

**EXPANDED JOINT  
VERIFICATION  
MECHANISM**



17 Jun 14

**INVESTIGATION AND VERIFICATION REPORT ON THE ALLEGED FIGHTING  
BETWEEN RDF AND FARDC IN KANYESHEJA BUSASAMANA SECTOR RUBAVU  
DISTRICT OF RWANDA AND KANYESHEJA BUHUMBA GROUPMENT  
NYIRAGONGO DRC TERRITORIES RESPECTIVELY ON 11 JUNE 2014.**

**References:**

- A. EJVM Terms of Reference dated: 27 Aug 12.
- B. RDF HQs, Request Ltrs J2/A/103/14 and J2/A/106/14 dated 11 June 2014.
- C. DRC North Kivu Governors Office, Ltr of Request 01/981/CAB/GP-NK/2014 dated 11 June 2014.
- D. Gisenyi, Congo Map Sheet No 46771 Z726 EDITION 1-RNLAGA 35M QU 1:50000 (WGA 84) Royal Netherlands Army Geographic Agency.2006
- E. Google Map US Department of States Geographer Copyright 2014 ([www.earthpoint.us](http://www.earthpoint.us)) accessed as at 11/06/14.

**INTRODUCTION**

1. A request for EJVM to verify and investigate a violation of territory and attempted stealing of cows was received on 11 June 14 from Rwanda Government. In the request, it was alleged that at about 0630hrs a section of FARDC soldiers violated Rwandan territory with an intention to steal cows and exchanged fire with RDF soldiers. During the shootout one (01) FARDC soldier, Pte HATEGEKIMANA Baysiro from 323 Commando Bn lost his life and one (01) AK47 rifle recovered. The incidence was said to have occurred in Cyamabuye Village, Rusura Cell, Busasamana Sector, Rubavu District. That, this incidence was not the first time as cattle stealing cases had occurred on 1<sup>st</sup> and 10<sup>th</sup> June 2014.

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2. A similar request from the Executive Governor of North Kivu, DRC was also received by EJVM to investigate the alleged attack on FARDC position which occurred at about 0500hrs on 11 June 14. The Executive Governor alleged that the RDF attacked the position of FARDC at a locality called KANYESHEJA, Buhumba Groupment of Nyiragongo Territory. He stated that no life was lost but, Cpl KASIVIRO who was at the front line deployment was captured alive and taken to Rwanda territory. He further stated that, RDF are reinforcing their position at KANYESHEJA frontier. He is therefore requesting the EJVM to investigate on the incidence with a possibility of setting the soldier free.

3. Upon receipt of these requests, EJVM mobilised and moved to the incidence scene through Rwanda. On reaching the village, intense firing was going on hence, EJVM could not reach the frontline and had to return to Goma. This was at about 1530hrs 11 June 14. It was then decided that necessary phone calls be made by both Rwandan and DRC officers in the EJVM to contact their relevant authorities to ensure the area was safe and the verification team will return on 12 June 14.

4. On 12 Jun 14, another request letter was received by EJVM from Rwandan Government alleging that at about 1430hrs on 11 June 14, a force of FARDC estimated to be 2xPIs attacked RDF position at Kanyesheja in Cyamabuye village, Rusura cell, Busasamana Sector, Rubavu District. That following the exchange of fire, FARDC was repelled leaving behind four (04) dead bodies, three (03) AK47 rifles, some quantity of rounds and one (01) VHF radio. That, this provocative act followed the similar one on the morning of 11 Jun 14. EJVM was therefore requested to verify urgently and investigate the incidence for subsequent handover of the dead bodies and the rifles.

5. With the confirmation from both Rwandan and DRC officers attached to EJVM that the situation was calm and the verification/investigation can commence, EJVM departed Goma at about 1030hrs on 12 Jun 14 for the verification. The team was received at Gisenyi in Rwanda by a team of

  
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Rwandan Officers who led the team to Busasamana to commence the investigation starting with Rwanda.

**AIM**

6. The aim of this report is to provide findings and observations on the alleged fighting between RDF and FARDC on 11 June 2014 in KANYESHEJA and thus make recommendations.

**SCOPE**

- 7. The report covers the following:
  - a. Composition of the team.
  - b. Conduct of the verification.
  - c. Record of Interview by RDF Intelligence Officer.
  - d. Record of interview by FARDC Commander.
  - e. Findings.
  - f. Observations.
  - g. Conclusion
  - h. Recommendations.

**COMPOSITION OF THE TEAM**

8. The team was composed of all members including Burundi, Congo, DRC, Kenya, Rwanda, Tanzania, Uganda, Zambia and MONUSCO members.

**CONDUCT OF THE VERIFICATION**

9. The team conducted its investigation and verification by initially visiting Rwanda Territory, interviewing RDF officer, carried out an inspection of the battle scene as well as a physical inspection of the corpses. The team took pictures of corpses and also took coordinates of the said battle field. Later on the team crossed over to DRC where the team was received at Kanyesheja 1 and briefed by FARDC officer, took coordinates and inspected battle field.

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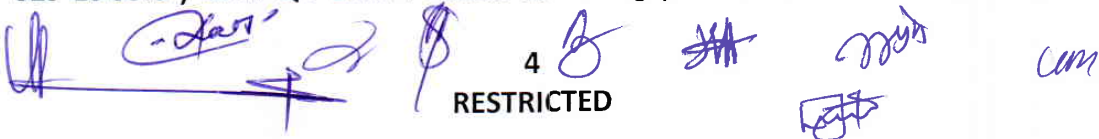
STATEMENT/RECORD OF INTERVIEW IN RESPECT OF THE RDF OFFICER

10. Lt GATETE informed the team that on the morning of 11 June 2014 at around 06:00hrs, FARDC soldiers of about section (**less than 08 men**) strength entered into Rwanda territory through the forest with intention of stealing cattle, like previously had been the cases on the 01<sup>st</sup> and 10<sup>th</sup> of June 2014. He stated that an RDF routine patrol was alerted by civilian population that there were FARDC soldiers seen within Rwandan territory. This prompted RDF troops to track them and caught up with them (FARDC soldiers) and advised them to return to DRC as they had violated the Rwandan territory. He told the team that, it was during this episode that FARDC soldiers refused to comply and then suddenly both forces started exchanging fire and in the process one (**01**) FARDC soldier by the names of Private Baysiro HATEGEKIMANA of **323 Commando Battalion** was shot in the head and the rest of FARDC soldiers ran away back to KANYESHEJA 2 Hill (**S 01° 33'55" E 029°19'39.8"**) which is in Rwanda.

11. The Officer went on to explain that, at around 15:00hrs, FARDC soldiers reorganized from KANYESHEJA 2 HILL and started advancing towards Rwanda territory. He said that RDF troops had already seen them advancing towards their position and decided to lay an ambush. During the ambush, the two (**02**) forces exchanged fire and FARDC lost four (**04**) soldiers and one (**01**) RDF soldier was injured on the finger. He further told the team that the sprawled dead bodies along the route leading into DRC was because of FARDC attempts to run away with their colleagues' corpses which they later abandoned along the route due to overwhelming fire power from RDF. He also informed the team that on 10 June 2014, some FARDC soldiers stole six (**06**) cows.

STATEMENT/RECORD OF INTERVIEW IN RESPECT OF FARDC OFFICER

12. Lt Col Kambale KABELE firstly gave a brief historical background of the two (**02**) areas of incidences KANYESHEJA 1 Hill (**S 01°33.788' and E 029°19'659'**) (**S 01° 33'47.4" and E 029°19'39.5"**) 35M QU 58983 27082 and KANYESHEJA 2 Hill (**S 01° 33'920' E 029°19.665'**) (**S 01° 33'55.2" and E 029°19'39.8"**) 35M QU 58994 26839 as having previously been occupied by

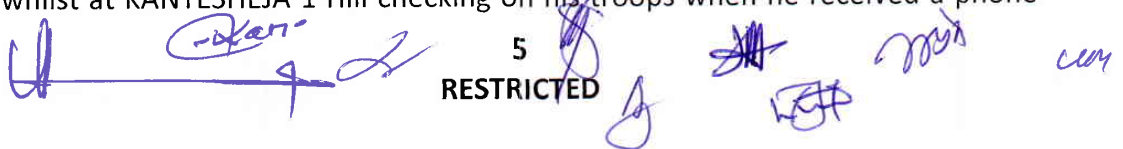
  
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M23 Rebels before their defeat in Nov 13. After the defeat of M23, FARDC started re-adjusting their defences and in the process of occupying KANYESHEJA 2 Hill, there were disagreements between the two **(02)** forces (RDF and FARDC) local commanders as to who was to occupy the disputed Hill. The Officer told the team that the two **(02)** commanders then, Col John Baptiste RUTIKANGA of RDF and Col BAGALWA sector Commander KIBUMBA from FARDC had agreed that KANYESHEJA 2 Hill would not be occupied by either force until the issue was amicably solved by their higher authorities of the respective countries.

13. He further said the Hill remained unoccupied, however, it was dominated by RDF patrols. On the fighting incidence of the morning of 11 June 2014, Lt Col KABELE informed the team that the section that was deployed at KANYESHEJA 1 routinely sent a listening post **(02 soldiers)** in the valley close to Rwanda border at last light and withdrew at first light following morning. He informed the team that, at 07: 30hrs on the said date, they heard gun fire coming from Rwandan side directed at the listening post and KANYESHEJA 1 Hill, one (01) soldier from listening post recovered to rejoin the section at KANYESHEJA 1 Hill, the other one **(01)** failed to rejoin probably due to intense fire and was captured alive by RDF. He identified the captive as Corporal Baysiro HATEGEKIMANA. He went on to explain that they suddenly saw RDF troops appearing at KANYESHEJA 2 Hill and started firing at KANYESHEJA 1 Hill and another gunfire coming from the North Eastern direction of KANYESHEJA 1 Hill.

14. He told the team that it was during this event that FARDC was forced to react by returning fire, reorganizing and conducting a counter attack and dislodged RDF troops from KANYESHEJA 2 Hill and killed one **(01)** RDF soldier. He further said that the killing of RDF soldier was confirmed by traces of blood and brain's gray matter found at the foot of KANYESHEJA 2 Hill upon taking over it. He however, said that he ordered his troops to return to KANYESHEJA 1 Hill after sometime and abandon KANYESHEJA 2 Hill which was under FARDC control at that time. Regarding the afternoon fight between the two **(02)** forces, the Officer informed the team that, on 11 June 2014 at around 14:00hrs whilst at KANYESHEJA 1 Hill checking on his troops when he received a phone

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call from EJVM members that the team was on its way visiting the areas of incidences and should therefore cease hostilities as the team had already arrived on the Rwandan side and were to cross to DRC side to carry out their investigations.

15. He said upon speaking on cell phone to EJVM team which was already in Rwanda that was when he decided to send a small protection party to receive and wait for the EJVM team from KANYESHEJA 2 hill. He perceived that there was no more threat and fighting, when suddenly they were attacked by RDF mortars and RPG bombs. That his men scampered into different directions and thus far two **(02)** FARDC soldiers were still missing.

16. He told the team that prior to the attack by RDF, they had seen the cattle herders at around 14:00hrs withdrawing their cattle from DRC side which was unusual, because they normally go back to Rwanda during sunset. He informed the team that RDF took over KANYESHEJA 2 Hill after conducting a counter attack. He further queried EJVM team why RDF had attacked them when they (RDF) knew that they had invited EJVM to investigate the incidence. He reiterated that RDF went ahead and attacked FARDC when they were preparing to receive the EJVM team which was an indication of lack of respect and insolence to the EJVM.

**FINDINGS AND OBSERVATIONS**

17. The following were the findings:

**a. CAUSE OF THE FIGHTING**

- Reported theft of cows by FARDC
- Violation of territory by both forces
- Provocation by RDF on FARDC position at Kanyesheja
- The alleged capture of an FARDC soldier by RDF
- The location of Kanyesheja II Hill which is contested by both countries given its positioning along the presumed border line

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- Lack of mutual trust between FARDC and RDF field Comdrs
- The absence of border demarcation in the area of incidence

**b. THE SCENE OF BATTLE**

- The team witnessed five (05) dead bodies in FARDC uniforms at five (05) different locations in Rwanda territory (See Annex 'B' to this Report).

- (1) First body position S 01°34'2.9" E 029°19'49.2";
- (2) Second body position S 01°33'57.7" E 029°19'41.4"
- (3) Third body position S 01°33'57.3" E 029°19'40.8"
- (4) Fourth body position S 01°33'56.6" E 029°19'41.0"
- (5) Fifth body position S 01°33'56.9" E 029°19'39.8"

- The team observed that the deployment of the two (02) forces is close to each other with no proper border demarcations to identify territorial sovereignty.

- There were no visible traces of empty cartridges neither at the alleged ambush side nor at the scene of the morning (first) incidence.

- There was glaring evidence of battle (empty cartridges and fox holes) on both hills (Kanyesheja I and II).

- At the time of verification RDF forces were physically occupying Kanyesheja II hill whereas Kanyesheja Hill I was abandoned by FARDC.

- The site of cattle kraal where cows were alleged to have been stolen is in Rwanda territory.

- No stolen cattle were seen or found from DRC side.

**c. OTHER FINDINGS**

- FARDC reoccupied KANYESHEJA 1 as at 1500hrs on 12 Jun 14 during the time of investigations.

- According to Google earth, KANYESHEJA 2 Hill is in DRC territory (See Annex 'A' to this Report).

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- At the time of leaving the incident scene a team of Rwanda Red Cross was present to recover the five **(5)** bodies and were planning to hand them over to DRC Red Cross.

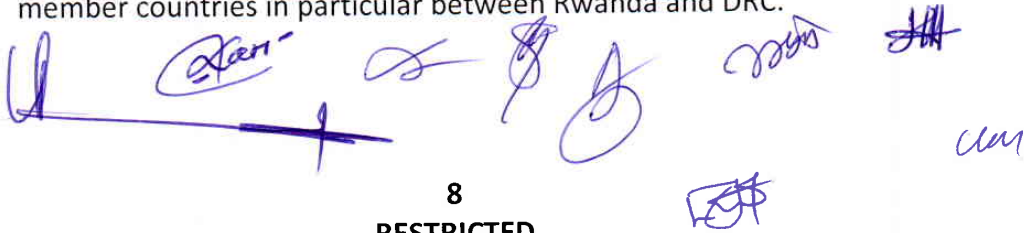
**CONCLUSION**

18. The continued deployment of both forces close to each other along the porous border will still create tension, if urgent measures are not undertaken by both states and regional stakeholders. EJVM has undertaken various verification of similar nature whose recommendations are yet to be considered. Suspicions and mistrust among the two (2) forces contributed to the tension that resulted in the recent clash and a probability of future fighting will prevail if urgent measures are not undertaken.

19. Investigation was done on both sides to ensure balanced investigation. Scene of incidences were visited and observations made by EJVM members. It is the belief of EJVM that findings, observations and recommendations in this report will help the political masters to resolve the matter amicably between the two countries

**RECOMMENDATIONS**

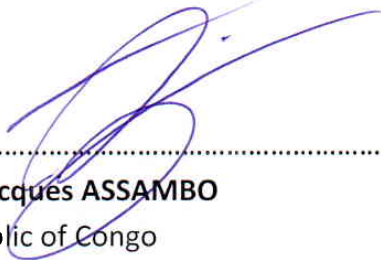
20. The following are EJVM recommendations:
- a. Detailed forensic autopsy be conducted on all the corpses to determine the time, cause and type of death (strangulation or Asphyxia)
  - b. RDF and FARDC to avoid deploying forces on the contentious Hill (KANYESHEJA 2) until the dispute is resolved amicably.
  - c. Both countries should take additional measures to effectively ensure that the two **(02)** forces deployments are at a reasonable distance away from the borders.
  - d. ICGLR should call for an urgent meeting on border issues between member countries in particular between Rwanda and DRC.






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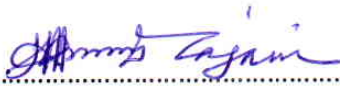
Report compiled in Goma, Democratic Republic of Congo, on 17 June 2014.


1.....  
  
**Col Jacques ASSAMBO**  
Republic of Congo

2.....  
**Col Patrick GASHUMBA**  
Republic of Rwanda


3.....  
  
**Col Emmanuel KAPUTA**  
Democratic Republic of Congo

*No evidence of fighting on the alleged ambush site and around the various bodies sufficiently corroborate that these soldiers were captured alive in the DRC and killed in RWANDA. Fighting impacts have been observed between Kanyosheja et al in DRC, Rwandan soldiers have violated DRC territory.*


4.....  
  
**Lt Col Omari MAJANI**  
United Republic of Tanzania

5.....  
  
**Lt Col Nestor BAHATI**  
Republic of Burundi

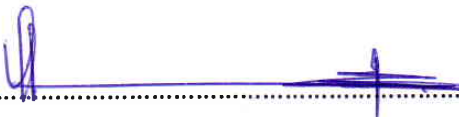
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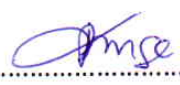
**Lt Col ADHIKARI Bhupal Man**  
NEPAL/MONUSCO

7.  17/06/14

**Lt Col NGULDE Usman**  
NIGERIA/MONUSCO

8. 

**Maj Victor MWEWA**  
Republic of Zambia

9.  Reservation  
The Map aid used of Google Earth  
is ~~not~~ the right reference material.

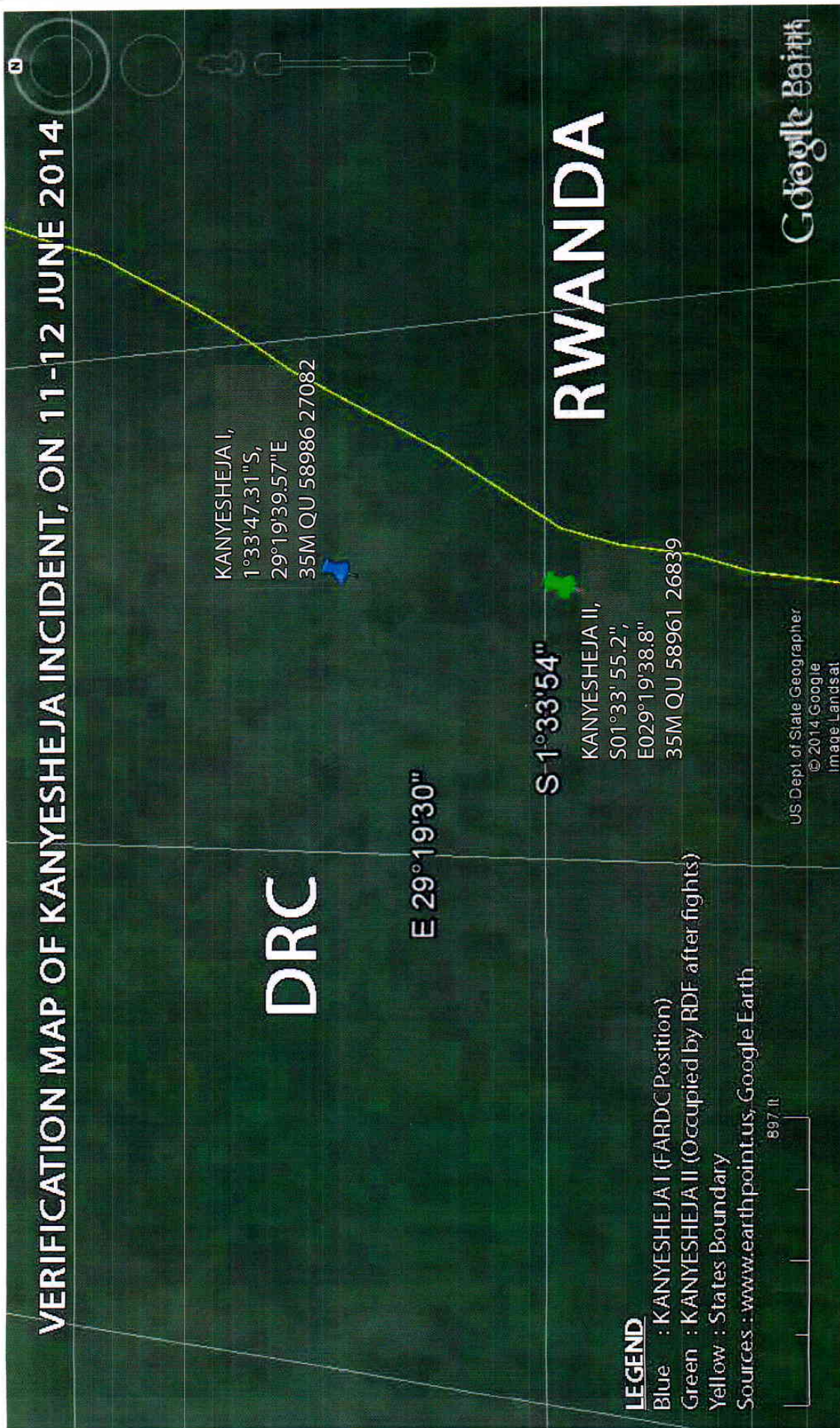
**Maj Paul MUWONGE**  
Republic of Uganda

10. 

**Maj Leah YEGON**  
Republic of Kenya



Annex "A" TO INVESTIGATION REPORT.



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- Top left: "Annex 'A' TO INVESTIGATION REPORT."
- Bottom left: "not" and "un"
- Bottom center: A large blue arrow pointing right.
- Bottom right: Several blue signatures and initials, including "JCF", "JCF", and "JCF".

ANNEX 'B' TO INVESTIGATION REPORT



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ANNEX 'B' TO INVESTIGATION REPORT



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ANNEX 'B' TO INVESTIGATION REPORT



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