as the Society for Threatened Peoples argues, are to be considered Congolese citizens,
- continue tracking the allegations concerning rape and sexualized violence by MONUSCO staff & affiliates and hold those who are guilty accountable for their actions,
- re-evaluate the collaboration between MONUSCO and the Congolese forces as the latter are accused of supporting local militias and thus contributing to attacks of the Banyamulenge,
- consider issuing MONUSCO a specific mandate to protect minorities generally and the Banyamulenge specifically,
- send a fact-finding mission to the Eastern DRC,
- provide the Banyamulenge with food, psychological assistance and other necessities on the grounds,
- pressurize the Government of the Democratic Republic of Congo to hold the perpetrators accountable under local Congolese law and sentence those who are found guilty,
- consider sanctions against the Government of the Democratic Republic of Congo and the Government of Rwanda in order to pressurize them to live up to expectations regarding human rights standards and stop the indirect support of extrajudicial killings,
- hold international companies who buy resources from areas which are controlled by militias accountable and stop them from doing so,
- monitor the activities of the Congolese forces in the Eastern part of the Democratic Republic of Congo as well as deepen the research on the connections between the local militias and the Government of Rwanda,
- invite representatives of the Banyamulenge to speak before the UN Human Rights Council,
- consider deploying armed personnel to areas where the Banyamulenge (or, rather, the IDPs who happen to be Banyamulenge) live in order to secure the local streets,

- suggest to the Government of the Democratic Republic of Congo to pay a compensation to the Banyamulenge whose cattle have been stolen by the militias and sold at the local markets with the forces of the Government of the Democratic Republic of Congo standing by and watching the scenario, as one of the contacts of the Society for Threatened Peoples declared,
 - deploy an investigative commission to figure out the exact involvement of the Government of Rwanda
 - consider pressurizing the Government of the Democratic Republic of Congo as well as the Government of Rwanda politically and economically
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