



His Excellency Mr. Kisimba Ngoy
Minister of Justice
BP 3137, Kinshasa/Gombe
Democratic Republic of Congo

21 July 2006

Dear Minister,

Human Rights Watch is writing to request that the Ministry of Justice urgently undertake criminal investigations of Gédéon Kyungu Mutanga (commonly known as Gédéon) and other Mai Mai leaders for alleged war crimes in central Katanga from 2003 through 2006.

On May 16, 2006, the United Nations peacekeeping force in Congo, MONUC, handed over Gédéon to Congolese military justice authorities in Lubumbashi, Katanga. Since that time, he has remained in detention but has not been charged with any crime. With the surrender of Gédéon, other Mai Mai leaders and combatants have also laid down their weapons in recent weeks. To date, no Mai Mai leaders have been held to account for the crimes they have committed.

Information collected by Human Rights Watch researchers in central Katanga and by other human rights organizations indicates that Gédéon and other Mai Mai leaders under his command, including Kasereka and Sambwilwa, ordered, were responsible for, tolerated, and perhaps personally committed war crimes, including murder, torture, mutilation, cruel treatment, rape, forced recruitment, and the recruitment of children for their armed forces.

Human Rights Watch further documented war crimes allegedly committed by other Mai Mai leaders frequently cited as rivals to Gédéon, namely Makabe Kalenga Ngwele

(commonly known as Makabe) and Kabale Makana a Nshimba (commonly known as Kabale, now deceased). Local human rights organizations, including the Association Africaine de Défense des Droits de L'Homme (ASADHO), Centre Des Droits de L'Homme et du Droit Humanitaire (CDH) and Commission de Vulgarisation des Droits de l'Homme (CVDHO), also reported on crimes allegedly committed by these and other Mai Mai leaders, in a report published in October 2003.

In the attached submission, we provide details of some of the crimes allegedly committed by combatants under the command of Gédéon and Makabe. This information was gathered by Human Rights Watch researchers who interviewed more than 200 victims and witnesses in central Katanga in March and April 2006. Among the crimes documented are:

- Murder of civilians, including those attacked for registering to vote, local chiefs and government officials, and those accused by the Mai Mai of sorcery;
- Mutilation, torture, and cruel and inhuman treatment, often deliberately carried out to terrorize populations;
- Forced recruitment and initiation into the Mai Mai, and recruitment of children for their armed forces;
- Forced displacement of populations, destruction of property and looting.

Non-state armed groups are obligated to abide by international humanitarian law (the laws of war). The above acts are serious violations of article 3 common to the four Geneva Conventions of 1949 or of customary international humanitarian law, and are considered war crimes.

Individuals are criminally responsible for war crimes they commit, and commanders are criminally responsible for war crimes committed pursuant to their orders. Under the doctrine of command responsibility, military and civilian leaders are responsible for war crimes committed by persons under their command or authority if they knew or should have known of the crimes and took no measures to prevent them or punish the perpetrators.

International humanitarian law obligates states to investigate alleged war crimes committed on their territory and prosecute those responsible. We hope this information will assist you in your investigations and in bringing the perpetrators to justice. Failure to hold war criminals accountable will only enforce the culture of impunity and hinder progress towards the rule of law in Congo.

While we understand that Congo is currently in the process of holding national elections, we nevertheless believe that justice must continue to be done even at such times. We urge you to act in this matter.

Yours sincerely,

A handwritten signature in black ink, reading "A. Van Woudenberg". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the name.

Anneke Van Woudenberg
Senior Researcher
Human Rights Watch

CC: Gén. Joseph Ponde Isambwa, Auditeur général à Kinshasa
Col. Maj. Eddy Mzadi, Auditeur militaire à Lubumbashi

War Crimes Allegedly Committed by the Mai Mai in Katanga

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Background

“Mai Mai” is a general term for groups of combatants who came together principally to protect their home regions against attack by foreign armed groups or government armed forces. During the last decade of military conflict in the DRC, several Mai Mai groups have emerged in North Kivu, South Kivu, Maniema and in various part of Katanga province. These Mai Mai groups are relatively autonomous, though they share some common goals and occasionally operate together.

The Mai Mai of central Katanga grew strong in 1998 with the support of President Laurent-Desiré Kabila and others close to him.¹ Led by a local leader known as Kambala and a customary chief named Kiyombo, this Mai Mai group was drawn largely from the Balubakat, Kabila's own ethnic group. They constituted a popular resistance force against the Rally for Congolese Democracy-Goma (Rassemblement Congolaise pour la Démocratie-Goma, RCD-Goma), a Congolese rebel group that was backed by neighboring Rwanda, and which in the early stages of the 1998-2003 war sought to take a strategic military base at Kamina and the mineral-rich region centered on the provincial capital Lubumbashi. Although relatively untrained militarily, the Mai Mai were armed by the Congolese government and fought alongside the Congolese army then known as the Congolese Armed Forces (Forces Armées Congolaise, FAC) against the RCD-Goma forces.

Mai Mai, FAC and other government allies were able to hold back rebel advances in central Katanga, leaving the province divided between the rebels and pro-government forces. With the withdrawal of Rwandan troops in 2002 and the incorporation of the RCD-Goma into the Congolese government in 2003, the threat of losing Katanga passed. FAC and Mai Mai troops were largely abandoned by the government which stopped paying salaries or providing logistical support and took no effective steps to disarm or integrate the Mai Mai. FAC troops began to loot, extort from and rape local civilians, and sold their weapons in exchange for bush meat or minerals. Faced with abuses against their communities and an absence of administration, the Mai Mai moved to opposing central government troops and administrative agents. In the conflict between Mai Mai and government troops, both sides have deliberately killed and injured civilians and destroyed or pillaged their property.²

Mai Mai leaders buttress their authority through the use of spiritual rituals. They and their combatants often mutilate the bodies of their victims and sometimes engage in cannibalism, supposedly to enhance their strength. Such practices increase the fear with which Mai Mai are regarded by others.

¹ The Mai Mai of central Katanga are also sometimes referred to as the Forces d'Auto Defense Populaire (FAP), Forces d'Intervention Populaire (FIP), or Simba. FAP were at one time a separate group and may have received more military training by the FAC. Some FAP combatants then went on to join the Mai Mai. Human Rights Watch interviews with local authorities, chiefs and former combatants, central Katanga and Lubumbashi, March-April 2006. See also joint report by the Association Africaine de Défense des Droits de L'Homme (ASADHO), Centre Des Droits de L'Homme et du Droit Humanitaire (CDH) and Commission de Vulgarisation des Droits de l'Homme (CVDHO), "Nord-Katanga: Attaques délibérées contra la population civile," October 2003.

² Abuses by the government armed forces are treated in a separate submission by Human Rights Watch to authorities of the Congolese military justice system.

Mai Mai leader Kambala died in 2001, leading to internal rivalry amongst Mai Mai leaders for control. Makabe Kalenga Ngwele, known as Makabe, was challenged by Gédéon Kyungu Mutanga, known as Gédéon. Their forces skirmished on several occasions including at Kasunge in 2001, Nambia in 2002, and Mukanga and Tembo in 2003, creating an informal division of territory, with Gédéon controlling the right bank of the Congo river and Makabe the left bank.

According to information from more than 200 residents of the area, and from former combatants, local authorities and civil society activists, Gédéon and his Mai Mai controlled a central area of Katanga which included parts of Malemba-Nkulu, Manono, Mitwaba and Pweto territories.³ Gédéon divided his force into four brigades, designated brigade commanders, gave written and verbal orders to subordinates, recruited new combatants, and gave instructions on administrative matters. On several occasions he publicly stated that he was the group's leader.⁴ Gédéon administered this area as if he and his group were state authorities.

On the left bank of the Congo river, Makabe and his commanders exercised their control from a base in Malemba-Nkulu and later in the village of Musao. They continued to contest Gédéon's control on the right bank, particularly in areas known as Kayumba and Museka.⁵

The human rights abuses committed by the Mai Mai and the abusive Congolese army military operation to deal with the problem resulted in the displacement of over 150,000 people, and countless deaths. The suffering and abuses were so widespread that local residents termed this region of central Katanga "the triangle of death."⁶

³ Human Rights Watch interviews, central Katanga and Lubumbashi, March-April 2006.

⁴ Human Rights Watch interviews with: former Mai Mai commander, central Katanga, April 4; Colonel Kapini Polidor, Manono, April 9; local sources, Kasungeshi, March 28; local sources, Mutabi/Dubie, March 22; and local sources, Mitwaba, March 25 and 29, 2006. See also copies of written orders purportedly from Gédéon, on file with Human Rights Watch.

⁵ Human Rights Watch interviews, Mukanga, April 3 and 5; Manono, April 8-9; and Lubumbashi, April 13, 2006.

⁶ Human Rights Watch interviews, Mutabi/Dubie, March 20-23; and Lubumbashi, March 19, 2006.

Crimes Committed by Mai Mai under the command of Gédéon Kyungu Mutanga, a.k.a. Gédéon

Killing of registered voters

In October and November 2005, the Independent Electoral Commission started registering voters in central Katanga for national elections scheduled in 2006. The Mai Mai accused persons who registered of being traitors who had “gone over to the government side,”⁷ and attacked and beat dozens of them, killing more than ten.⁸

Among dozens of cases reported to Human Rights Watch researchers was a Mai Mai attack on the village of Kimbwi, near Masombwe (just east of Mitwaba), in late November 2005. The Mai Mai confiscated electoral cards from residents and publicly destroyed them. They then selected a group of about ten men, including Kisimba Kasadi, Musinga Mwenge, Kapoya Ilungu, Kazadi Balunga and Mujinga Mafule, took them a short distance from the village and summarily executed them. The wife of one victim said,

The Mai Mai said they were going to take the men to Gédéon to be judged. They said the men had to explain why we had gone over to the government side. They said we were traitors. I started to cry. They took the men away. They had not gone far and then we heard shots being fired. They had killed our men.⁹

The following day, a relative of one of the victims went to the site of the killing and confirmed that the victims were dead. She said, “I even counted the bodies, I saw it with my own eyes.”¹⁰ That same day another witness saw the same group of Mai Mai carrying body parts from apparently recently killed human victims; she believed they were taken from the victims killed the previous day.¹¹

Numerous Kimbwi residents told Human Rights Watch researchers that they recognized the assailants as Mai Mai from the neighboring village of Mubidi, led by Mutepa, Mambole and Manongo, a diviner. The local witnesses all affirmed that these men were

⁷ Human Rights Watch interviews, Mutabi/Dubie, March 21; and Mitwaba, March 26, 2006.

⁸ Ibid.

⁹ Human Rights Watch interview, Mitwaba, March 26, 2006.

¹⁰ Ibid.

¹¹ Ibid.

under the command of Gédéon, since they regularly went to Kabala, Gédéon's headquarters.¹²

In this and other cases documented by Human Rights Watch researchers, the Mai Mai destruction of electoral cards left numerous potential voters unable to participate in upcoming elections. Such abuses also deterred others from participating in the voter registration process.

Killing of local chiefs and others in positions of authority

The Mai Mai sought to impose their authority in central Katanga by targeting and killing local chiefs, their relatives, and others who represented customary or state authority. Between July 2002 and March 2006, Mai Mai combatants deliberately killed more than forty local chiefs and state representatives in numerous localities, and threatened others. These attacks caused the flight of many chiefs and the populations who acknowledged their authority. According to victims and other local sources, the Mai Mai regarded chiefs as traitors and they targeted them for opposing the Mai Mai and failing to attend their meetings, for attempting to stop Mai Mai abuses against civilians, for reporting Mai Mai attacks to higher state authorities, or for failing to provide combatants with food.¹³

Among the chiefs allegedly killed by Mai Mai were Leopold Kazadi Mukutwa, customary chief of Kiseli; Andre Kabongo Ntamba, chief of Katolo groupement; Kizyuki, chief of Mubidi; Maluki, chief of Kawama; Kasengo, chief of Dilenge; Matembo, chief of Nkuswa; Brisno, chief of Kingombe; Kapeta, chief of Musamadi; Kasindi Nfumbwe, chief of Mwele; Prosper Wakatenda, representative of the chief of Lunguye; Ntambo, chief of Ntambo; Mitonga Kalemba Kileba, chief of Masombwe; Kyembe, chief of Shele; Mukubu Kataya, chief of Kakenza; and Kalombo Wambala, chief of Kalombo Wambala¹⁴ Some of these killings are detailed below.

One early murder case resulted from an attempt by chiefs to enlist support from provincial officials, church leaders, and peacekeepers of the United Nations Mission in Congo (MONUC) in resisting Mai Mai abuses. When representatives of these groups met with some chiefs on November 8, 2003, to discuss the situation Mai Mai

¹² Ibid.

¹³ Human Rights Watch interviews, Mutabi/Dubie, March 21-22; Mitwaba, March 25 and 27; and Kyolo, April 4, 2006.

¹⁴ Human Rights Watch interviews, Mutabi/Dubie, Mitwaba, Manono, and Mukubu, March-April 2006. See also "Noms Des Chefs Coutumiers et Chefs des Villages Tués Par les Mai-Mai Pour S'être Opposés a Leurs Mouvements," list prepared by local NGO, March 27, 2006.

combatants took over the meeting. According to several persons who attended the meeting, the Mai Mai were smoking drugs. One observer remarked that “the Mai Mai kept shooting into the air during the meeting. The chiefs could say very little and were practically hostages of the Mai Mai.”¹⁵ On or about November 11, a group of Mai Mai from Kabala, where Gédéon was then based, attacked and killed Andre Kabongo Ntamba, the chief of Katolo groupement, and Leopold Kazadi Mukutwa, the customary chief of Kiseli, who had participated in the meeting.¹⁶

A witness told a Human Rights Watch researcher:

Six Mai Mai came to find the chiefs. They were the Mai Mai who worked with Gédéon. We all thought we were going to die. They took the chiefs to Kisele village. Someone decided to secretly follow them. He found blood on the road and then a short distance away discovered the bodies of the two chiefs. Their faces had been cut off, as had their hands and feet. Their hearts had been cut out of their bodies. We were all terrified and we fled.¹⁷

In mid-2005 Mai Mai killed the local chief of Kingombe, Chief Brisno. Warned several months before that the Mai Mai meant to kill him, the chief and his family had fled to a neighboring village. But short on food, the chief and others returned briefly to gather crops from their fields.

One of the group related:

While we were in the fields looking for food a group of Mai Mai found us. There were seven of them. They asked why the chief had returned and accused us of being against them. They told us we were going to die. They took [the chief], tied him up and started to beat him very hard. Then they killed him. They split him open and cut him up into pieces. I saw this myself. I was only a few meters away. They yelled at me to go and said they would come and find me that night. I ran for my life.¹⁸

¹⁵ Human Rights Watch interview, Mitwaba, March 25, 2006.

¹⁶ Human Rights Watch interview, Mutabi/Dubie, March 23, 2006.

¹⁷ Human Rights Watch interview, Mutabi/Dubie, March 21, 2006.

¹⁸ Human Rights Watch interview, Mitwaba, March 26, 2006.

In early December 2005, Mai Mai combatants assassinated Mitonga Kalemba Kileba, chief of the village of Masombwe, near to Kingombe, in an early morning attack. They shot the chief in the back but harmed no one else. According to a member of the chief's family, he was killed for having opposed the recruitment of youths, including his own children, into the Mai Mai.¹⁹

At the time of these two killings, the Mai Mai group of Gédéon controlled the areas of Kingombe and Masombwe.²⁰

At a meeting with Human Rights Watch researchers, local chiefs reported that dozens of chiefs had been beaten or threatened by the Mai Mai and had fled their homes. Their departure spurred the displacement of local populations who feared remaining in their villages without the chiefs.²¹

Family members or other close relations to representatives of authority were also killed. In one case on July 22, 2005, the Mai Mai killed the wife of the chief of Shamwana after having accused her of causing the death of her son, who had been forced to join the Mai Mai and who had died in combat. Relatives of the victim told a Human Rights Watch researcher that Mai Mai combatants had cut off her hands, feet, genitalia, and head before burning the rest of her body.²²

The Mai Mai also targeted representatives of the state including conservation workers, policemen and security officials. In one such case in 2004 the Mai Mai killed Ndumba and his colleague, two security officials who had come to Kabala to carry out investigations of previous crimes.²³

On May 28, 2004, a group of about forty Mai Mai combatants attacked Lusinga, a nature conservation and tourist camp in Upemba National Park. They killed five civilians who were part of the park conservation staff or their families. They took eight other persons hostage, including the wife of the chief conservationist Josephine Baseme Kayimbi; her eighteen-year-old daughter-in-law, Lucie Somwe Mwenga Mwimba; a female staff member Kalenga Wa Konika; and five young children. After walking some distance,

¹⁹ Ibid.

²⁰ Ibid., and Human Rights Watch meeting with local chiefs, Mitwaba, March 27, 2006.

²¹ Human Rights Watch meeting with local chiefs, Mitwaba, March 27, 2006.

²² Human Rights Watch interview, Mutabi/Dubie, March 24, 2006.

²³ Human Rights Watch interviews, Mutabi/Dubie, March 22, 2006.

Kayimbi was unable to walk any further; she had also refused to become a “wife” of the Mai Mai. She was killed (her husband later identified her remains). The Mai Mai held the other hostages—the women for sexual services and the children for labor—for some eighteen months until they were able to escape. According to one of the hostages, they were held by the Mai Mai group led by Commander Kasereka, a brigade commander who reported to Gédéon. The same witness claimed she saw Gédéon in possession of some of the goods looted from the Lusinga station.²⁴

Killing of Abbé Francois Mwilambwe and Simon Kahimbi

In September 2005, Abbé Francois Mwilambwe and another church official, Simon Kahimbi Nyembo, were sent by the governor of Katanga, Kisulu Ngoy, to conduct secret negotiations with Gédéon. They left Dubie in late August carrying U.S.\$20,000 in cash and a letter from the governor.²⁵ They met three times with the Mai Mai but never returned from the last meeting. By mid-September reports reached Dubie that they had been killed at Katelamuna by Mai Mai who reported to Gédéon. On November 13, 2005, Congolese army soldiers sent to Katelamuna found human remains and part of a burned motorcycle. A Congolese army major, Jean Beya Amuri, who was at the scene, told Human Rights Watch researchers that local witnesses and former Mai Mai combatants had confirmed that the remains were those of Abbé Francois and Simon Kahimbi. According to the results of Maj. Amuri’s investigation, Gédéon had ordered the killings. He also said that the Mai Mai at Katelamuna, reportedly led by commander Sambwilwa, held a ceremony where they mutilated and then burned to death the church officials, cutting out their hearts to take to Gédéon.²⁶ Other sources independently repeated this version of events.²⁷

Despite several concordant versions of these killings, some local residents claim that government soldiers were the ones responsible for the deaths.²⁸

²⁴ Human Rights Watch interviews, Mitwaba, March 25; and Lubumbashi, April 12, 2006. See also Faustin Bathechi Murutsi, Chief Park Conservationist, “Lettre de Plainte à Auditeur Supérieur Militaire de la Province du Katanga,” November 14, 2005, and “Mémorandum Présenté à Son Excellence Monsieur le Gouverneur de la Province du Katanga Concernant l’Attaque de la Station de Lusinga Par des Assaillants Mai Mai de L’Aile de Gedeon et Kazereka,” February 21, 2005.

²⁵ Human Rights Watch interviews with: local sources, Mutabi/Dubie, March 20 and 23; Maj. Beya Amuri Jean, FARDC 62nd Brigade, Mutabi/Dubie, March 23; church officials, Manono, April 8-9; and governor of Katanga, Kisulu Ngoy, Lubumbashi, April 13, 2006.

²⁶ Human Rights Watch interview with Maj. Beya Amuri Jean, FARDC 62nd Brigade, Mutabi/Dubie, March 23, 2006.

²⁷ Human Rights Watch interviews with local sources, Mutabi/Dubie, March 20 and 23; and Lubumbashi and Manono, April 8-9, 2006.

²⁸ Human Rights Watch interviews, Manono, April 8-9; and Lubumbashi, April 1-2, 2006.

Torture and killing of civilians accused of sorcery

Mai Mai have accused numerous persons of sorcery, particularly elderly women, and then punished them by torture and killing. They afforded the accused little or no opportunity to defend themselves against the accusations, and they carried out the killings in often brutal public rituals, witnessed by local residents. In many cases, they cannibalized the bodies of the victims. Such public killings aroused great fear among local people and made it easier for Mai Mai to exact obedience from them.

In one case in July 2005, Mai Mai killed Mwamba Kazadi, a sixty-year-old widow from Kapembe, after having charged her with sorcery. They stripped her naked, took her to their military camp, and ordered people to bring wood for a fire and to witness the execution. According to witnesses, the Mai Mai then cut out her heart, her genitals and others parts of her body before burning her on the fire. A person who walked past the camp a few hours later saw the Mai Mai cannibalizing the body. One witness said that he and others were terrified by the brutality of the killing. He said, “I was so scared at what I saw that I fled. I don’t know if I can ever return without thinking of what happened.”²⁹

After a Mai Mai combatant died in combat against the Congolese army in June 2004, a *nganga* (diviner) identified Ilunga Apolina, a sixty-four-year-old woman, as responsible for his death. Nine Mai Mai abducted Apolina from Kisele and took her to Kabala, the headquarters of Gédéon’s Mai Mai, where she was killed. A few days later a family member overheard a group of Mai Mai boasting about her death.³⁰

In another case, Ilunga Ngoy, a forty-five-year-old mother of five from Katolo village, was accused of sorcery after she tried to stop her sons from being recruited into the Mai Mai. During the night of April 28, 2005, a group of Mai Mai abducted Ilunga, who was in the late stages of pregnancy, tied her hands behind her back, and beat her with a large stick. They took her to Gédéon’s base at Kabala and killed her there. Relatives of the victim, who heard the account of her killing from others who followed her to the camp, said,

[Ilunga] was kept for a day at the Mai Mai camp. On the twenty-ninth they cut her open during a ceremony and took the babies from her body. They were twins... They took the babies to Gédéon for their

²⁹ Human Rights Watch interviews, Mutabi/Dubie, March 21, 2006.

³⁰ *Ibid.*

magical power. Then they killed her. They cut off some of her body parts and burned the rest.³¹

Her brother Sambwilwa was an important Mai Mai leader under Gédéon's command. He was said to have convinced Ilunga's sons to join the Mai Mai. Witnesses to Ilunga's abduction said that the Mai Mai who took her away were part of the group led by Sambwilwa.³²

Gédéon was reportedly in residence and present at a Mai Mai military camp when a victim accused of sorcery was murdered there. On December 5, 2004, a woman with light skin and white clothes was brought to the camp. According to a witness who was present and later recounted his story, Mai Mai combatants cut the victim's genitalia and breasts, which they wrapped in leaves and presented to Gédéon. The Mai Mai then slit the victim's throat and cannibalized her body.³³

Other sexual violence

Many Katanga residents said that Gédéon took a strict position against sexual violence by his combatants. Human Rights Watch researchers nonetheless documented cases of sexual violence committed by Mai Mai combatants against women and girls, including the rape of at least three women and girls at Mutendele in early 2005 and the rape of another woman in the fields around Mpaza in front of her husband. In some cases the women or girls were abducted to provide sexual services; in others Mai Mai "bought" them in exchange for some bare token, such as plastic beads or dried fruit, that family members did not dare refuse.³⁴ In at least two cases, victims identified a senior commander as among those who raped them.

One twenty-six-year-old woman told Human Rights Watch researchers that Kasereka, a senior commander of Gédéon, abducted and then raped her in 2004. She said,

One day Kasereka's Mai Mai arrived at my house and forced me to go with them. I was married and didn't want to go but they said they would kill me. They took me to Kasereka and he raped me. I fled some

³¹ Human Rights Watch interview, Mutabi/Dubie, March 21, 2006.

³² Ibid.

³³ Detailed interview notes from a local human rights organization, March 2005. Copy on file with Human Rights Watch.

³⁴ Electronic communication from observer in Katanga to Human Rights Watch, May 2006.

time later but they found me again and took me back to him. He raped me many times as did two other Mai Mai.³⁵

One of the women abducted from the Lusinga conservation station and held for eighteen months (see above), said she was raped by Kasereka and forced to be his “wife.”³⁶

Kasereka left the Mai Mai in January 2005 and is now a commander in the Congolese army.

Other cases of torture, and cruel and inhuman treatment

Human Rights Watch researchers documented widespread use of torture, mutilation, and other forms of cruel and inhuman treatment by Mai Mai combatants under Gédéon’s command.

In one case in early 2004, Mai Mai combatants mutilated the genitals of a man and a woman of the Batembo tribe, saying they were being punished for having helped Congolese army soldiers.³⁷

In another case, a man apprehended near Mpaza by the Mai Mai in March 2005 showed Human Rights Watch researchers a large scar on his shoulder. He said that a Mai Mai combatant cut a large chunk of flesh from his shoulder and then roasted and ate it.³⁸ The man added,

I was then taken to Kabala [Gédéon’s headquarters] and held there for many weeks...We were beaten with branches. There were other prisoners there as well but they were held in a different area from me. They were also being beaten and some of them were killed. The Mai Mai would tell us that it would be our turn next.³⁹

³⁵ Human Rights Watch interview, Mitwaba, March 27, 2006.

³⁶ Human Rights watch interview, Lubumbashi, April 12, 2006. See also Murutsi, “Lettre du Plainte,” November 14, 2005.

³⁷ Human Rights Watch interviews, Mutabi/Dubie, March 22; and Lubumbashi, April 2, 2006.

³⁸ Human Rights Watch interview, Lubumbashi, April 2, 2006.

³⁹ Ibid.

Witnesses reported seeing Mai Mai combatants in possession of human body parts such as sexual organs, hearts or fingers that were to be taken to Gédéon for use in spiritual rituals. According to one witness, Gédéon was present in early 2004 when a group of Mai Mai arrived at his military headquarters with two bags of body parts. Gédéon reportedly inspected the bags and then took out some pieces for immediate use.⁴⁰

Mai Mai frequently punished victims by suspending them by their wrists and ankles from a large pole. One person described this practice as “being hung like a slaughtered animal.”⁴¹ The Mai Mai would then carry the pole on their shoulders through the village before swinging the victim back and forth and then throwing him. Many victims suffered serious injuries from this punishment, including head trauma and broken bones.

One man told a Human Rights Watch researcher that Mai Mai took him to Gédéon’s base at Kabala in October 2004 and carried him around on a pole for three hours before throwing him four times. He still bore deep scars from where the ropes had cut into his wrists and ankles. He had been charged with falsely accusing a friend of a Mai Mai commander of adultery, a charge he denied. After the punishment the victim was forced to pay money and four goats to secure his release.⁴² Another victim described having been thrown five times in this kind of punishment. He told Human Rights Watch researchers that his arm had been broken and that he still suffers from back pain.⁴³

Forced recruitment and child recruitment

Between 1999 and 2003 many men and youths voluntarily joined the Mai Mai to fight against rebel groups like the RCD-Goma and their foreign backers, and later to fight against the Congolese army soldiers who, they claimed, mistreated the local population. After 2003, however, Mai Mai under the command of Gédéon increasingly used force to recruit men and boys, and sometimes girls.⁴⁴

New members were initiated into Mai Mai ranks through the use of rituals, including being sprinkled with “magic water,” or *labo*. Many civilians feared the rituals and particularly the power of the water. They believed that human body parts had been soaked in the water and that it had taken on supernatural properties. Recruits rarely

⁴⁰ Interview notes from a local human rights organization, March 2005. On file with Human Rights Watch.

⁴¹ Human Rights Watch interview, Mutabi/Dubie, March 21, 2006.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Human Rights Watch interviews, Mutabi/Dubie, March 21 and 22; Mitwaba, March 27; and Manono, April 9, 2006.

received any military training, and many of those forcefully initiated never took part in combat, but having been touched with the water, they believed themselves Mai Mai and subject to the orders of Mai Mai leaders.

Scores of persons told Human Rights Watch researchers that they or their children had been recruited and initiated into the Mai Mai by force. Community leaders who attempted to stop the recruitment were subject to being killed, as described above. One victim of forceful recruitment said,

A group of Mai Mai arrived in my village in 2004. They called us to join them. They said if we refused they would kill us. They sprayed us with the *labo*. [magic water]. I was scared they would kill me so I did what they said.⁴⁵

In many cases the forced recruitment occurred after Gédéon's forces had driven civilians into abandoning their villages to live in the forest (see below). Often the Mai Mai would publicly beat anyone who refused, in order to ensure that others joined. This was the case near Kyungu village in May 2005 when the Mai Mai forcefully recruited twenty-one people who had fled into the forest some months earlier. At least two of the recruits were children. The Mai Mai tied up five men from the group, beat them with sticks, and threatened to burn people alive if they did not join the Mai Mai. The civilians were then sprayed with the "magic water," given weapons, and taken to the battlefield. One person thus recruited told Human Rights Watch researchers, "I was sure I was going to die."⁴⁶

Forced displacement, and destruction of property

In early 2004, Gédéon's Mai Mai combatants started to force people in areas they controlled to abandon their villages and move into the forest, saying this was necessary for their own protection.⁴⁷ Local residents told Human Rights Watch researchers that they had little choice. As one person said, "It was obligatory. You could not stay behind."⁴⁸ Another said, "They forced us to leave. If we had stayed they would have accused us of being traitors."⁴⁹

⁴⁵ Human Rights Watch interview, Mutabi/Dubie, March 23, 2006.

⁴⁶ Human Rights Watch interviews, Manono, April 9, 2006.

⁴⁷ Human Rights Watch interview, Mutabi/Dubie, March 22, 2006.

⁴⁸ Ibid.

⁴⁹ Human Rights Watch interview, Mutabi/Dubie, March 21, 2006.

A witness from Shamwana village told Human Rights Watch researchers that Gédéon himself gave the order to leave the villages. He described a public meeting held at Kijimaulu Mountain where Gédéon, wearing a mask and sitting in a small house, addressed the crowd. The witness said, “Gédéon called the meeting. He told us to leave the villages. It was an order. He said it was for our own protection.”⁵⁰ Soon after the population left Shamwana village the Mai Mai combatants burned it. A villager from Kabembe told a similar story, “The order to leave our village came from the Mai Mai supreme commander, Gédéon. After we left, they burned the village.”⁵¹

Local sources and humanitarian agencies reported burned villages all over central Katanga. On one stretch of road north of Dubie, for example, all the villages were burned including Kitembwe, Makamba, Lupwazi, Kapembe, Kato, Manwele, Misiko, Mutundele, Kitonawa, and Kampangwe.⁵²

The forced displacement into the forest caused much suffering because of the difficulty in obtaining food, water, and medical assistance. As one person said, “I stayed in the forest for about a year. It was really miserable. There was nothing to eat. Many people did not survive.”⁵³

According to U.N. estimates, over 150,000 people have been displaced in central Katanga by military operations of the Mai Mai and the Congolese army.⁵⁴ In January 2006, Médecins Sans Frontières (MSF) reported high levels of malnutrition and death among displaced people, particularly among children under five years of age.⁵⁵ In Dubie, a town to which 17,000 displaced people fled after humanitarian assistance became available, at least two children died every day in the month of February 2006.⁵⁶ There are no statistics for the death rates of those still displaced in the forest.

⁵⁰ Human Rights Watch interview, Mutabi/Dubie, March 22, 2006. The use of a mask and speaking from inside a structure suggests similarities to ritual practices.

⁵¹ Human Rights Watch interview, Mutabi/Dubie, March 21, 2006.

⁵² Human Rights Watch interviews with local authorities and humanitarian agencies, Mutabi/Dubie, Mitwaba, Manono, Lubumbashi and Mukubu, March-April 2006.

⁵³ Human Rights Watch interview, Mutabi/Dubie, March 21, 2006.

⁵⁴ OCHA-IDD/ICVA Mission to DRC, “Trip Report: Unmet Humanitarian Needs in Central Katanga, DRC,” March 15-18, 2006, <http://www.icva.ch/>.

⁵⁵ Médecins Sans Frontières (MSF), “Running for Their Lives: Repeated Civilians Displacement in Central Katanga, DRC,” January 2006.

⁵⁶ Human Rights Watch interview with MSF, Mutabi/Dubie, March 23, 2006.

Command control

Many Mai Mai believe in the supernatural powers of their leaders and certain objects associated with them, like “magic water.” Combatants believe Gédéon uses these powers to defeat enemies, protect the combatants, or punish them, or others, as required. Scores of persons who never were or who are no longer Mai Mai also ascribe extraordinary power to Gédéon and other Mai Mai leaders, and fear them because of these powers.

Their supernatural claims notwithstanding, Gédéon and other Mai Mai commanders also chose to operate within a military structure with a hierarchy of command similar to that of an army. Human Rights Watch has examined and copied documents purportedly originating from Gédéon setting up command structures, ordering attacks, and developing codes of discipline.⁵⁷ Human Rights Watch has not verified the authenticity of the documents, but whether authentic or not, the very attribution of written documents and orders to Gédéon is in itself significant, indicating that those under his command find it plausible that he would issue directives in writing.

Two former brigade commanders who served under Gédéon and who have since left the Mai Mai told Human Rights Watch researchers that they took direct orders from Gédéon. Interviewed separately, each described how Gédéon designated him as a brigade commander with specific territorial responsibilities. One of them showed Human Rights Watch researchers a copy of the written appointment to his post signed by Gédéon.⁵⁸ The other, Col. Kapini Polidor, a former Mai Mai who operated in the Manono and Pweto regions, said he received written orders from Gédéon and executed them. He said,

Gédéon used to send me orders in writing. We met in person from time to time. He was in charge, he was the chief. It is the chief who decides all matters.... I could give advice on what should be done, but he did not have to take it.⁵⁹

Colonel Kapini also told Human Rights Watch researchers that he had sent some twenty civilians accused of sorcery and spying to Gédéon to be judged and punished. In two cases, he claimed, the victims were whipped on Gédéon’s order. Colonel Kapini claimed

⁵⁷ These documents are on file with Human Rights Watch.

⁵⁸ Human Rights Watch interview with former Mai Mai commander, central Katanga, April 4, 2006.

⁵⁹ Human Rights Watch interview with Col. Kapini Polidor, Manono, April 9, 2006.

not to know what had happened to the others, but defended the Mai Mai policy of punishing those accused of witchcraft.⁶⁰

One of the former Mai Mai commanders told Human Rights Watch researchers that Gédéon ordered him to execute four persons suspected of supporting a rival leader in January 2003, and later ordered him to kill foreign aid workers in order to bring attention to Gédéon's movement. He did not execute either order and left the Mai Mai soon after.⁶¹

Under the international legal doctrine of command responsibility, military and civilian leaders are responsible for war crimes committed by persons under their command or authority if they knew or should have known of the crimes and took no measures to prevent them or punish the perpetrators. Human Rights Watch has documented widespread human rights abuses including war crimes and crimes against humanity in central Katanga between 2003 and 2006, some of which are described above.

Human Rights Watch documented some steps taken by Gédéon to prevent abuses and a few cases in which he meted out punishment—improperly—to combatants who had abused civilians. Human Rights Watch also obtained a copy of an order purportedly from Gédéon addressed to one of his brigades stating that looting, refusal of orders and interference in customary affairs could result in expulsion, disarmament or even death.⁶² In one instance Gédéon ordered seven Mai Mai combatants publicly beaten in Shamwana village because they had reportedly been drinking beer and insulting people. One combatant was hit more than fifty times with a wooden stick before Gédéon asked the crowd if the beating should stop.⁶³ Human Rights Watch researchers did not collect any accounts of punishment for more serious crimes like murder or rape.

⁶⁰ Human Rights Watch interview with Col. Kapini Polidor, Manono, April 9, 2006.

⁶¹ Human Rights Watch interview with former Mai Mai commander, central Katanga, April 4, 2006.

⁶² *Ordannance Loi Nomminative – No 001/Bde, Nkambo Kitobo Kyungu Mutanga Gedeon*, Kafumbe, August 23, 2003. Copy on file with Human Rights Watch.

⁶³ Human Rights Watch interview, Mutabi/Dubie, March 22, 2006.

Crimes Committed by Mai Mai under the command of Makabe Kalenga Ngwele, aka Makabe

Mai Mai commander Makabe sought to take control of the Mai Mai group in 2001 after the death of the former leader Kambala, but he was challenged by Gédéon (see above). In the competition for the leadership, Human Rights Watch documented widespread human rights abuses in the chefferies of Mukanga and Museka on the disputed right bank of the Congo river.⁶⁴

Killings in Mukanga town, Kayumba chefferie

In 2002 Makabe signed an order making his subordinate Kabale Makana a Nshimba, commonly known as Kabale, and his group of Mai Mai responsible for security in Mukanga town and the surrounding area.⁶⁵ According to local residents, Kabale ordered, tolerated, or himself committed dozens of killings during his period of control in Mukanga.

As with Gédéon, Kabale in some cases allegedly targeted local authorities or their relatives in an apparent effort to establish his own total control.

On August 18, 2002, Kabale's Mai Mai seized, publicly mutilated, and killed Aimerance Wempu Kasomba, a cousin of Konji Wa Kyalwe Kabingo Nkasa, known as Chief Kayumba. In the presence of scores of witnesses at the Flambon crossroads in the center of Mukanga, the Mai Mai cut out her liver and lungs and ate them. In a display of their power and capacity to hurt others, including other members of the chief's family, the combatants paraded through the town carrying the victim's head.⁶⁶

On July 13, 2002, the Mai Mai of Kabale attacked the house of a prominent citizen, Mukubu Kataya Kakenza, the chief of Kakenza, tied up his two wives and killed Kakenza, who was known for his opposition to the Mai Mai. In another case of an attack on persons known to oppose their movement, they killed Theo Maloba Mboka

⁶⁴ Human Rights Watch researchers did not visit areas on the left bank of the Congo river during their mission to central Katanga, though they did receive reports from local sources about abuses committed by Makabe and other Mai Mai leaders in this area.

⁶⁵ Human Rights Watch interviews, Mukanga, April 3 and 5, 2006. See also Letter from the Families of the Victims to President Kabila, the minister of human rights, the interior minister and the minister of justice, "Cry of Distress to the Congolese Government Authorities," December 29, 2002. Copy of file with Human Rights Watch.

⁶⁶ Human Rights Watch interviews, Mukanga, April 3 and 5, 2006.

and his four children on March 24, 2002. As one witness told Human Rights Watch researchers, “The situation was out of control. The Mai Mai would not stop killing.”⁶⁷

In August 2002 Kabale and other Mai Mai leaders were called to discuss disarmament options at a meeting in Malemba-Nkulu by then-governor of Katanga province Aime Ngoy Mukena. At the meeting, the Mai Mai leaders were given money, bicycles, clothes and other items in exchange for weapons. Families of the victims killed by the Mai Mai denounced the exchange, reporting that only a few weapons had been collected and that the gifts rewarded those who had carried out abuses. In a letter to government authorities the families asked, “Since when has killing people and eating human flesh become an act of merit?”⁶⁸ The families demanded the immediate arrest of Kabale and other Mai Mai leaders.

In early February 2003, Kabale left Mukanga to attend another meeting in Musao with Governor Mukena. According to local reports, the meeting followed a similar pattern, with gifts presented to Mai Mai leaders in exchange for a minimal number of weapons. No arrests were made.

Kabale remained away from Mukanga for over three months, and when he returned on May 13 the local people rose up and killed him. Makabe then allegedly ordered a group of at least thirty Mai Mai combatants to attack the town and avenge Kabale’s death.⁶⁹ The Mai Mai killed dozens of Mukanga residents, including the town secretary Frossard and the town clerk Kayumba Valerien, who were killed on May 19, 2003. A witness told a Human Rights Watch researcher,

They came at night. There were about twenty Mai Mai. They were angry about Kabale’s death. They took him [Kayumba] from his house and took him to Bon Coin [a place in the town centre]. There they stabbed him to death and then cut him into pieces.⁷⁰

Dozens of others were killed in the following days and weeks, including Matrien Nyembo, Emmanuel Makanze, two children of Kabongo wa Ngela, and Chief Kyemba of Shele village and thirteen of his family members. Local authorities estimated that

⁶⁷ Human Rights Watch interview, Mukanga, April 5, 2006.

⁶⁸ Ibid., and Letter from the Families of the Victims.

⁶⁹ Human Rights Watch interviews, Mukanga, April 3 and 5, 2006. See also “Aide Memoire des Notables de la Chefferie de Kayumba: Tragedie de Kayumba,” June 9, 2003. Copy on file with Human Rights Watch.

⁷⁰ Human Rights Watch interview, Mukanga, April 5, 2006.

some 30,000 people fled the area to seek safety elsewhere. Mai Mai combatants looted and then burned their houses.⁷¹ After the attack at Mukanga, a local group sent a letter to the governor of the province saying, “No words can describe the cruelty and barbarity of these acts.”⁷²

In many of the cases documented by Human Rights Watch researchers, victims of the attacks were told by their assailants that they were revenging the death of Kabale. A memorandum describing the events written by a group of prominent citizens states, “the organization of the revolt by Mr. Makabe of Musao to revenge the death of his commander Kabala ... can be confirmed by all honest and responsible persons.”⁷³

Torture and killing of women accused of sorcery

Combatants under the command of Makabe seized and tortured at least twenty women accused of sorcery in Mukubu in 2002, and killed two of them. The majority of the victims were elderly women. One seventy-year-old woman told a Human Rights Watch researcher, “I wasn’t a witch. My only crime was being old. That’s why they took me.”⁷⁴ Some of the women were sexually assaulted and others had their genitals mutilated by combatants led by Tumbwe, a Mai Mai commander who reported to Kabale and Makabe.⁷⁵ One sixty-year-old victim described what happened,

I was working in the fields when the Mai Mai took me. They called me a witch. I didn’t know what they were talking about. The Mai Mai leader was called Tumbwe and he came with his wife and some others. Tumbwe’s wife held my arms behind my back. Then they stripped me and Tumbwe hit me with a big stick. He hit me everywhere. Then Tumbwe marched me to the Mai Mai headquarters. I was naked and everyone in the village saw me this way. He continued to beat me in public. Then he threw me in prison where he abused me further. He took a corn cob and put it into my vagina. It hurt. I bled for days afterwards and I was so bruised.⁷⁶

⁷¹ Human Rights Watch interviews, Mukanga, April 3 and 5, 2006. See also “Aide Memoire des Notables de la Chefferie de Kayumba.”

⁷² Mutuelle Des Ressortissants de Kayumba, “Memo a L’Intention de Son Excellence Monsieur le Gouverneur de la Province du Katanga,” August 19, 2004.

⁷³ Ibid., and “Aide Memoire des Notables de la Chefferie de Kayumba.”

⁷⁴ Human Rights Watch interview, Mukubu, April 6, 2006.

⁷⁵ Human Rights Watch interviews, Mukubu, April 3 and 6, 2006.

⁷⁶ Human Rights Watch interview, Mukubu, April 6, 2006.

All twenty women were stripped, beaten with large sticks, and thrown into a makeshift prison. After a few days, four of the women were taken one by one into a separate room. According to one of the four,

On the third day, one of the Mai Mai called Ogi took me away into another room. He said he was going to kill me. He took out a knife and I was very scared. He spread my legs and then he cut off my clitoris. He put it in a cup. I was bleeding a lot. It was very painful. They did the same to three other women. I don't know what they did with our body parts, but I think they used it in their own witchcraft.⁷⁷

In a public ceremony witnessed by many in the community, the Mai Mai then killed two women from the group. They cut off their breasts and then shot them. Relatives and friends of the others paid the Mai Mai commanders to release them. Many of the women beaten during this incident continue to suffer from their injuries. One said, "I am still very scared. I don't walk very well anymore because of them hitting my legs. I don't know what will happen to me."⁷⁸

Other sexual violence

Human Rights Watch documented several cases of rape carried out by Makabe's Mai Mai in Mukubu, Mukanga and surrounding areas. In one case in 2003 Mai Mai combatants abducted a group of six women in Mukubu, took them to their headquarters, and raped them. One of the victims, seventeen years old, said she was gang raped by at least five combatants.

In another case the Mai Mai abducted eleven women from Katombe. One of the victims said,

We were all taken into the forest and raped. We had to be like their wives. Anyone of them could rape us at any time. I escaped only after a week.⁷⁹

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

Lack of Judicial Action

From mid 2002, numerous reports were written by local authorities, families of the victims, and other members of civil society to the Congolese government and MONUC about the situation in Kayumba and Museka, requesting urgent assistance and intervention.⁸⁰ The reports described in detail human rights abuses committed by the Mai Mai under the command of Makabe and Kabale and demanded their arrest. While provincial government authorities held numerous meetings with Mai Mai leaders, including the ones described above, Human Rights Watch is not aware of any action taken by judicial authorities to hold the perpetrators of human rights abuses to account. At the time of writing, the Mai Mai leader Makabe continues to reside in Musao.

⁸⁰ Ibid.; "Aide Memoire des Notables de la Chefferie de Kayumba"; Letter from the Families of the Victims; and Memo from Mutuelle Des Ressortissants de Kayumba. See also Letter from local civil society to Madame Gonzalez, Head of MONUC Lubumbashi, August 25, 2004; and CVDHO, "Rapport Sur Le Cannibalisme Dans Le Territoire de Malemba Nkulu," February 2003. Copies on file with Human Rights Watch.