

Central African Republic/Democratic Republic of Congo/Uganda, LRA attacks

Case prepared by Ms. Anaïs Maroonian, Master student at the Faculty of Law of the University of Geneva, under the supervision of Professor Marco Sassòli and Ms. Gaetane Cornet, research assistant.

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

Central African Republic: LRA Attacks Escalate

[Source: “Central African Republic: LRA Attacks Escalate”, in *Human Rights Watch*, 20 April 2012, available on <https://www.hrw.org/news/2012/04/20/central-african-republic-lra-attacks-escalate>]

Strengthen Measures to Protect Civilians

(Nairobi) – The Ugandan Lord’s Resistance Army (LRA) rebel group has increased its attacks in the Central African Republic (CAR) since the beginning of 2012, putting civilians in affected areas in need of urgent protection, Human Rights Watch said today. Attacks also continue in the Democratic Republic of Congo.

The LRA carried out at least 53 new attacks in Congo and CAR between January and March, abducting 90 civilians and killing nine others, according to new research by Human Rights Watch in CAR and United Nations (UN) documentation. The number of attacks in southeastern CAR is a significant increase over attacks reported in 2011.

“The increase in LRA attacks shows that the rebel group is not a spent force and remains a serious threat to civilians,” said Anneke Van Woudenberg, senior Africa researcher at Human Rights Watch. “The African Union, United Nations, and governments in the region should take urgent steps to implement comprehensive civilian protection measures and put real muscle into making them work.”

During a three-week research mission to CAR and Uganda in March and April, Human Rights Watch interviewed 23 victims and witnesses to the attacks, as well as local leaders, civil society representatives, military officials, and UN and African Union (AU) representatives.

Two sisters from Agoumar, ages 43 and 62, told Human Rights Watch that they had gone fishing on February 27 when the LRA abducted them. They were taken by a group of three fighters, who forced the women to carry honey, peanuts, and heavy bags of flour that had been looted from a nearby granary.

“We were fully loaded with goods and had to walk in the forest for three days and three nights without stopping,” one of the women said. “They beat us in a horrible way, and when my sister got seriously ill after the third night, the fighters decided to let us go. Our brother and nephew who were abducted on the same day are still missing, and we fear they may have been killed.”

Civilians across the region visited by Human Rights Watch said they live in fear of the next LRA attack. Over 400,000 people remain displaced due to LRA attacks, including at least 2,000 newly displaced in 2012. Many civilians told Human Rights Watch they desperately needed protection.

In the area around Ngouyo, a village 30 kilometers south of Djema, the LRA has carried out 12 attacks in the past two years, including two attacks in December 2011 and three in March 2012. Only two soldiers from the CAR armed forces are based in Ngouyo. Since the attacks in December the Ugandan army has deployed soldiers to Ngouyo, but villagers are afraid to leave the village and fear the Ugandan soldiers might soon depart, leaving them at the mercy of the LRA.

“It is very difficult for us to cultivate our farms, and now people are suffering from hunger,” a local leader in Ngouyo told Human Rights Watch. “Since the attacks started, we only go to our farms in groups and only to the farms within five kilometers of the village center. But since the recent attacks in the area, no one has left the village to go to their farms for the past two weeks.”

There is no phone network in Ngouyo or radio communication, so villagers often have no means of reporting LRA attacks.

On March 8, suspected LRA fighters attacked a group of seven people from Ngouyo who were fishing in the Ouara River, about 15 kilometers north of the village. An elderly mother of 10 who witnessed the attack told Human Rights Watch what happened: “They told my son to get down on the ground, and then they tied his hands behind his back. They looted all of our goods, and left with my son and our belongings. When I cried out to protest, they hit me on my arm with a bayonet and told me not to follow them.” The woman’s 29-year-old son is still missing.

Human Rights Watch documented other attacks in the region that may have been carried out by the LRA, including a massacre of 13 artisanal gold diggers in the Cawa Safari camp area around March 20. Further investigations are required to determine if the attack was carried out by the LRA or other actors, although the massacre resembled previous LRA attacks in Congo. The victims were beaten to death with machetes and pieces of wood. Some were tied up or stripped naked before they were killed. The LRA is the only armed

group suspected to have been active in the camp area recently.

CAR judicial authorities are currently investigating the massacre.

Whereabouts of the LRA Leaders

The LRA's leader, Joseph Kony, is wanted on an arrest warrant from the International Criminal Court (ICC) for war crimes and crimes against humanity committed between 2002 and 2004 in Uganda. The Ugandan military reports that they suspect he is hiding in the Darfur region of Sudan with an estimated 100 to 150 fighters, family members, and abducted children and adults. Two other LRA leaders also sought on ICC arrest warrants, Dominic Ongwen and Okot Odhiambo, are reported by the Ugandan military to be hiding in the remote forests around the Vovodo and Chinko Rivers in CAR with an estimated 100 fighters divided up into small groups. Both Kony and the other LRA leaders forcibly hold an unknown number of abducted children and adults.

Col. Binansio Okumu (also known as Binany) and another LRA commander known as Obol are suspected to be in Congo, possibly near Garamba National Park, where the LRA were previously based. These commanders were responsible for the Makombo massacre in December 2009 which left 345 civilians dead and over 250 abducted.

"No government should give safe haven or support to Joseph Kony or other LRA leaders wanted for mass atrocities," Van Woudenberg said. "If Kony is in Darfur, then the government of Sudan should join the regional efforts to apprehend him and send him to The Hague."

In recent months, the LRA has mostly operated in small groups, raiding fields and abducting civilians to transport looted goods. Some abductees who managed to escape told Human Rights Watch that Kony and other senior LRA leaders may have given instructions to LRA fighters to avoid large-scale killing to keep their locations hidden from the armed forces pursuing them.

A 19-year-old from southeastern CAR, interviewed by Human Rights Watch, spent over a year with the LRA before she escaped in January. She described the LRA's current strategy as looting when supplies were needed, but not to kill since the LRA were under constant pressure from the Ugandan army and the leaders did not want to reveal the group's locations.

But LRA violence against those abducted continued, Human Rights Watch said.

"As soon as I was abducted, the LRA taught us their language, Acholi, and told us their rules," the young woman told Human Rights Watch. "We had to wash three times per day, prepare the food well for the fighters, keep their clothes clean, and if we tried to escape, we would be killed. Two people who were abducted from Agoumar tried to escape, and the LRA forced us, the other children, to beat them to death with heavy sticks. The LRA fighters treated us horribly. If we committed an error, they would beat us terribly and we even risked being killed. That's why I had to escape. I managed to flee when they sent me to look for water."

Other armed groups, armed cattle herders and bandits also operate in this region of CAR, adding to the insecurity in the area and sometimes making it difficult for residents to identify who attacked them. For example, since early 2012, the Popular Front for Recovery (Front Populaire Pour le Redressement, FPR), a Chadian rebel group led by Baba Laddé and formerly based in northern CAR, is reported by military authorities in CAR to have moved south toward the areas where the LRA also operates.

Lack of Civilian Protection

Armed forces from the region and the UN have adopted few measures to protect civilians who live in the areas where the LRA operate, most notably in CAR. Only around 100 CAR soldiers are deployed to the vast eastern region. In many towns there are only two to five ill-equipped soldiers with limited transport and communications means. Some villages and towns have no soldiers deployed at all.

The Ugandan army has an estimated 600 to 800 troops deployed in CAR as part of the joint operation against the LRA, but few are deployed to population areas to protect civilians and instead are focused on tracking the LRA's leaders.

In late 2011, the United States deployed 100 special forces personnel to the LRA-affected region as military advisers to the armed forces carrying out operations against the LRA. In CAR, these advisers are based in Djema and Obo. The US deployment has helped improve civilian-military relations, coordination between the armies of the various countries, and the conduct of the Ugandan soldiers, who previously were accused of drunken disorderly conduct and some cases of sexual violence. Ugandan army officers told Human Rights Watch that intelligence gathered recently from US aerial surveillance has also permitted their forces to more accurately deploy troops to areas where the LRA is present, and that intelligence is now shared with the Uganda People's Defence Forces (UPDF) in a more efficient way.

The US military advisers' impact on civilian protection has been limited, however, by the lack of authorization from the US Defense Department to move outside of the towns where they are deployed to assess the impact of LRA attacks on communities, to facilitate humanitarian assistance, to expand demobilization activities, and to accompany regional forces on patrols.

Human Rights Watch called on the US advisers to develop concrete measures to protect civilians from retaliatory attacks by the LRA as part of the joint military planning.

"Despite the presence of foreign armies and their own security forces, civilians in CAR have shockingly little protection from the LRA's brutal attacks," Van Woudenberg said. "Tackling this protection gap and apprehending the LRA's leaders wanted on ICC arrest warrants are both urgently needed to end the LRA's abuses."

The UN has a peacebuilding mission in CAR, known as BINUCA, which was mandated by the UN Security Council in December to report on LRA attacks and support demobilization and disarmament activities for LRA combatants. But no BINUCA personnel have been deployed to the LRA-affected areas to date.

In March, the AU announced a Regional Cooperation Initiative to strengthen efforts to combat the LRA, including the deployment of a 5,000-member Regional Task Force incorporating soldiers from Uganda, Congo, CAR, and South Sudan, most of whom are already deployed in the region. The European Union and other donors have said they would support this initiative.

It is not yet clear how the current military forces conducting operations against the LRA will transition to a new joint command structure or if they have the capacity to deploy the troops needed to protect civilians adequately. While there have been efforts to improve coordination and information sharing between the armed forces, this too has been far from adequate, especially on planning for civilian protection. Tensions between the Congolese and Ugandan armies have hampered the operations. In late 2011, ahead of Congolese national elections, the Congolese government ordered all Ugandan soldiers to leave Congo. They have not yet been permitted to return.

Human Rights Watch also called on the AU and its partners to enhance communication and road infrastructure, and to improve demobilization efforts of LRA fighters, especially in CAR.

“It’s civilians who pay the price when the governments of the region are unable to resolve their differences or coordinate their efforts,” Van Woudenberg said. “The AU and the UN’s promises to help coordinate and strengthen these efforts cannot wait a day longer.”

Discussion

1. a. How would you classify the situation between the LRA and CAR armed forces? Is it an international armed conflict? A non-international armed conflict? Does Protocol II apply? Is your answer influenced by the fact that the LRA is an Ugandan armed group? Depending on your classification, which rules of IHL would apply to the situation? (GCI-IV, Art. 3; PII, Art. 1)b. Is it necessary for a rebel group to control territory in order for Article 3 common to the Geneva Conventions to apply? In order to determine whether the group is sufficiently organized? In order to determine whether the group is a party to the conflict?c. Does the LRA have any control over the territory of the CAR? Does an answer to this question matter for IHL?d. Does the involvement of Ugandan armed forces change the classification of the conflict? Are they a party to the conflict? Did the participation of the Ugandan Army internationalize the conflict? What about US special forces? What about the AU Regional Cooperation Initiative? What is the law applicable to multinational operations?

2. Which rules of IHL prohibit the different abuses reported? Are all of them war crimes?

3. How could the respect of IHL be ensured in such a conflict? Who is responsible for ensuring respect? Who is in a position to ensure respect?

