

UNHCR POSITION ON RETURNS TO NORTH KIVU, SOUTH KIVU, ITURI, AND ADJACENT AREAS IN THE DEMOCRATIC REPUBLIC OF CONGO AFFECTED BY ONGOING CONFLICT AND VIOLENCE – Update II

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Introduction

1. This position supersedes and replaces the 2014 document “UNHCR Position on Returns to North Kivu, South Kivu and Adjacent Areas in the Democratic Republic of the Congo – Update I.”¹ The security and human rights situation in North Kivu, South Kivu and Ituri has deteriorated,² with the region being affected by escalating inter-ethnic and political violence, dire humanitarian conditions, serious violations of human rights, and an outbreak of the Ebola virus.³

¹ UNHCR, *UNHCR Position on Returns to North Kivu, South Kivu and Adjacent Areas in the Democratic Republic of the Congo – Update I*, September 2014, www.refworld.org/docid/5400755a4.html.

² “The security and humanitarian situation in North Kivu steadily deteriorated between January 2017 and October 2018.” OHCHR, *DRC: UN Reports Hundreds of Human Rights Violations as Security Situation in North Kivu Deteriorates*, 19 December 2018, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24030&LangID=E. Note also that OCHA reported in January 2019 that the number of internally displaced people rose from an estimated 2.5 million in January of 2017 to 4.65 million by the end of December of 2018. OCHA, *Great Lakes Region – Humanitarian Snapshot November-December 2018*, 28 January 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/GLR_Humanitarian_Snapshot_28Jan2019.pdf.

³ UN Security Council, *Report of the Secretary General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 17 July 2019, <https://undocs.org/en/S/2019/575>; UN Security Council, *Letter Dated 6 June 2019 from the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council*, 7 June 2019, <https://undocs.org/en/S/2019/469>, pp. 2-3; UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 2 July 2018, S/2018/655, www.refworld.org/docid/5b4898ae7.html, para. 17; UN Security Council, *Report of the Secretary-General on the Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 8 March 2018,

2. Numerous armed actors continue to fight against the Congolese armed forces (FARDC) and the UN Stabilization Mission (MONUSCO) and attack the civilian population. In North Kivu, intense fighting in the Beni, Masisi, Rutshuru and Lubero territories has led to large-scale displacement and serious human rights violations and abuses.⁴ It has also hampered Ebola response and prevention efforts in Beni and Lubero territories.⁵ In South Kivu, despite some improvements in the security situation during 2018, fighting in the Fizi and Uvira territories displaced 50,000 people between January and April 2019.⁶ The conflict in Ituri involving the Lendu and Hema tribes—which led to large-scale displacement in the first half of 2018, and again in June 2019—continues unabated, with Lendu militias attacking state forces and civilians throughout 2019.
3. In July 2019 the World Health Organization declared the Ebola outbreak in the North Kivu and Ituri provinces a Public Health Emergency of International Concern (PHEIC).⁷ The ongoing security crisis in the affected areas has hampered the humanitarian response, with attacks by armed groups against aid workers and facilities reported throughout the first half of 2019.⁸
4. The election of Felix Tshisekedi as president of the DRC in the December 2018 elections has, to some extent, changed the dynamics of the conflicts in North Kivu, South Kivu, and Ituri.⁹ In March 2019 the UN Secretary-General noted that some armed groups “that had been very vocal about the outcome of the elections appear to have adopted a ‘wait and see’ approach [...]”¹⁰ However, the three provinces have not seen any significant positive change in the security situation, the human rights situation, or the humanitarian situation since the December 2018 elections.¹¹ In addition, control of much of the country remains in the hands of ex-president Joseph Kabila’s party, the Common Front for Congo (FCC, *Front Commun pour le Congo*), forcing the formation of a coalition government.¹² After several months of political stalemate, on 20 May 2019 President Tshisekedi nominated a new prime minister from the FCC, Sylvestre Ilunga Ilukamba.¹³ On 26 August 2019 the President announced the appointment of his

S/2018/209, www.refworld.org/docid/5b28cea07.html, paras 3, 6. Weekly situation reports by the World Health Organization (WHO) on the Ebola outbreak in North Kivu are available at <https://www.who.int/ebola/situation-reports/drc-2018/en/>.

⁴ “Insecurity in [...] North Kivu province led to more than 100,000 people fleeing their homes in April [...]. UNHCR teams visiting the area have received reports of rape, and of child recruitment by armed groups.” UNHCR, *Attacks in Congo’s North Kivu Province Push Tens of Thousands to Flee*, 3 May 2019, www.unhcr.org/news/briefing/2019/5/5ccb72f4/attacks-congos-north-kivu-province-push-tens-thousands-flee-unhcr.html.

⁵ Health workers are reported to face “high levels of community distrust” and violence from armed groups, such as the Allied Democratic Forces (ADF) armed group and the Mai Mai militia”, resulting in a “deadly environment.” Al-Jazeera, *DR Congo Ethnic Violence Stopping Refugee Returns: UN*, 25 July 2019, www.aljazeera.com/news/2019/07/dr-congo-ethnic-violence-stopping-refugee-returns-190725064322063.html.

⁶ World Food Programme (WFP), *Democratic Republic of Congo – Emergency Situation Report #12*, 2 May 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP%20DRC%20Emergency%20Situation%20Report%20-%202%20May%202019.pdf>.

⁷ As of 22 September 2019, there had been a total of 3168 Ebola Virus Disease (EVD) cases, 3057 confirmed and 111 probable, and 2096 deaths. WHO, *Situation Report 60: Democratic Republic of the Congo Ebola Virus Disease Outbreak*, 22 September 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/SITREP_EVD_DRC_20190922-eng.pdf, p. 2.

⁸ See para. 15 below.

⁹ See Kivu Security Tracker, *After the Elections, a Shifting Military Landscape in the Kivus*, 14 February 2019, <https://blog.kivusecurity.org/after-the-elections-a-shifting-military-landscape-in-the-kivus/>; Kivu Security Tracker, *Is the Era of Armed Groups over?*, 29 April 2019, <https://blog.kivusecurity.org/is-the-era-of-armed-groups-over/>.

¹⁰ UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 12 March 2019, <https://undocs.org/en/S/2019/229>, p. 1.

¹¹ Humanitarian groups have repeatedly warned that various conflicts, such as with the ADF in Beni territory, were escalating at the start of 2019. While some armed groups, notably the CNSPC, focused their rhetoric on the election and the change of power, most armed groups in the region are concerned with regional tensions, ethnic conflict, and access to resources. See Kivu Security Tracker, *Is the Era of Armed Groups over?*, 29 April 2019, <https://blog.kivusecurity.org/is-the-era-of-armed-groups-over/>; Kivu Security Tracker, *Monthly Report: February 2019*, February 2019, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/25/February%202019%20KST%20Monthly%20Report%20EN.pdf>. See also, MONUSCO, *Analyse de la situation des droits de l’homme au mois de juin 2019*, July 2019, www.undp.org/content/dam/undp/fr/congo/docs/UNCT-CD-BCNUDH-Juin%202019.pdf; UNICEF, *DRC – Humanitarian Situation Report*, 28 February 2019, www.unicef.org/appeals/files/UNICEF_Democratic_Republic_of_the_Congo_Humanitarian_SitRep_28_Feb_2019.pdf.

¹² The FCC won 342 out of 500 seats in the parliament, 91 out of the 108 seats in the senate, and the vast majority of governor elections across the country. The East African, *Joseph Kabila, Félix Tshisekedi Hijacked Congolese People’s Victory*, 9 May 2019, www.theeastafrican.co.ke/oped/comment/Congolese-elections/434750-5107842-108nyc8/index.html.

¹³ Reuters, *Sylvestre Ilunga Ilukamba Named as Congo Prime Minister*, 20 May 2019, www.reuters.com/article/us-congo-politics-katumbi/sylvestre-ilunga-ilukamba-named-as-congo-prime-minister-idUSKCN1SQ1HF.

cabinet, including 23 appointees from his Direction for Change party and 42 appointees from former President Joseph Kabila's Common Front for Congo.¹⁴

Conflict in North and South Kivu

5. The Kivu Security Tracker, a joint project of the Congo Research Group and Human Rights Watch, has reported consistently high levels of violence in North Kivu and South Kivu provinces since 1 June 2017, when the Kivu Security Tracker project was established.¹⁵ The Tracker recorded 1,897 conflict-related civilian deaths between June 2017 and June 2019.¹⁶ During 2018, it was reported that between 120 and 140 armed groups were active in Ituri, North Kivu and South Kivu provinces,¹⁷ many of which had committed numerous human rights abuses and posed a serious threat to civilians.¹⁸ In the first months of 2019, some armed groups surrendered and others suffered severe losses.¹⁹
6. In January 2019, a splinter group of the National Council for Renewal and Democracy (CNRD) moved from North Kivu to South Kivu because of pressure from the FARDC and other armed groups.²⁰ The resulting power vacuum in parts of North Kivu led to a struggle for control in various parts of Masisi territory between the the Nduma Defense of Congo-Rénové (NDC-R), the Alliance of Patriots for a Free and Sovereign Congo (APCLS), and various Mai Mai and Nyatura groups.²¹ Radio Okapi reported that at least 100 persons were killed during clashes between armed groups in Bashali-Mukoto zone between 31 December 2018 and 16 February 2019.²² Further attacks, killings and displacement have been

¹⁴ Opposition members argued that "the cabinet gives too much power to allies of the former president and not enough to opposition voices." VOA, *New DRC Cabinet Prompts Accusations that Kabila's Regime Still Holds Power*, 28 August 2019, www.voanews.com/africa/new-drc-cabinet-prompts-accusations-kabilas-regime-still-holds-power. See also, World Politics Review, *Congo's New Cabinet Raises Fears that Kabila Is Still Really in Charge*, 30 August 2019, www.worldpoliticsreview.com/trend-lines/28157/congo-s-new-cabinet-raises-fears-that-kabila-is-still-really-in-charge; Daily Nation, *Kabila's Choices Dominate DR Congo's New Cabinet*, 26 August 2019, www.nation.co.ke/news/africa/DR-Congo-unveils-new-government/1066-5249162-yuv3da/index.html; Financial Times, *Congo Forms Government Seven Months after Kabila Stepped Down*, www.ft.com/content/003a5fea-c7e1-11e9-af46-b09e8bfe60c0.

¹⁵ "...eastern Congo continues to see levels of violence as high as some of the other most violent places in the world." Kivu Security Tracker, *Congo, Forgotten: The Numbers Behind Africa's Longest Humanitarian Crisis*, August 2019, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/28/KST%20biannual%20report%20August%2012%20%281%29.pdf>, p. 5.

¹⁶ Ibid.

¹⁷ "The presence and activities of more than 130 armed groups in the east, in particular in Ituri, as well as in North and South Kivu, remained a major source of insecurity and violence against children." UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo*, 25 May 2018, S/2018/502, www.refworld.org/docid/5b44c4e84.html, para. 4. "People remain unable to escape conflict in the eastern Kivu provinces, where more than 100 armed groups actively oppose the government or each other, including a new coalition in South Kivu which took control of numerous villages near Lake Tanganyika." Minority Rights Group International, *Peoples under Threat 2018*, 13 June 2018, www.refworld.org/docid/5b3f74064.html, p. 7. See also, Kivu Security Tracker, *The Landscape of Armed Groups in Eastern Congo*, December 2017, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/5/Landscape%20of%20Armed%20Groups%20Essay%20KST.pdf>, p. 1; and see the map at Kivu Security Tracker, *The Landscape of Armed Groups in North and South Kivu Dec 2017*, December 2017, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/3/Armed%20Actor%20Area%20of%20Control%20Map%20Eng%20Dec%202017.pdf>.

¹⁸ UN Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo*, 25 May 2018, S/2018/502, www.refworld.org/docid/5b44c4e84.html, para. 6; UNHCR, *Détérioration de la situation des droits de l'homme dans le Masisi et le Lubero (Nord Kivu) et défis relatifs à la protection des civils entre janvier 2017 et octobre 2018*, December 2018, www.ohchr.org/Documents/Countries/CD/Rapport_Masisi_Lubero_19Dec2018.pdf.

¹⁹ The Kivu Security Tracker reported in February 2019 that "several rebel commanders have been killed, arrested or have surrendered since the beginning of the year." This includes the killing of Charles Bokande of Mai-Mai Charles and Lance Muteya of the Raia Mutomboki, and the surrender of Colonel Ebuela with his forces, a major part of the CNPSC. Kivu Security Tracker, *After the Elections, a Shifting Military Landscape in the Kivus*, 14 February 2019, <https://blog.kivusecurity.org/after-the-elections-a-shifting-military-landscape-in-the-kivus/>.

²⁰ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 7 March 2019, <https://undocs.org/en/S/2019/218>.

²¹ "Other armed groups, seeking to fill the vacuum left in areas vacated by CNRD, fell into competition for control, posing additional threats to civilians. In this context, violent clashes continue to take place in the northern and western parts of Masisi between the Mapenzi and Janvier factions of the Alliance des patriotes pour un Congo libre et souverain, backed by NDC-R and Mai-Mai Nyatura elements, respectively. Since early 2019, these clashes have resulted in over 60 deaths." UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 7 March 2019, <https://undocs.org/en/S/2019/218>, para. 18. See also, ACLED, *Regional Overview – Africa*, 2 April 2019, www.acleddata.com/2019/04/02/regional-overview-africa-2-april-2019/; ACLED, *Regional Overview – Africa*, 12 March 2019, www.acleddata.com/2019/03/12/regional-overview-africa-12-march-2019/; ACLED, *Regional Overview – Africa*, 19 February 2019, www.acleddata.com/2019/02/19/regional-overview-africa-19-february-2019/.

²² Radio Okapi, *Masisi: au moins 100 morts en moins de 2 mois dans les affrontements entre groupes armés*, 16 February 2019, www.radiookapi.net/2019/02/16/actualite/securite/masisi-au-moins-100-morts-en-moins-de-2-mois-dans-les-affrontements.

reported in this zone throughout the first half of 2019.²³ Over 20,000 newly displaced civilians arrived over the first months of 2019 in Mweso, Kashuga and Kirumbu.²⁴ The dissident wing of APCLS-Rénové and NDC-R “committed rape as part of systematic attacks against civilians in Masisi and Lubero.”²⁵ Armed groups such as the militia Nyatura/Domi and bandits have increased their use of kidnapping in Masisi, with civil society reporting a hundred cases of kidnappings including 7 cases of murder in the month of April 2019.²⁶ In Rutshuru territory, the NDC-R clashed multiple times with the Nyatura led by John Love, who was reportedly killed in the fighting on 20 May 2019 along with 25 of his followers.²⁷ In September 2019 MONUSCO reported that the NDC-R “continued to pose a significant security threat”; confrontations between the NDC-R and other armed groups killed over 60 civilians in the three months between 29 June to 25 September 2019.²⁸

7. In May 2019 MONUSCO and civil society organizations reported movements of the Forces démocratiques de libération du Rwanda (FDLR) from North Kivu towards the territory of Kalehe in South Kivu, which created tensions and fear of forthcoming attacks among the local population.²⁹ In response to the movement of the FDLR into the area, some armed groups in South Kivu have “reactivated their support networks”, leading in turn to an intensification in confrontations between local armed groups and the FARDC.³⁰ Foreign and non-state armed groups were active in eight out of nine territories in South Kivu as of September 2019.³¹
8. According to the Armed Conflict Location and Event Data Project (ACLED) in April of 2019, there had been a “significant scaling up of the ADF [Allied Democratic Forces] violence in Nord-Kivu over the past five months, amid the presidential elections and the ongoing Ebola outbreak.”³² Additionally, there are concerns that the ADF has allied itself with other extreme Islamist armed groups.³³ The European

²³ Radio Okapi, *Nord-Kivu : affrontements entre groupes armés à Masisi, des centaines de ménages dans la rue*, 13 June 2019, www.radiookapi.net/2019/06/13/actualite/securete/nord-kivu-affrontements-entre-groupes-armes-masisi-des-centaines-de; Radio Okapi, *RDC : 4 villages se vident après combats entre armée et miliciens à Masisi*, 10 June 2019, www.radiookapi.net/2019/06/10/actualite/securete/rdc-4-villages-se-vident-apres-combats-entre-armee-et-miliciens-masisi; Radio Okapi, *Nord-Kivu : nouveaux affrontements entre Mai-Mai NDC/Rénové et Nyatura*, 21 May 2019, www.radiookapi.net/2019/05/21/actualite/securete/nord-kivu-nouveaux-affrontements-entre-mai-mai-ndcrenove-et-nyatura; Radio Okapi, *Masisi : des villages désertés après affrontements entre Mai-Mai APCLS et NDC Rénové*, 10 May 2019, www.radiookapi.net/2019/05/10/actualite/securete/masisi-des-villages-desertes-apres-affrontements-entre-mai-mai-apcls; and Radio Okapi, *Nord-Kivu : 11 morts dans des affrontements entre miliciens à Bashali-Mukoto*, 4 March 2019, www.radiookapi.net/2019/03/04/actualite/securete/nord-kivu-11-morts-dans-des-affrontements-entre-miliciens-bashali.

²⁴ UNHCR, *Attacks in Congo’s North Kivu Province Push Tens of Thousands to Flee*, 3 May 2019, www.unhcr.org/news/briefing/2019/5/5ccbf72f4/attacks-congos-north-kivu-province-push-tens-thousands-flee-unhcr.html.

²⁵ UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General*, S/2019/280, 29 March 2019, www.ecoi.net/en/file/local/2006897/S_2019_280_E.pdf. See also, Radio Okapi, *Nord-Kivu : 210 femmes violées en trois mois à Masisi (ONG)*, 1 May 2019, www.radiookapi.net/2019/05/01/actualite/societe/nord-kivu-210-femmes-violees-en-trois-mois-masisi-ong; Radio Okapi, *Masisi : 57 Femmes Violées en 3 Mois à Bashali Mokoto (Police)*, 2 April 2019, www.radiookapi.net/2019/04/02/actualite/securete/masisi-57-femmes-violees-en-3-mois-bashali-mokoto-police.

²⁶ Information available to UNHCR.

²⁷ Radio Okapi, *Nord-Kivu : nouveaux affrontements entre Mai-Mai NDC/Rénové et Nyatura*, 21 May 2019, www.radiookapi.net/2019/05/21/actualite/securete/nord-kivu-nouveaux-affrontements-entre-mai-mai-ndcrenove-et-nyatura.

²⁸ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 27 September 2019, <https://undocs.org/S/2019/776>, para. 20.

²⁹ Radio Okapi, *Sud-Kivu : la présence des FDLR inquiète les habitants de Bunyakiri*, 17 May 2019, www.radiookapi.net/2019/05/17/actualite/securete/sud-kivu-la-presence-des-fdlr-inquiete-les-habitants-de-bunyakiri. See also, Kivu Security Tracker, *Movements of Rwandan Rebels in South Kivu Raise Fears*, 21 June 2019, <https://blog.kivusecurity.org/movements-of-rwandan-rebels-in-south-kivu-raise-fears/>.

³⁰ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 27 September 2019, <https://undocs.org/S/2019/776>, para. 21.

³¹ Ibid. South Kivu was also affected by intercommunal violence which killed at least 8 people during a six-day period in early September 2019. OHCHR, *Spokesperson for the UN High Commissioner for Human Rights: Marta Hurtado—DRC*, 20 September 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25028&LangID=E; and Actualite.cd, *Sud-Kivu : Les affrontements communautaires se sont intensifiés à Minembwe, plus de 10.000 déplacés déjà enregistrés*, 14 septembre 2019, <https://actualite.cd/2019/09/14/sud-kivu-les-affrontements-communautaires-se-sont-intensifies-minembwe-plus-de-10000>.

³² ACLED, *Regional Overview – Africa*, 23 April 2019, www.acleddata.com/2019/04/23/regional-overview-africa-23-april-2019/.

³³ In April 2019 the New York Times reported that “the evidence points to a concrete connection with the Islamic State”, but also noted that it was “unclear to what extent the A.D.F. is in communication with ISIS, or whether it is also flirting with other jihadist groups, including Al Qaeda.” New York Times, *ISIS, After Laying Groundwork, Gains Toehold in Congo*, 20 April 2019, www.nytimes.com/2019/04/20/world/africa/isis-attack-congo.html. The Congo Research Group noted that a set of videos released by the ADF, “together with the arrest of an ISIS financial facilitator in Kenya, suggest that the group is trying to align itself with the broader jihadi movement in East Africa, although it is difficult to know how deep and

Commission noted in May 2019 that “[i]ntense fighting has been ongoing since mid-April 2019 between the Congolese armed forces [FARDC] and a non-state armed actor, the [ADF]”; the Commission referred to the ADF as “one of the most organized and aggressive armed groups in North Kivu”.³⁴ Between early April and the beginning of May 2019, ADF violence displaced 95,000 people from villages around Kamango.³⁵ The ADF was responsible for at least 36 civilian deaths between July and September 2019.³⁶

9. By September 2019, the political transition had yet to have a significant impact on the armed groups active in North Kivu, South Kivu, and Ituri, despite the government pledging to end violence in the eastern provinces.³⁷ As of June 2019 the Kivu Security Tracker reported at least 64 active armed groups in North and South Kivu,³⁸ with at least 24 individual groups involved in armed clashes or killings in North and South Kivu during the months of August and September 2019.³⁹ Groups involved in the continuing violence between June and September 2019 included the APCLS, the ADF, Mai Mai Mazembe, the NDC-R, as well as smaller Nyatura and Mai Mai groups.⁴⁰

Ituri Province

10. Ituri was embroiled in conflict for much of 2018, and Human Rights Watch reported “deadly attacks on villages, killing scores of civilians, raping and mutilating many others, torching hundreds of homes”.⁴¹

operational these connections are.” Congo Research Group, *Inside the ADF Rebellion: A Glimpse into the Life and Operations of a Secretive Jihadi Armed Group*, November 2018, <https://insidetheadf.org/wp-content/uploads/2018/11/Inside-the-ADF-Rebellion-14Nov18.pdf>, p. 20.

³⁴ European Commission, *Echo Daily Flash – European Civil Protection and Humanitarian Aid Operations*, 8 May 2019, <https://ecportal.jrc.ec.europa.eu/ECHO-Flash/ECHO-Flash-List/vy/2019/mm/5>. The Kivu Security Tracker reported that 31 per cent of the recorded civilian deaths from June 2017 to June 2019 took place in Beni territory. Kivu Security Tracker, *Congo, Forgotten: The Numbers Behind Africa’s Longest Humanitarian Crisis*, August 2019, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/28/KST%20biannual%20report%20August%2012%20%281%29.pdf>, p. 7. The ADF is likely responsible for over 1,000 deaths in the Beni region between 2014 and late 2018, including some 315 civilian deaths between June 2017 and September 2018 alone. Congo Research Group, *Inside the ADF Rebellion: A Glimpse into the Life and Operations of a Secretive Jihadi Armed Group*, November 2018, <https://insidetheadf.org/wp-content/uploads/2018/11/Inside-the-ADF-Rebellion-14Nov18.pdf>, p. 1. In December 2018, the Group of Experts reported to the UN Security Council that there had been at least 200 civilian deaths since January 2018 in Beni Territory, in addition to the deaths of 125 FARDC personnel. UN Security Council, Letter Dated 18 December 2018 from the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council, 18 December 2018, <https://undocs.org/en/S/2018/1133>.

³⁵ UNHCR, *Weekly Emergency Update: Ituri and North Kivu Provinces*, 11 July 2019, <http://reporting.unhcr.org/sites/default/files/UNHCR%20DRC%20Emergency%20Update%20Ituri%20and%20North%20Kivu%20%20-%2011JUL19.pdf>. See also UN Security Council, *Letter Dated 6 June 2019 from the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council*, 7 June 2019, <https://undocs.org/en/S/2019/469>, para. 44.

³⁶ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 27 September 2019, <https://undocs.org/S/2019/776>, para. 19.

³⁷ In February 2019 the Kivu Security Tracker reported that there were not “any major shifts in the dynamics of the conflict in the east of the [DRC], nor have any new military operations been launched.” Kivu Security Tracker, *Monthly Report: February 2019*, February 2019, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/25/February%202019%20KST%20Monthly%20Report%20EN.pdf>. In June 2019, noting some improvement, the Group of Experts stated “[n]evertheless, numerous local and foreign armed groups continued to pose serious security threats in the Democratic Republic of the Congo.” UN Security Council, *Letter Dated 6 June 2019 from the Group of Experts on the Democratic Republic of the Congo Addressed to the President of the Security Council*, 7 June 2019, <https://undocs.org/en/S/2019/469>, pp. 2-3; see also, Kivu Security Tracker, *Congo, Forgotten: The Numbers Behind Africa’s Longest Humanitarian Crisis*, August 2019, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/28/KST%20biannual%20report%20August%2012%20%281%29.pdf>, p. 7; UN Security Council, *With New President Pledging Reform, Democratic Republic of Congo Making Gains amid Fresh Violence in East, Mission Chief Tells Security Council*, 24 July 2019, www.un.org/press/en/2019/sc13897.doc.htm; UNHCR, *Attacks in Congo’s North Kivu Province Push Tens of Thousands to Flee*, 3 May 2019, www.unhcr.org/news/briefing/2019/5/5ccbf7214/attacks-congos-north-kivu-province-push-tens-thousands-flee-unhcr.html; Kivu Security Tracker, *After the Elections, a Shifting Military Landscape in the Kivus*, 14 February 2019, <https://blog.kivusecurity.org/after-the-elections-a-shifting-military-landscape-in-the-kivus/>.

³⁸ Kivu Security Tracker, *Congo, Forgotten: The Numbers Behind Africa’s Longest Humanitarian Crisis*, August 2019, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/28/KST%20biannual%20report%20August%2012%20%281%29.pdf>, p. 15.

³⁹ This Kivu Security Tracker tracks various incidents of violence and killing by armed groups. Note that the map tool on the website allows specific dates to be selected. Kivu Security Tracker, *Map*, filtered for August-September 2019, <https://kivusecurity.org/map#>.

⁴⁰ Kivu Security Tracker, *Map*, filtered for June-September 2019, <https://kivusecurity.org/map#>. For more information on armed groups militias operating in North and South Kivu after the election, see: Kivu Security Tracker, *After the Elections, a Shifting Military Landscape in the Kivus*, 14 February 2019, <https://blog.kivusecurity.org/after-the-elections-a-shifting-military-landscape-in-the-kivus/>; Actualite.cd, *RDC : 4 miliciens tués dans une nouvelle attaque à Beni*, 4 May 2019, www.actualite.cd/index.php/2019/05/04/rdc-4-miliciens-tues-dans-une-nouvelle-attaque-beni; The Defense Post, *DR Congo Army Kills ‘Dozens’ of Burundi Rebels in South Kivu Operation*, 11 April 2019, <https://thedefensepost.com/2019/04/11/dr-congo-kills-burundi-fnl-forebu-rebels-south-kivu/>; UN Security Council, *Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region*, 12 March 2019, <https://undocs.org/en/S/2019/229>.

⁴¹ HRW, *World Report 2019 – Democratic Republic of the Congo*, 17 January 2019, www.ecoi.net/en/document/2002166.html.

According to the Internal Displacement Monitoring Centre (IDMC), more than 576,000 people fled during a resurgence of inter-ethnic conflict between the Lendu and Hema ethnic groups in the Djugu territory in Ituri, which began in December of 2017.⁴² Returns began in March of 2018, but violence sharply intensified in the region in July 2018 with “armed groups attacking civilians with guns, arrows and machetes, entire villages razed, and farms and shops being looted and damaged”.⁴³ The violence has its roots in a long-term conflict between the agriculturalist Lendu and the pastoralist Hema groups over possession, access, and use of land.⁴⁴

11. While the previous conflict was caused entirely by ethnic tensions, the resurgence of the conflict in 2018 appeared to have other dimensions, including political ones.⁴⁵ Violent attacks, abductions, destruction of property, arbitrary killings and sexual violence against civilians by Lendu and Hema groups have been reported.⁴⁶ In April 2018 MONUSCO uncovered five mass graves in the Ituri province suspected to be linked to the ethnic violence.⁴⁷ UNHCR estimated in December of 2018 that some 88,000 homes were destroyed in North Kivu and Ituri as a result of the ongoing violence, and 100,000 people in Ituri had been displaced due to a new wave of violence since September 2018 in Ituri’s Djugu Territory.⁴⁸ Lendu militias continue to be active in Ituri, attacking the FARDC on two occasions in late April and early May 2019.⁴⁹

⁴² Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement 2019*, 10 May 2019, www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf; Kivu Security Tracker, *The Landscape of Armed Groups in Eastern Congo*, December 2017, <https://kivusecurity.nyc3.digitaloceanspaces.com/reports/5/Landscape%20of%20Armed%20Groups%20Essay%20KST.pdf>, pp. 4-5. The conflict reportedly started in Djugu territory when a “confrontation between youth from the Lendu community and soldiers, assisted by youth of Hema ethnicity, escalated into tit-for-tat attacks.” Congo Research Group, *What’s Happening in Ituri?*, 5 March 2018, <http://congoresearhgroup.org/guest-blog-whats-happening-in-ituri/>.

⁴³ UNHCR, *UNHCR Team Hears Accounts of Barbaric Violence in Eastern Congo’s Ituri Region*, 13 July 2018, www.unhcr.org/5b485e2a4.

⁴⁴ Al Jazeera, *Violence Returns to DR Congo’s Ituri Province*, 11 April 2018, www.aljazeera.com/indepth/inpictures/violence-returns-dr-congo-ituri-province-180410102912520.html.

⁴⁵ “[W]hile there is no direct evidence yet of such a causal links for the Djugu violence, the continuing disintegration of state authority, the increased activity of politico-military power brokers and general frustration amongst the population could undoubtedly be part of these dynamics”. Congo Research Group, *Guest Blog: What’s Happening in Ituri?*, 5 March 2018, <http://congoresearhgroup.org/guest-blog-whats-happening-in-ituri/>; IDMC noted that “a national political crisis, the disintegration of state authority and the increasing activity of politically-motivated militias” likely contributed to the resurgence of the conflict. IDMC, *Global Report on Internal Displacement 2019*, 10 May 2019, www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf, p. 9. See also, New York Times, *Motive for Mass Killings in Congo Is Mystery, but Suffering Is Clear*, 28 April 2018, www.nytimes.com/2018/04/28/world/africa/congo-ituri-joseph-kabila.html; The Washington Post, *Caught in Congo’s Tides of War*, 6 April 2018, www.washingtonpost.com/graphics/2018/world/dr-congo-conflict-uganda-refugee-crisis/; and Daily Beast, *Congo’s Looting and Killing Machine Moves into High Gear*, 6 June 2018, www.thedailybeast.com/congos-looting-and-killing-machine-moves-into-high-gear.

⁴⁶ Al Jazeera, *Violence Returns to DR Congo’s Ituri Province*, 11 April 2018, www.aljazeera.com/indepth/inpictures/violence-returns-dr-congo-ituri-province-180410102912520.html; The Washington Post, *Caught in Congo’s Tides of War*, 6 April 2018, www.washingtonpost.com/graphics/2018/world/dr-congo-conflict-uganda-refugee-crisis/; IRIN News, *For Victims of the Ituri Conflict’s Sexual Violence, Aid Is Scarce*, 20 March 2018, www.irinnews.org/feature/2018/03/20/victims-ituri-conflict-s-sexual-violence-aid-scarce; IRIN News, *Tales of Terror from Congo’s Ituri Province*, 8 March 2018, www.irinnews.org/feature/2018/03/08/tales-terror-congo-s-ituri-province; Congo Research Group, *What’s Happening in Ituri?*, 5 March 2018, <http://congoresearhgroup.org/guest-blog-whats-happening-in-ituri/>; The New York Times, *Ethnic Clashes in Northeastern Congo Leave Dozens Dead, Officials Say*, 2 March 2018, www.nytimes.com/2018/03/02/world/africa/congo-ethnic-clashes.html; Uganda Radio Network, *Ituri Conflict: Sophisticated Guns Being Used by Lendu, Hema*, 20 February 2018, <https://ugandaradionetwork.com/story/ituri-conflict-sophisticated-guns-being-used-by-lendu-hema>; Al Jazeera, *DRC Violence Risks ‘Spreading’ as 22,000 Flee in a Week*, 14 February 2018, www.aljazeera.com/news/2018/02/drc-violence-risks-spreading-22000-flee-week-180214152245879.html; Reuters, *At Least 30 Dead in Ethnic Violence in Northeast Congo*, 5 February 2018, www.reuters.com/article/us-congo-violence/at-least-30-dead-in-ethnic-violence-in-northeast-congo-idUSKBN1FP26W; Al Jazeera, *Thousands Flee to Uganda as DRC Violence Surges*, 25 January 2018, www.aljazeera.com/news/2018/01/thousands-congoese-flee-uganda-escape-surge-violence-180125101414719.html.

⁴⁷ Global Centre for the Responsibility to Protect, *Atrocity Alert*, No. 103, 2 May 2018, <http://createsend.com/tj-8DD2F024B04D674F2540EF23F30FEDED>; Reuters, *Five Likely Mass Graves Found in Congo Borderlands: U.N.*, 26 April 2018, www.reuters.com/article/us-congo-violence/five-likely-mass-graves-found-in-congo-borderlands-u-n-idUSKBN1HX1QP; VOA, *UN Peacekeepers Uncover Suspected Mass Graves in DRC*, 26 April 2018, www.voanews.com/a/un-peacekeepers-suspected-mass-graves-democratic-republic-congo/4366515.html; New York Times, *Motive for Mass Killings in Congo Is Mystery, but Suffering Is Clear*, 28 April 2018, www.nytimes.com/2018/04/28/world/africa/congo-ituri-joseph-kabila.html.

⁴⁸ UNHCR, *UNHCR Warns of Massive Shelter Needs of DR Congo’s Displaced*, 14 December 2018, www.unhcr.org/news/briefing/2018/12/5c1375904/unhcr-warns-massive-shelter-needs-dr-congos-displaced.html.

⁴⁹ Jeune Afrique, *RDC : dix morts dans des affrontements armés en Ituri*, 23 April 2019, www.jeuneafrique.com/766170/politique/rdc-dix-morts-dans-des-affrontements-armes-en-ituri/; VOA Africa, *Quatre soldats et 13 miliciens tués dans des combats au bord du lac Albert*, 3 May 2019, www.voaafrica.com/a/quatre-soldats-et-13-miliciens-tu%C3%A9s-dans-des-combats-au-bord-du-lac-albert/4902491.html.

12. The conflict flared up again in June 2019, with a new wave of violence between Lendu and Hema communities that displaced tens of thousands of people in a few days.⁵⁰ Between 31 May and 20 June 2019, UNHCR and the International Organization for Migration (IOM) recorded “over 110,000 new arrivals in IDP sites in Djugu, Mahagi and Irumu territories.”⁵¹ An estimated 300,000 people fled the violence.⁵² While the violence led to a swift and heavy military response from the national army, questions remained in September 2019 as to the durability of peace and the situation remained volatile.⁵³

Human Rights Situation

13. Serious and frequent violations of human rights continue to be perpetrated by various actors in North Kivu, South Kivu, and Ituri.⁵⁴ Between January and June 2019, MONUSCO documented 3,039 violations of human rights in the DRC, over half of which took place in North Kivu, South Kivu, and Ituri.⁵⁵ Armed groups were responsible for 184 human rights violations in the DRC in June 2019, including the summary executions of 71 people, of whom 17 were women and 5 were children.⁵⁶ Armed groups were responsible for 252 human rights violations across the country in July 2019, with the vast majority linked to the eastern provinces.⁵⁷ Groups responsible for violations in the eastern provinces included various Mai Mai groups, Nyatura, the FDLR, the Mai Mai Mazembe, NDC-R, the ADF, the Raia Mutomboki, the APCLS, and other armed groups.⁵⁸

Humanitarian Situation

14. The humanitarian situation in North Kivu, South Kivu, and Ituri remains dire, with much of the population requiring humanitarian assistance but with severe operational challenges for humanitarian actors.⁵⁹ As

⁵⁰ A preliminary investigation by MONUSCO reported that 117 people were killed in a “series of attacks on multiple villages” by members of the Lendu community between 10 and 13 June. VOA News, *UN Accuses Lendu of Mass Killings of Hema in DR Congo’s Ituri Province*, 28 June 2019, www.voanews.com/africa/un-accuses-lendu-mass-killings-hema-dr-congos-ituri-province. The Economist reported in July 2019 that activists estimated a death toll of “at least 276 people.” The Economist, *Killings in Congo’s North-east Spark Fears of a Return to War*, 13 July 2019, www.economist.com/middle-east-and-africa/2019/07/13/killings-in-congos-north-east-spark-fears-of-a-return-to-war.

⁵¹ UNHCR, *Weekly Emergency Update: Ituri and North Kivu Provinces*, 11 July 2019, <http://reporting.unhcr.org/sites/default/files/UNHCR%20DRC%20Emergency%20Update%20Ituri%20and%20North%20Kivu%20-%2011JUL19.pdf>.

⁵² UNHCR, *Massive Displacement Reported in North-Eastern DRC amid New Violence*, 18 June 2019, www.unhcr.org/news/briefing/2019/6/5d089ee54/massive-displacement-reported-north-eastern-drc-amid-new-violence.html.

⁵³ UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, 27 September 2019, <https://undocs.org/S/2019/776>, paras 26-27; UNHCR, *Weekly Emergency Update: Ituri and North Kivu Provinces, Democratic Republic of the Congo*, 22 September 2019, <http://reporting.unhcr.org/sites/default/files/UNHCR%20DRC%20Emergency%20Update%20Ituri%20and%20North%20Kivu%20-%202019-22SEP%202019.pdf>; and UNHCR, *Two Months On, Fear and Squalor Prevail in DRC’s Ituri Province*, 16 August 2019, www.unhcr.org/news/briefing/2019/8/5d56669d4/months-fear-squalor-prevail-drcs-ituri-province.html.

⁵⁴ OHCHR, *DRC: UN Reports Hundreds of Human Rights Violations as Security Situation in North Kivu Deteriorates*, 19 December 2018, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24030&LangID=E.

⁵⁵ The human rights division of MONUSCO (the BCNUDH, or Joint Human Rights Office) documented 1,215 violations in North Kivu, 240 violations in South Kivu, and 161 violations in Ituri. “Parmi les provinces en conflit, celle du Nord-Kivu reste de loin la plus affectée (1.215 violations), suivie notamment... du Sud-Kivu (240 violations)... et de l’Ituri (161 violations).” MONUSCO, *Note du BCNUDH sur les principales tendances des violations des droits de l’homme en février 2019*, 27 March 2019, https://monusco.unmissions.org/sites/default/files/bcnuhd_-_communiqu%C3%A9_de_presse_-_note_mensuelle_f%C3%A9vrier_2019_0.pdf.

⁵⁶ MONUSCO, *Analyse de la situation des droits de l’homme au mois de juin 2019*, July 2019, www.undp.org/content/dam/undc/rdcongo/docs/UNCT-CD-BCNUDH-Juin%202019.pdf.

⁵⁷ MONUSCO, *Analysis of the Human Rights Situation in DRC*, July 2019, https://monusco.unmissions.org/sites/default/files/unjhro_-_analysis_of_the_human_rights_situation_in_drc_july_19_eng.pdf, p. 1.

⁵⁸ Ibid.

⁵⁹ “L’accès est une préoccupation majeure et continuera d’entraver la réponse aux populations les plus vulnérables. L’accès est complexe en termes de défis et est principalement lié à la sécurité avec une augmentation des incidents pour la population civile et les acteurs humanitaires, mais aussi à des obstacles administratifs et à de mauvaises infrastructures.” NRC, *Rapport Annuel (DRC)*, 8 May 2019, www.nrc.no/resources/annual-reports/dr-congo-annual-report-2018/. See also, Geneva Call, *Negotiation of Humanitarian Access in North Kivu*, 26 March 2019, www.genevacall.org/wp-content/uploads/2019/07/GC-Negotiation-of-humanitarian-access-in-NK_EN2.pdf. The UN Secretary-General reported that there was “a surge of violence in the Beni and Lubero territories that significantly impaired the activities of the Ebola response teams” between March 2019 and May 2019. UN Security Council, *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the*

of the end of January 2019, OCHA reported that the number of people in need of humanitarian assistance included 2.7 million people in Ituri, 1.6 million people in North Kivu, and 1.7 million people in South Kivu, not taking into account the refugee populations living in these areas.⁶⁰ The country as a whole is suffering “one of the largest and most complex humanitarian crises in the world”.⁶¹ As of May 2019, there were 13.1 million people deemed food insecure in the DRC.⁶² In February 2019 UNICEF estimated that there were 7.5 million children in need, including 1.4 million children suffering from severe acute malnutrition.⁶³ According to the Norwegian Refugee Council, in North Kivu around “87 percent of displaced people are living on just over a meal a day in areas already plagued by conflict and Ebola”.⁶⁴ In the Ituri province, as a consequence of the escalation of inter-ethnic violence in July 2018, a large number of children were reported to suffer from severe acute malnutrition and hospitals, schools, and other key infrastructure have reportedly been destroyed.⁶⁵ In October 2018 UNHCR noted that in the eastern provinces, only one in eleven of the most vulnerable families received shelter assistance, with the remainder living with host families or in makeshift shelters.⁶⁶

Ebola Situation in North Kivu and Ituri Provinces

15. *Médecins Sans Frontières* (MSF) suspended operations in Butembo and Katwa in North Kivu after two attacks against their treatment centres attributed to Mai Mai groups on 24 and 27 February 2019.⁶⁷ A further attack in Butembo against an Ebola treatment centre caused the death of a WHO doctor in mid-April 2019.⁶⁸ The next day militants tried unsuccessfully to burn down a different hospital in Katwa.⁶⁹ Attacks on Ebola treatment centres by armed groups continued into May and June 2019, with 174 reported attacks targeting healthcare facilities or workers by June 2019.⁷⁰ Healthcare workers have reported being threatened at healthcare facilities, at their homes and in their communities, and some have been singled out for acts of violence.⁷¹ The situation became so severe that approximately 1,200

Democratic Republic of the Congo, 17 July 2019, S/2019/575, https://reliefweb.int/sites/reliefweb.int/files/resources/S_2019_575_E.pdf, para. 24. Ongoing conflict forced MSF to withdraw from several Ebola treatment centres in early 2019 and forced the Norwegian Refugee Council to withdraw from Beni and the surrounding areas in September 2018. Médecins Sans Frontières, *Medical Activities Suspended after Ebola Treatment Centre Attack*, 28 February 2019, www.msf.org/medical-activities-suspended-after-ebola-treatment-centre-attack.

⁶⁰ OCHA, *Aperçu des besoins humanitaires*, 29 January 2019, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/drc_hno_2018_fr.pdf.

⁶¹ UNICEF, *Urgent Funding Needed to Meet Massive Humanitarian Needs in Democratic Republic of Congo*, UN Humanitarian Chief and UNICEF Executive Director Urge at End of Country Visit, 21 March 2019, www.unicef.org/press-releases/urgent-funding-needed-meet-massive-humanitarian-needs-democratic-republic-congo-un.

⁶² WFP, *Democratic Republic of Congo – Emergency Situation Report #12*, 2 May 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP%20DRC%20Emergency%20Situation%20Report%20-%2020May%202019.pdf>.

⁶³ UNICEF, *DRC – Humanitarian Situation Report*, 28 February 2019, www.unicef.org/appeals/files/UNICEF_Democratic_Republic_of_the_Congo_Humanitarian_SitRep_28_Feb_2019.pdf.

⁶⁴ NRC, *DR Congo: Imminent Hunger Crisis Threatens Ebola-Stricken North Kivu*, 24 April 2019, www.nrc.no/news/2019/april/dr-congo-imminent-hunger-crisis-threatens-ebola-stricken-north-kivu/.

⁶⁵ UNHCR, *UNHCR Team Hears Accounts of Barbaric Violence in Eastern Congo's Ituri Region*, 13 July 2018, www.unhcr.org/5b485e2a4.

⁶⁶ UNHCR, *Acute Underfunding Chokes off Aid to Desperate Congolese*, 9 October 2018, www.unhcr.org/news/latest/2018/10/5bb5f5664/acute-underfunding-chokes-aid-desperate-congolese.html.

⁶⁷ Médecins Sans Frontières, *Medical Activities Suspended after Ebola Treatment Centre Attack*, 28 February 2019, www.msf.org/medical-activities-suspended-after-ebola-treatment-centre-attack. The attackers burned the Katwa treatment centre, which closed. The Butembo treatment centre reopened under the supervision of the Ministry of Health and the WTO. Médecins Sans Frontières, *Crisis Update – April 2019*, 18 April 2019, www.msf.org/drc-2018-ebola-outbreak-crisis-update.

⁶⁸ WHO, *WHO Ebola Responder Killed in Attack on the Butembo Hospital*, 19 April 2019, www.who.int/news-room/detail/19-04-2019-who-ebola-responder-killed-in-attack-on-the-butembo-hospital.

⁶⁹ DW, *DR Congo: Rebels Attack Ebola Hospital in North Kivu*, 20 April 2019, www.dw.com/en/dr-congo-rebels-attack-ebola-hospital-in-north-kivu/a-48417432.

⁷⁰ Nature.com, *Ebola Cases Pass 2,000 as Crisis Escalates*, 4 June 2019, www.nature.com/articles/d41586-019-01735-0; Al-Jazeera, *DR Congo Ebola Clinic in North Kivu Attacked*, 9 May 2019, www.aljazeera.com/news/2019/05/dr-congo-ebola-clinic-north-kivu-attacked-190509064738201.html; International Rescue Committee, *Attack on IRC Supported Hospital in DRC Leads to Loss of Life; IRC Ebola Responders Caught in Violence*, 19 April 2019, www.rescue.org/press-release/attack-irc-supported-hospital-drc-leads-loss-life-irc-ebola-responders-caught-violence.

⁷¹ NPR, *Why Health Workers in the Ebola Hot Zone Are Threatening to Strike*, 25 April 2019, www.npr.org/sections/goatsandsoda/2019/04/25/717079729/why-health-workers-in-the-ebola-hot-zone-are-threatening-to-strike.

healthcare workers marched through Butembo in the last week of April 2019 protesting the lack of security and threatening to go on strike.⁷²

16. In this context, the disease spread at a rapid rate, and quickly became the second-worst Ebola outbreak ever.⁷³ The number of cases doubled between the beginning of April and June 2019.⁷⁴ Aid groups identified ongoing conflict in North Kivu and Ituri as an important obstacle to addressing the epidemic.⁷⁵ On 17 July 2019, the WHO declared the Ebola outbreak a Public Health Emergency of International Concern (PHEIC), after the first case was found in Goma.⁷⁶ The WHO reported as of 22 September 2019 that there had been 3,168 cases of Ebola since August 2018, and a total of 2,096 deaths.⁷⁷ The disease has remained largely confined to the North Kivu and Ituri regions, the possibility of the disease spreading regionally or internationally has been monitored closely.⁷⁸ While the WHO noted in September 2019 that the number of new cases was declining, they emphasized this must be interpreted cautiously, since even a “single incident has the potential to dramatically impact response activities and change the course of the outbreak.”⁷⁹

Internal Displacement, Refugee Movements and Returns

17. By the end of 2017, more than 4.5 million people were estimated to be internally displaced in the DRC.⁸⁰ The number has not been officially updated since then and may in fact be much higher, considering high levels of internal displacement during 2018 and the early months of 2019.⁸¹ IOM recorded 844,966

⁷² Reuters, *Ebola First Responders Threaten Strike if Security Not Improved*, 24 April 2019, www.reuters.com/article/us-health-ebola-congo/ebola-first-responders-threaten-strike-if-security-not-improved-idUSKCN1S02L0.

⁷³ “It is [...] the second-biggest Ebola epidemic ever recorded, behind the West Africa outbreak of 2014-2016.” Médecins Sans Frontières, *Crisis Update – April 2019*, 18 April 2019, www.msf.org/drc-2018-ebola-outbreak-crisis-update.

⁷⁴ “It took 224 days for the landmark figure of a thousand confirmed and probable cases to be reached. But it has taken only 71 days to reach 2,000 such cases.” The Guardian, *DRC Ebola Cases Pass 2,000, Prompting Call for ‘Total Reset’*, 4 June 2019, www.theguardian.com/world/2019/jun/03/drc-set-to-exceed-2000-ebola-cases-in-second-largest-outbreak-ever.

⁷⁵ “With often difficult to access settings, disruptions by incidents of sporadic violence by armed militias, and limited healthcare resources, this EVD outbreak is taking place in one of the most challenging circumstances ever confronted by WHO”. WHO, *Ebola Virus Disease: Democratic Republic of the Congo – External Situation Report 39*, 30 April 2019, http://newsletters.afro.who.int/icfiles/1/46425/184054/6134450/97816cb57ede15249d4eb5b5/sitrep_evd_drc_20190430-eng.pdf. See also, Médecins Sans Frontières, *Crisis Update – April 2019*, 18 April 2019, www.msf.org/drc-2018-ebola-outbreak-crisis-update, and Al-Jazeera, *DR Congo ethnic violence stopping refugee returns: UN*, 25 July 2019, <https://www.aljazeera.com/news/2019/07/dr-congo-ethnic-violence-stopping-refugee-returns-190725064322063.html>.

⁷⁶ WHO, *Ebola Outbreak in the Democratic Republic of the Congo Declared a Public Health Emergency of International Concern*, 17 July 2019, www.who.int/news-room/detail/17-07-2019-ebola-outbreak-in-the-democratic-republic-of-the-congo-declared-a-public-health-emergency-of-international-concern.

⁷⁷ WHO, *Situation Report 60: Democratic Republic of the Congo Ebola Virus Disease Outbreak*, 22 September 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/SITREP_EVD_DRC_20190922-eng.pdf, p. 2; BBC News, *DR Congo Ebola Deaths Top 2000*, 30 August 2019, www.bbc.com/news/world-africa-49521739; The Independent, *Ebola Death Toll in Congo Now Over 2000*, www.independent.co.uk/news/world/africa/ebola-virus-outbreak-congo-democratic-republic-drc-death-toll-a9085566.html.

⁷⁸ In June of 2019, a five-year-old boy and his grandmother died of the Ebola virus in Uganda after returning from a trip to the DRC. A case was also confirmed in Goma in July 2019. Africa News, *Uganda Records Ebola Deaths, WHO Calls Emergency Meeting*, 13 June 2019, www.africanews.com/2019/06/13/ebola-confirmed-in-uganda/, and The Guardian, *Ebola Virus Reaches Congolese City of Goma*, 15 July 2019, www.theguardian.com/world/2019/jul/15/ebola-virus-reaches-congolese-city-of-goma. Additionally, there were reports in September 2019 that Tanzania had withheld information about a possible EVD case from the WHO. However, as of September 2019 no cases had been confirmed in Tanzania. VOX, *The WHO Is Concerned Tanzania May Be Hiding Ebola Cases*, 23 September 2019, www.vox.com/science-and-health/2019/9/23/20879869/ebola-2019-outbreak-tanzania; and Ars Technica, *Possible Cover-up of Ebola Outbreak in Tanzania Prompts Travel Warnings*, 30 September 2019, <https://arstechnica.com/science/2019/09/possible-cover-up-of-ebola-outbreak-in-tanzania-prompts-travel-warnings/>.

⁷⁹ WHO, *Situation Report 60: Democratic Republic of the Congo Ebola Virus Disease Outbreak*, 22 September 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/SITREP_EVD_DRC_20190922-eng.pdf, p. 10.

⁸⁰ OCHA, *Democratic Republic of Congo: Internally Displaced Persons and Returnees*, 31 December 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/drc_factsheet_trim4_2017_en_07022018.pdf.

⁸¹ In December 2018 UNHCR noted that more than one million Congolese were estimated to have become internally displaced in 2018 and that in North Kivu and Ituri an estimated 88,000 houses were destroyed or damaged due to violence. UNHCR, *UNHCR Warns of Massive Shelter Needs of DR Congo’s Displaced*, 14 December 2018, www.unhcr.org/news/briefing/2018/12/5c1375904/unhcr-warns-massive-shelter-needs-dr-congos-displaced.html. IDMC found that there were 1.8 million newly displaced persons during 2018. IDMC, *Global Report on Internal Displacement 2019*, 10 May 2019, www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf, p. 19. OCHA estimated in January of 2019 that there were 4.65 million IDPs in the DRC. OCHA, *Great Lakes Region – Humanitarian Snapshot November-December 2018*, 28 January 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/GLR_Humanitarian_Snapshot_28Jan2019.pdf.

IDPs in South Kivu in July 2018.⁸² There are no official IDP camps in South Kivu, only spontaneous sites; UNHCR estimates that around 4 per cent of the IDP population lives in these informal settlements. According to UNHCR estimates at the end of May 2019, there were 1,756,102 IDPs in North Kivu (including 97,968 living in camps) and 880,485 in Ituri (including 68,140 living in camps).⁸³ Violence continues to be a driver of displacement, with a reported 125,000 people newly displaced from Fizi, Uvira and Mwenga territories in South Kivu as a result of inter-ethnic violence in May 2019 and large-scale displacement in Ituri due to conflict in June 2019.⁸⁴ Some IDPs have been able to return to their homes during lulls in the ongoing violence.⁸⁵ However, these returns are often temporary and there is a high prevalence of repeated displacement.⁸⁶

18. The country hosted 548,850 refugees and asylum seekers as of 31 August 2019, while 886,881 refugees from the DRC were hosted by other countries in Africa.⁸⁷

UNHCR Position on Returns

19. As the situation in North Kivu, South Kivu, Ituri and adjacent areas remains fluid, UNHCR considers that persons fleeing the conflict in these three provinces and adjacent areas are likely to be in need of international refugee protection in accordance with Article 1(2) of the 1969 OAU Convention.⁸⁸ In addition, many persons fleeing the DRC are likely to meet the 1951 Convention criteria for refugee status.⁸⁹ Depending on the profile of the individual case, exclusion considerations may need to be looked into.⁹⁰
20. Furthermore, UNHCR does not consider it appropriate for States to deny international protection to persons originating from the affected areas on the basis of a presumed internal flight alternative to other parts of the DRC, unless the applicant has strong and pre-existing links to the suggested area of relocation. At a minimum, such links need to comprise an ability to speak the local language, as well as having family or other substantial connections in the area in question. The person concerned must also be able to obtain the necessary documentation to allow them to settle and to move freely in the proposed area of relocation, in order not to be exposed to a risk of arbitrary detention. Any such proposed returns would need to be assessed carefully, taking into account the individual circumstances of the case.⁹¹
21. The security, rule of law and human rights situation in North Kivu, South Kivu and Ituri also challenges the feasibility of safe and dignified return for any person originating from these provinces and adjacent areas, whether or not the individual is found to be in need of international protection. Against this

⁸² As per IOM's Displacement Tracking Matrix (DTM). While the report itself was published in February of 2019, the data on IDPs in South Kivu was collected between 23 March - 30 April and 1-23 July of 2018. IOM, *Displacement Tracking Matrix – Democratic Republic of the Congo*, 18 February 2019, https://displacement.iom.int/system/tdf/reports/DTM_MT_DRC_all%20EN%20R2_130219.pdf. Ongoing displacement, as well as return movements, mean that the precise number of IDPs in the province continues to fluctuate.

⁸³ Information available to UNHCR.

⁸⁴ UNHCR, *Massive Displacement Reported in North-eastern DRC Amid New Violence*, 18 June 2019, www.unhcr.org/news/briefing/2019/6/5d089ee54/massive-displacement-reported-north-eastern-drc-amid-new-violence.html; ACAPS, *Briefing Note – DRC: Displacement in South Kivu*, 29 May 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/20190529_acaps_start_briefing_note_drc_displacement_sud_kivu.pdf.

⁸⁵ For example, local authorities confirmed the return of 83,661 persons to four localities in Lubero Territory between November 2018 and January 2019. See UNHCR, *Operational Update – Democratic Republic of the Congo*, 28 February 2019, <https://data2.unhcr.org/en/documents/download/68746>.

⁸⁶ IDMC notes that displacement in the DRC "tends to be short-lived but is often repeated as IDPs try to stay close to their areas of origin and maintain access to their livelihoods." However, they also note that "shifting frontlines have pushed some IDPs further from their homes, making their return more difficult and putting them at greater risk of impoverishment and further displacement." IDMC, *Democratic Republic of the Congo*, March 2019, www.internal-displacement.org/countries/democratic-republic-of-the-congo.

⁸⁷ Specifically, the DRC hosts 538,706 refugees and 10,144 asylum-seekers. UNHCR, *Fact Sheet – DR Congo*, 31 August 2019, <https://reliefweb.int/sites/reliefweb.int/files/resources/71712.pdf>, p. 1.

⁸⁸ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, www.unhcr.org/refworld/docid/3ae6b36018.html.

⁸⁹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, www.unhcr.org/refworld/docid/3be01b964.html and UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, www.unhcr.org/refworld/docid/3ae6b3ae4.html.

⁹⁰ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, www.unhcr.org/refworld/docid/3f5857684.html.

⁹¹ For detailed guidance see UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, www.unhcr.org/refworld/docid/3f2791a44.html.

background, UNHCR urges States not to forcibly return to the DRC persons originating from these areas until such time as the security and human rights situation in the affected areas has improved sufficiently to permit a safe and dignified return of those determined not to be in need of international protection.

Voluntary Returns

22. Individual Congolese nationals who are outside the country and who are considering return to North Kivu, South Kivu or Ituri in a self-organized manner should be provided with as much detailed information on the situation in their place of origin as possible, so as to allow them to make a fully informed choice, taking into account the current situation as regards security, governance and livelihoods.
23. UNHCR supports the voluntary repatriation of Congolese refugees from neighbouring countries and the wider region, subject to ensuring that the individual decision is fully informed and voluntary. Prior to extending support for voluntary repatriation to Congolese nationals, UNHCR will verify and confirm the voluntariness of the decision to return to the specific location in the DRC, through individual interviews with all members of returning families.
24. Any assistance provided by UNHCR for return to the DRC aims at supporting individuals who, being fully informed of the situation in their places of origin or an alternative area of their choice, choose voluntarily to return. Any action by UNHCR to support voluntary repatriation, including efforts aimed at sustainable reintegration for returnees and IDPs in the DRC, should not be construed as an assessment by UNHCR of the safety in the DRC for individuals who have sought international protection in countries of asylum. Voluntary repatriation and forced return are processes of a fundamentally different character, engaging different responsibilities on the parts of the various actors involved.