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INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO
(DEMOCRATIC REPUBLIC OF THE CONGO v. UGANDA)**

**SECOND PHASE
QUESTION OF REPARATION**

**MEMORIAL
OF THE
DEMOCRATIC REPUBLIC OF THE CONGO**

**VOLUME 2
(Annexes 2.1 to 2.20)**

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ANNEX 2.1

Assessment of deaths in Beni, Butembo and Gemena, 1998-2003

[Annex not translated]

[This Annex provides data on the deaths said to have occurred in the cities of Beni, Butembo and Gemena in the period from 1998 to 2003 and on the financial claims made in respect of those deaths. For each city, deaths and their associated financial claims are shown by location (in table and chart form) and followed by a detailed list of the claims made.]

ANNEX 2.2

Assessment of injuries and other bodily harm in Beni, Butembo and Gemena, 1998-2003

[Annex not translated]

[This Annex provides data on the injuries said to have occurred in the cities of Beni, Butembo and Gemena in the period from 1998 to 2003 and on the financial claims made in respect of those injuries. For each city, injuries and their associated financial claims are shown by location (in table and chart form) and followed by a detailed list of the claims made.]

ANNEX 2.3

Assessment of cases of flight into the forest in Beni, Butembo and Gemena, 1998-2003

[Annex not translated]

[This Annex provides data on the cases of flight into the forest said to have occurred from the cities of Beni, Butembo and Gemena in the period from 1998 to 2003 and on the financial claims made in respect of those flights. For each city, cases of flight and their associated financial claims are shown by location (in table and chart form) and followed by a detailed list of the claims made.]

ANNEX 2.4

Assessment of loss of property in Beni, Butembo and Gemena, 1998-2003

ANNEX 2.4BIS

Detailed assessment of loss of property in Beni, 1998-2003

ANNEX 2.4TER

Detailed assessment of loss of property in Butembo, 1998-2003

ANNEX 2.4QUATER

Detailed assessment of loss of property in Gemena, 1998-2003

[Annexes not translated]

[These Annexes provide data on the loss of property said to have occurred in the cities of Beni, Butembo and Gemena in the period from 1998 to 2003 and on the financial claims made in respect of those losses. For each city, losses and their associated financial claims are shown by location (in table and chart form) and followed by a detailed list of the claims made.]

ANNEX 2.5

African Association for the Defence of Human Rights (ASADHO), *Uganda is sacrificing the Congolese civilian population — Enquiry into violations of human rights and of international humanitarian law in Beni Territory by Ugandan troops and other armed groups, February 2001*

(Excerpts)

**African Association for the Defence of Human Rights (ASADHO), Uganda is Sacrificing the
Congoese civilian population — Enquiry into violations of human rights and of
international humanitarian law in Beni Territory by Ugandan troops
and other armed groups, February 2001**

[Translation]

Preface

The present report describes the drama that a small region in the east of the Congo (DRC) has been experiencing for 14 years, placing it in its geographical, social and historical context. The particular feature of this region of permanent conflict is that it is on the border between the DRC and Uganda.

It is the fruit of an enquiry on the ground, and partly under cover, by a team of ASADHO militants, with the support of *Agir Ensemble pour les Droits de l'Homme*.

It is not our intention to act as historians, even though every event reported and every name cited has been verified as required.

We wish to raise the alarm and to appeal for aid, because the massacre continues at the time of writing, and as you read.

The withdrawal of the Ugandan army must be obtained; there is no justification for its presence on Congoese land. Those responsible for acts of torture, war crimes and crimes against humanity must be brought to book. That is why we have decided to publish a preliminary list of these, which we know to be incomplete. It is also essential — as a matter of urgency — to bring aid to the victims, who are being aided today only by small local NGOs, which are courageous and generous but which lack the necessary resources.

Consequently we ask you to give this account your attention and to do all you can.

André BARTHELEMY,
President.

Dave BANZA,
President.

Agir Ensemble pour les Droits de l'Homme
Member, *Commission Nationale Consultative*
des Droits de l'Homme (France)

ASADHO

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Specifically, the Ugandan soldiers have instituted a particularly atrocious method of detention. Prisoners are put into pits 2-3 metres deep in which they stand or sit on the muddy bottom, exposed to the weather and treated with a brutality that is beyond imagination. The conditions under which they are detained are absolutely unbearable. Several dozen persons suspected of being agents of the Kinshasa Government have been kept in these pits at Ugandan army headquarters at ENRA/Beni. Robert Kilomona, an official of Ofida in Beni, was in a dreadful state on coming out of a pit after only a few days. Not only are these pits still in use to this day for detention, Ugandan soldiers have also dug others, particularly in the locality of Lume and in Butembo. Major Hayo, UPDF, has special responsibility for supervising this type of detention.

2. Repression and extrajudicial and summary executions

Ugandan soldiers are responsible for many extrajudicial executions, including the following: on 29 June 1999, two residents of the locality of Mbongya, the brothers Robin Kahinda and Kakule Kahinda, were shot by a group of Ugandan soldiers on guard duty in Kanyabutunde on the ground that they had connections with NALU.

On 16 July 1999 in Kyatsaba, a Ugandan soldier threw a grenade into a bar for no apparent reason, killing one person and injuring eleven.

On 12 October 1999, a dozen civilians were massacred by Ugandan soldiers in the locality of Rugetsi-Mighende. Among the named victims were Thembo Iyora, Musubao Mujanji, Kikohwa and her three children and Nyamuhwa and her children.

On 14 November 1999, Mai Mai fighters launched an attack on the town of Beni during which a Ugandan officer, Major Reuben Ikondere, was killed. The Ugandan army responded by firing at anything that moved. After the fighting the Red Cross counted 86 bodies in the streets, most of them in civilian clothes. Those who were not quickly identified were regarded as Mai Mai. This event was followed by a systematic roundup of prominent persons and leaders of civil society organisations in Beni and Butembo. One of them, Mr. Lumbu-Lumbu Désiré, was kidnapped in Butembo and horribly tortured in the cells in Beni. Less than a month later he died in Butembo.

On 26 November 1999, a former Faz soldier called Vicky who was demanding the release of his wife, reduced to the role of sexual slave by some Ugandan soldiers, was shot in the middle of Beni, in the square called the Rond Point. The day after, the murder (attributed to Ugandan soldiers) of Mr. Wahuha, the headman of the village of Mbongya, was announced.

On Sunday 13 February 2000, in the locality of Oicha, Ugandan military on patrol arrested a resident named Tafika. They tortured him horribly before abandoning him to his fate on the road. He was found dead the next day, 14 February.

On Thursday 17 February 2000, in the Avenue Kinshasa in Butembo for all to see, a money-changer was shot by a Ugandan soldier who was attempting to steal his banknotes.

Thus villagers are at the mercy of the Ugandan soldiers, who decide whether civilians live or die arbitrarily and with unbelievable barbarity.

In March 2000, Mrs. Kavugho Kisubi, the mother of two children, was killed in Mbongya by Ugandan soldiers. A few weeks later, in the same locality, two villagers, Kihimba Valemayo and Luka Bangi, were also killed by UPDF soldiers.

On 2 March 2000, Mrs. Rosa Kavugho, the wife of a Congolese police officer called Banza, was shot in her home in the Butanuka/Beni district by a Ugandan soldier when she tried to intercede with a group of Ugandan soldiers who were inflicting terrible tortures on her husband in front of their children. Next day, 3 March, a peaceful demonstration organized by students to protest against the murder of Mrs. Rosa was brutally suppressed by Ugandan soldiers, causing at least five deaths including that of Christien Paluku Kimuha, enrolled as a second-year graduate at the Institut Supérieur de Commerce in Beni.

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On 25 March 2000 Mr. Paluku Vede, a seller of fuel, was shot at point-blank range by a Ugandan soldier, who was not otherwise identified.

On 29 March 2000, nine prisoners who had been taken out of the Beni central prison a few days before by Ugandan soldiers were found dead beside the River Ituli on the Beni-Mangina road.

On Saturday 29 July, three residents of the village of Kalingate, Kalau-Supa locality, were taken in for questioning by Ugandan soldiers. Messrs Faustin Mali, Kisughu Musangi and Kadunghu were accused of poaching and then treated with exceptional cruelty. Three days later ASADHO learned that one of them, Mr Kisughu Musangi, had died in custody.

Since September 2000 fighting between the UPDF and the Mai-Mai has intensified. The Ugandan troops have responded systematically to attacks by Mai-Mai fighters by massacring civilian populations regarded as sympathisers of the native fighters, and by deliberately setting fire to their villages. On 2 November 2000 the localities of Maboya (between the towns of Butembo and Beni) and Loya were sacked by Ugandan soldiers some hours after Mai Mai fighters had passed through. More than 42 civilian dwelling-houses were torched by Ugandan soldiers. When the local Red Cross aid teams arrived they found 6 charred bodies in the houses, including the bodies of Mrs. Kasereka and her baby, aged about 4 months. To this total should be added 7 dead, 5 women and two men, shot at point-blank range by Ugandan soldiers. Two persons with serious injuries, Miss Kahambu Marie-José (aged 16, three bullets in the abdomen) and Mrs. Kavu Paulina (aged 70, two bullets in the buttocks) were given first aid.



The woman lying on the ground is called Rose Kavugho. She was shot by Ugandan soldiers at her house in the Butanuka district (Beni) on 2 March 2000, leaving three children orphaned. Her husband Banza, a policeman, is shown in the photograph above, surrounded by his children. The baby in its father's arms was on its mother's back when she was shot (ASADHO photograph, March 2000).

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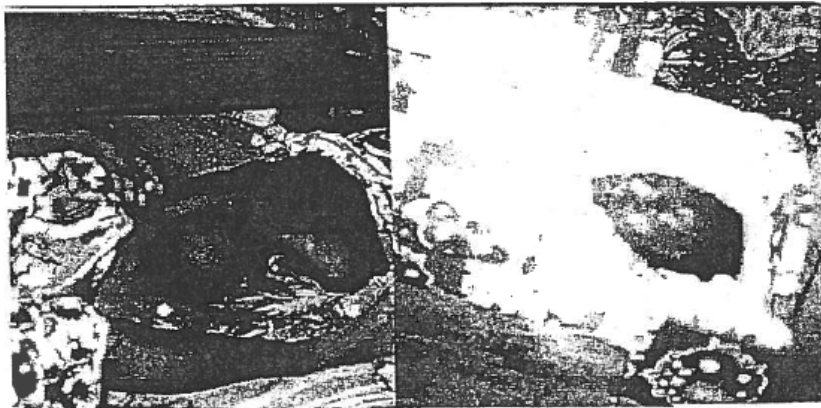
The inhabitants having abandoned the village (up to the time this report was drafted), Ugandan soldiers were seen forcing the doors and plundering the houses. On 21 November 2000 over 150 houses had been plundered. Asadho has received part of the list of residents whose houses had been stripped bare. Moreover the Ibugha village headman, Ndaliko Kahongya Mulekya, and a young man of 18 called Kataliko were arrested on 2 November 2000 then held at the Kabasha military camp, at the farm called "Mr. Lorthy", where they were horribly tortured. Although headman Ndaliko was subsequently released, the young man is still reported missing.

On 9 November 2000 there was a reprisals operation in the locality of Kikere after a Ugandan military vehicle which, according to certain sources, was carrying ore mined in a quarry in Congolese territory had been attacked by the Mai Mai. As in Maboya, the Ugandan soldiers systematically torched civilian dwellings. In the house of a peasant named Zacharie 11 persons were burnt alive by Ugandan soldiers despite their pleas. The victims were Mbusa Vyasongya, Mumbere Kibwana, Muhita Victor, Kesereka Makani, Leonard Kapoles, Muhindi Eric, Kasereka Mandilani, Kakule Mbahingana, Kasereka Kitahekeka, Katembo Munika and Kasereka Muhita. The soldiers then fired at everything that moved. ASADHO has received a list of five children among the victims, aged from 4 to 12, who had been unable to leave the village in time and whom the Ugandan soldiers cold-bloodedly machine-gunned. These were:

- Sereka, aged 11, the son of Mr Ferdinand;
- Twin sisters, Kavira Nguru and Kavugho Ndovya, aged 11;
- Kavira, aged 12;
- Aldegonde known as Degonde, aged 10;
- Kule, a little four-year-old boy.

Before leaving, the Ugandan troops blindly fired shells into the bush around the village. One shell landed in a neighbouring village where a wedding celebration was in progress, killing nearly twenty people instantly, wounding several and causing substantial material damage. Among the dead were Mastajabu Jean-Pierre, Kambere Muhitha, Ngunza Christian, Kasereka Ngunza, Kambale Kamwisi, Katembo Ngunza and Maghulu Donatus. This attack was carried out under orders from the Ugandan captain Balikudembe, the UPDF sector commander in Butembo.

During the night of 29-30 November 2000, Katembo Lingongo and his wife Florence Kahindo were brutally murdered at their house in the Kasabinyole district by Ugandan soldiers, for reasons still unexplained. The couple left a sixteen-month-old baby.



Katembo Lingongo and Florence Kahindo, shot by Ugandan soldiers in Kasabinyole district/Beni during the night of 29-30 November 2000 (ASADHO photograph, Nov. 2000).

**Harassment of human rights militants and journalists*

On 25 March 2000 Kule Thatha Joseph, a human rights militant, was abducted while enquiring into the situation of persons displaced by the war. After several days with no news of him, he was reported to be in a place of detention in Beni, where he would spend several weeks before being released, under pressure from human rights defence organizations.

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The Ugandan army and RCD-ML, its ally, have also attacked journalists unrelentingly. Thus Mr. Juvénal Mutoo and Mr. Maghaniryoy El Katé, journalists working for Radio Muungano, a local station, were arrested one after the other on 29 December 1999. They were released the same day, after several hours of intimidation. On 7 February 2000 it was the turn of the Director of the station, Mayombo Omari Bin Fikira and of the Lingala Programme chief, Henri Mbula, to be taken in for questioning for several hours. On Tuesday 4 July another Radio Muungano presenter, Maghaniryoy El-Kate of the Kinanda Programme, was arrested by the RCD-ML security services.

3. A policy of impunity with the blessing of Kampala to allow the looting of resources

It should be noted that there is no court in the region competent to adjudicate on Ugandan soldiers responsible for crimes against the civilian population. Thus the victims are forced to seek redress from the civil authorities of the rebellion, who refer in turn to Ugandan army officers. However, the latter allow the Ugandan soldiers total impunity. It appears that this impunity is in response to a deliberate policy by the Ugandan authorities involving unremitting terrorization of the inhabitants of the territories under their control to ensure their silence while the officers plunder the resources of the Congo.

In several instances the Congolese authorities in the rebellion, urged by the population to plead its cause, had to admit that they were powerless to have violence by Ugandan officers stopped. Thus, after several nights punctuated by acts of robbery imputed to Ugandan soldiers, Mrs. Kavira Kambere, the Deputy Mayor of Beni, went to the ENRA headquarters of the UPDF on Saturday 26 February 2000 to ask the officers to put an end to military harassment. However the Ugandan officers, infuriated by the complaint, violently attacked the lady. They fell upon her and literally beat her up. One of them, Major Bukenyé, went so far as to brandish his revolver, threatening to shoot her. The victim got away with facial injuries which she had treated at the hospital in Oicha.

Even after the formation of the FLC rebel coalition in January 2001 it was apparent that the leaders of this new movement probably had no more power over the Ugandan "allies" than the RCD-ML. Over a month after the formation of the FLC, for example, the leaders of that movement had no more success in obtaining the release of many persons arbitrarily detained by UPDF officers on allegations of collaborating or sympathising with Mai-Mai fighters. It is highly significant that there were some fifteen rebel leaders among those detained by the UPDF, all of whom were close collaborators of Mr. Nyamwisi. These rebel leaders, arrested since early December 2000, were still being kept in detention in Beni despite the fact that their leader now held the second position in the FLC coalition as deputy to its president, Jean-Pierre Bemba. The word is that these people are ill-treated and held under appalling conditions. Held in pits guarded by Ugandan soldiers, they receive 25 or more lashes per day, apparently aimed at extorting admissions on allegations of collaboration with native Mai-Mai fighters opposed to the Ugandan occupation.

During the first week in February 2001 François Mwamba, a high official of the new rebel coalition sent by Jean-Pierre Bemba to Beni and Butembo to present the FLC to the people, stressed that the new movement wished to work more closely with the people, whose concerns he intended to address. However, François Mwamba's reply to the question of the fate of the thirty or so people detained for several months in Beni by Ugandan soldiers was that those who are prosecuted "must answer for their actions before courts of justice" and that there would be no release "by waving a magic wand". For those who have testified to Asadho there can be no better proof of impotence when faced with UPDF officers, who certainly do not represent "justice".

Moreover, it is apparent that local Ugandan officers do not act entirely independently of the UPDF High Command in Kampala, not to say the office of President Museveni, who has control over the army. Colonel Kahinda Otafire, President Museveni's personal adviser, carries out regular tours of inspection in Beni Territory and the entire region under Ugandan occupation, in the course of which he organizes interviews with all sectors of the population and hears their grievances directly. At a press conference held during one of these tours, in July 2000 in Butembo, Colonel Otafire dismissed accusations against UPDF officers, blaming insecurity on the "lack of political culture" of the Congolese leaders, who "spend their time accusing each other before *M'zee* [Museveni]"¹.

¹Press conference by Colonel Otafire at the Auberge de Butembo, rebroadcast on Radio Butembo on 18 July 2000.

Thus there seems to be perfect complicity between the High Command in Kampala and the UPDF officers on the ground in the DRC. Consequently officers on the ground regularly receive from Kampala lists of local community leaders who find the courage to write directly to President Museveni. These community leaders are then severely punished for their boldness. This happened to Muhindo Kahemulo, a community leader from the village of Lume-Ibathama, Ruwenzori Sector, who was killed in June 2000 by Ugandan soldiers. These accused him of regularly bringing information to the attention of the Kampala authorities documenting crimes committed by UPDF units in the DRC. A month later, on 22 July, another community leader, Kakule Nyamumbwa, was shot for the same reasons by soldiers of the Ugandan army in position around the locality of Buswagha, in the Ruwenzori Sector.

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Thus attacks on villages and peasants' fields are carried out by NALU fighters as well as by UPDF troops, by the former mainly to obtain supplies and by the latter to punish the former, by burning peasants' fields and villages beforehand in order to starve the NALU rebels, who would then have nothing to plunder.

The following testimony is instructive in this respect. It is a discussion between Father Jean-Marie Kitsuku, the director of Caritas Butembo-Beni, and a displaced person, Miss Patience Kavutirwaki, aged 23, a nurse at Mutwanga.

I have just finished my 1998-1999 course of study. I am an A3 nurse. Our services are greatly affected by events on the mountain: the insolvency of displaced persons, resulting in problems of re-supply of medicines and the allowance for medical staff . . . Apparently no organization seems to be dealing with the political issue in the area.

— What solution do you advocate?

— The fundamental issue for us is to return home, in the mountains, because there we have the means to feed ourselves and pay for medical services. *It is a pity that houses and fields are being destroyed.*

— Who is destroying them?

*Ugandan military in alliance with Congolese rebels. Apparently they are going to destroy everything to starve out the NALU rebels and compel them to leave the Ruwenzori massif . . .*²

The Geneva Convention relating to Protection of Civilian Persons in Time of War forbids the warring parties to attack and destroy goods essential to the health and survival of the civilian population, such as foodstuffs and agricultural areas. Since the Ugandan rebels are scattered over a vast perimeter with an axis of over 100 km, the Ugandan army cannot claim that it is succeeding in starving out the attackers by destroying the crops in a few villages. *A fortiori* this method, while continuing to be ineffective, exposes the civilian population to pointless suffering that may give rise to a humanitarian disaster in the region.

**Abduction of civilians*

The Nalu rebels generally kidnap civilians to carry the booty after they have plundered the villages. Although some are lucky enough to be released later, a greater number never return.

²Caritas Diocésane, *Report of visit to displaced persons from Mutwanga on 30-31 May 2000*, 10 June 2000, p. 3 (emphasis added).

Women and young girls also fall prey to the attackers, who carry them off into the mountains to make them sexual slaves.

Asadho has been able to draw up a list, though incomplete, of persons who have been abducted and have still not been heard of (see Annex 2).



On the left, Mrs. Selesya, Mrs. Kangavuro and Mrs. Vahinyegha, who fled with their children to Lume after Nalu Ugandan rebels abducted and executed their husbands. On the right, Miss Kyakimwa Mbayirindi (13) and Miss Masika Kombi (12). These two schoolchildren spent eight months in captivity in the Nalu Ugandan rebel maquis. In this region the “partisans” capture women and young girls in order to make them perform sexual services. In this case the two victims preferred to evade the issue (ASADHO photograph, September 2000).

ANNEX 2.6

**Congo European Network (Brussels), *REC-info No.5/2001*, 23 May 2001,
heading “North Kivu”, point No. 15, reporting news gathered from
local sources on 14 April 2001**

Congo European Network (Brussels), REC-info No.5/2001, 23 May 2001,
heading “North Kivu”, point No. 15, reporting news gathered from
local sources on 14 April 2001

[Translation]

Orientale Province

13. On 21 April the clergy in Bunia launched a pathetic appeal for “an immediate end to the violence and bloodshed” rife in Ituri between Lendu and Hema “brothers”. The priests of the diocese, in general meeting around Mgr Léonard Dhejju on 18-21 April in Nyakasanza parish to “reflect” on the events that cast a shadow over Ituri, deplored the enormous loss of human life and property” as well as the “dreadful” consequences for the survivors in physical, psychological, moral, economic and religious terms and in human relations. After paying tribute to all the peace efforts already made, the priests heartily condemned the massacres, the destruction of property and the complicities that fostered hatred, violence and the cult of the tribe. The clergy asked the “authorities in being” in Ituri (FLC — supported by Uganda) to “restore and maintain public order, to do justice to any person who has suffered damage and to rehabilitate displaced persons in their normal living conditions” (APA 11 May 2001. See also doc. 5.2001/7e).

The town of Banalia, in Bafwasende territory is the crossroads for the wrongful exploitation of the DRC’s mineral resources by the Ugandan army, according to testimony collected across the province. Precious stones are sent directly from Banalia (north of Kisangani) to Buta (north-west), where the “packages” are loaded onto helicopters bound for Kampala. The same applies to other minerals such as coltan, which Congolese dealers cannot take out of Bunia without prior permission from the authoritarian local Ugandan military. According to one Congolese dealer, the Ugandans who have crews and aircraft available are in a privileged position vis-à-vis the locals, who are often compelled to sell them their product cheaply (APA 11 May 2001).

Maniema

14. In Maniema Rwanda concentrates its troops in Pangi and Lubutu, areas reserved for APR officers, who supervise the coltan, gold and diamond mines there (local sources 16/05/01).

North Kivu

15. Five important figures in the FLC supported by Uganda were taken hostage on 5 May by the FAP/Mai-Mai, who held them at their headquarters in the Beni-Butembo area. They were captured when they had visited the Mai-Mai in order to negotiate conditions for the latter to join Jean-Pierre Bemba’s FLC forces, in accordance with an peace agreement signed in Butembo with representatives of the Mai Mai. According to the VOA, the Mai-Mai fighters refused to assemble in camps where the FLC was intending to give them military training while some Mai-Mai were still imprisoned in Beni (APA 9 May 2001).

Since 20 March the Ugandan military and their Congolese FLC collaborators have been systematically looting and massacring the civil population, especially in Musienene, Bunyuka and Biambwe on the main Manguredjipa road 120 km from Beni, the FLC headquarters.

On 28 March, 14 vans requisitioned in Butembo were loaded with troops and set off for Manguredjipa. Several atrocities were committed against civilians along the way. Many bodies of children, young people, women and old men were scattered all over the ground between 15 km and 53 km.

The first clash with the FAP/Mai-Mai took place 15 km from Butembo. The militia had set up a barricade by felling trees across the road. To clear the way, the military forced men (about 150) from the surrounding villages to do the work. Those who had shut themselves in their houses on the Butembo-Biambwe road had their doors broken down by the military, who then massacred them while burning their houses. After two clashes with Mai-Mai coming from Vurondo (their headquarters), these troops went wild and torched three districts in Biambwe, Musenge, Kaghumo and Nipe (200 houses) by way of reprisals.

On 10 April UPDF troops went to Biambwe, and only 30 km from Butembo they torched the entire village of Kirima. On 11 April those who were running amok in Biambwe began to retrace their steps, using civilians as a human shield in an attempt to reach Butembo again after committing appalling crimes.

Since 9 April at 0700 there have been clashes involving the Ugandan military and FAP/Mai-Mai in Mbingi and Bunyatenge, 170 km from Beni in the south of Lubero territory. According to testimonies, 30 Ugandan troops accompanied by 120 Congolese troops killed three unarmed Mai-Mai. They captured six others, whom they took to Lubero with a view to forcibly enlisting them in their training centre, now being set up there.

In Musienene, in addition to the systematic looting of the village (with one death) on the very day on which FLC/Mai-Mai agreements were concluded, the village was again plunged into mourning because of two young men killed by the aggressors.

In Bunyuka, on the night of 11-12 April, four parish clergy (Beni-Butembo diocese) were attacked by four Ugandans in military uniform armed with submachine-guns. They were intimidated and made to lie on the ground, then two of the soldiers led the parish priest roughly to his room and demanded \$8,000. Having failed to find these dollars, they took the collection money and looted the microphone and amplifier from the church and the personal effects of the clergy. After slapping, striking, maltreating and torturing them, they ran a knife twice over the parish priest's throat. They then shut the priests in their toilets with a sentry on guard before fleeing. In their threats they repeated continuously that they would take revenge on the clergy, because these were the first to demand their return to Uganda.

In Manguredjipa the Ugandan Colonel Burundi and Bemba's men were seeking to recover 4,000 kg of coltan from Mbingi-Bunyatenge, where the military had set up a comptoir for the purchase of valuable materials. The reason for this is that instead of withdrawing from Congolese territory, the Ugandan military are digging in within the DRC, contrary to their commitments. Moreover, the map showing the sites of tension and fighting matches the high concentrations of mineral wealth (coltan, gold, valuable timber).

Clearly Bemba's procrastination regarding the inter-Congolese negotiations and withdrawal from the front lines are linked with his seeking to get rich quickly and the cupidity of the Ugandan officers, his godfathers, and the policy of greed of his opportunistic ministers, whose vagaries irritate the people. While Bemba claims that he is not withdrawing from the front lines in Equateur for the protection of the people, in North Kivu he is in the process of having them massacred for selfish interests.

We learn at the same time that Jacques Monsieur, an international arms dealer, was in the Hotel Beni, near the FLC headquarters, to negotiate an exchange of mining interests for arms. There is an arrest warrant in the arms sales file in Congo-Brazzaville (local sources 14 April 2001).

The Ugandan army looted the locality of Bunzi, 15 km from Beni, during the night of 7-8 May (Misna 8 May 2001).

At the same time Mr. Eriya Kategaya, the Ugandan Minister for Foreign Affairs, told the Kampala New Vision newspaper that Uganda was going to withdraw its troops from the DRC.

An important figure in Ugandan civil society, who has asked not to be named, commented on the Minister's statement saying that caution was necessary. "The interests at issue in the north-east of the DRC are of such importance that they cannot be resolved by the Ugandan government from one day to the next" (*Le Palmarès*, 9 May 2001).

16. RCD-Goma announced the liberalisation of the purchase and export of coltan in the territories that it controls. On 5 April the RCD had officially announced the withdrawal of SOMIGL's coltan export monopoly; SOMIGL had been created in November 2000. Whoever meets the following conditions may henceforth export coltan: approval by the Department of Mines, payment of an annual fee of US\$40,000, and lastly payment of an export tax at the rate of six dollars per kg of coltan. SOMIGL, which was to pay a million dollars per month to the rebel movement for this monopoly and had undertaken to purchase up to 100 tonnes of coltan per month from local producers, only managed to export 27 tonnes two months ago and only 19 tonnes last month, essentially because of the fraud affecting the sector. Apart from the miners and dealers, who have to be Congolese and hold an *ad hoc* card, anyone who meets the conditions may open a coltan purchase and export comptoir, whether he be Lebanese, Ugandan, Rwandan, American or Swiss. The RCD requires each comptoir to reach a performance level of 15 tonnes of coltan exported per month, which is difficult to achieve (APA 10 April 2001).

In North Kivu, fighting was reported in Masisi and Walikale, where the Ugandan army claims that it is hunting down the Mai-Mai. In Masisi the native Hunde have been driven from their lands and Tutsi colonies have been set up, protected by the military. In Walikale, the people are in the forest and the town is invaded by Rwandan military, who are also there to supervise the gold and coltan mines (local sources 16 May 2001).

According to reliable sources and information received by telephone from Goma, Rwandan military from Pweto to Katanga are landing night and day at Goma international airport. From there they spread into the territories of Masisi (to Mweso, Kichanga, Mahanga, Pinga, Kibabi, Bibwe, Lukweti, etc.), Rutshuru (Nyanzale, Tongo, Lweshé, etc.) and Walikale (Pinga, Ntoto, Kimua, Kailenge, Kashebere, etc.) where they are massacring the civilian population. In Lweshé in Rutshuru territory they have driven out the rest of the people who were still hidden in the banana plantations for the purpose of wrongful exploitation of pyrochlore at Somikivu. Thus the people in these territories are doomed to extinction, given the enormous number of Rwandan military committing atrocities in all these areas. In Bihambwa (formerly Rubaya) they seized coltan belonging to the peasants, whom they subsequently killed (local sources 26 April 2001).

South Kivu

17. During the night of 27-28 April, from 1900 to 0300, columns of APR soldiers entered the town of Bukavu by way of the Ruzizi 2 frontier, with substantial military materiel. One thousand went to camp on the Mulume Munene mountains, 500 went to Nyangezi and 500 to Nyabibwe (Kalehe). Fifteen hundred Rwandans and Burundians were deployed together on the heights of Uvira and Minembwe. Over 2,000 additional Rwandan troops were sent onto the Mwenga-Shabunda and Bunyakiri-Walikale highway, where clashes between the APR and the FAP/Mai-Mai were reported. This time aircraft came into the war from Kivu, supported on the ground by five heavy tanks. At least three attack helicopters bombarded and burned villages between Bunyakiri and Walikale.

Fifty-two women, 30 children and 12 old men were killed in Bunyakiri, Kalonge, Bitale and Walikale. In Shabunda, 800 Rwandan troops from Cyangungu went to reinforce the 1,500 who were there already. The mining town was surrounded and the neighbouring villages were burned.

No less than 250 houses were torched, and seven women, 12 children and five old men were killed in Shabunda between 9 May and 13 May. In the locality of Lulimba, 25 women, nine children and 14 old men were killed and 52 houses torched. The Rwandan troops looted everything on their way and killed any young person (between 12 and 30 years of age) that they met, because to them the area was still the preferred bastion of the Mai-Mai. The people fled into the forest with the Mai-Mai, who could offer them security.

It is reported that the Bukavu Tutsi are stockpiling weapons in the houses. APR lorries continue to cross the two bridges over the Ruzizi day and night to bring troops and weapons into the occupied territories (local sources).

ANNEX 2.7

Report entitled *The Société Civile Grand Nord's view on Uganda's military interventions in the Democratic Republic of the Congo*, produced by the Beni-Butembo Civil Society Co-ordination Office in North Kivu, 25 June 2001, p. 2

Report entitled *The Société Civile Grand Nord's view on Uganda's military interventions in the Democratic Republic of the Congo, produced by the Beni-Butembo Civil Society Co-ordination Office in North Kivu, 25 June 2001, p. 2*

[Translation]

I. Briefing on the Grand Nord Representative Committee

The Société Civile du Grand Nord is composed of the civilian society of Lubero and Beni covering an area of 26,484 square km with a population assessed at about two million.

It is directed by a Co-ordination Office located in the towns of Butembo and Beni respectively. The presidents of the two territorial representative committees referred to above are the co-ordinators of this platform.

The lines that follow express the views of the people of the area regarding the Ugandan government.

II. A review of Uganda's interventions in the Democratic Republic of the Congo

A backward glance reveals that Uganda has intervened twice in the Democratic Republic of the Congo. The first time was in 1996 with the "war of liberation" waged by the AFDL headed by Mr. Laurent Désiré Kabila, which culminated in the departure of Mobutu and the seizure of power by Kabila on 17 May 1997.

Only a year after, on 2 August 1998, the Ugandan Republic tried again, this time with the RCD, the Rassemblement Congolais pour la Démocratie, in order to unseat Laurent Kabila.

In both wars Uganda gave the following justification for its intervention:

1. The security of its territory was threatened by rebels said to be based in the Congo;
2. Support for the Congolese people in establishing democracy in the Democratic Republic of the Congo.

II.1. Developments

Only a few months afterwards, while still attached to the RCD, Uganda supported the emergence of Jean-Pierre Bemba's Mouvement de Libération du Congo. After the disagreements within the RCD, Uganda supported the breakaway branch, RCD/KISANGANI, with Mr. Wamba dia Wamba as its President and with General Kazini of the UPDF in command of operations.

The first confrontation between Ugandan and Rwandan armies was to be in Kisangani, due to needs for money and greed for diamonds. The RCD/Kisangani headquarters then moved to Bunia.

General Kazini and other Ugandan officers, including Captain Kyakabale, Colonel Arocha, Major Mawa and others, fostered the differences between various leaders of RCD/Kisangani, in order to keep better control of the Kilo-Moto gold-mines and the tax and customs duty revenues from Beni-Butembo. We cite the following purely by way of example:

- the clash between Mbusa and Bemba in Beni arbitrated by Colonel Liangombe of the UPDF, due to the 70 per cent of the revenues conceded by Wamba to the MLC;

- the clash between Tibasima and Mbusa, Commissaire Général Adjoint and Commissaire Général respectively, culminating in the management of revenues from Orientale Province by Tibasima and revenues from the Beni and Lubero territories by Mbusa;
- the clash between Wamba and his two Commissaires Généraux (Mbusa and Tibasima);
- the creation of the RCD/National by Roger Lumbala in Bafwasende with Kazini's blessing in order to keep better control of the diamond mines; Kazini had to sign operating contracts personally with third parties in the name of the Democratic Republic of the Congo;
- the putsch organised by Mbusa and Tibasima in Bunia against Wamba where we saw the Ugandan army in conflict with itself, the Ugandan officers Katumba, Kazini, Mayombo, Colonel Edison Muzoora and others taking stands according to their interests.

Without even seeking the views of the rank and file, without even consulting the self-styled leaders beforehand, Ugandan officers including Wapakabulo, Mayombo and Katumba, after drawing up the constitutional document, had the memorandum of agreement for the creation of the Front du Libération du Congo, acronym FLC, signed by their Congolese puppets in January 2001.

II.2. The conduct of the Ugandan army in the Democratic Republic of the Congo

The Ugandan army conducts itself in our country as in a conquered territory. Ugandan officers control the local administration and the management of finances; Congolese appointed to these posts have only a token role. Illustrations: organization of elections in Beni and Butembo under the direct supervision of the Ugandan Colonel Liangombe; suspension by the latter of Mr. Sikakulia, the Administrator of Beni territory, on financial grounds. UPDF Colonel Burundi, had a circular from the Commissaire aux Finances frozen, by way of the RCD/Populaire in Beni, in order to seize the public revenues in November-December 2000. UPDF Major Mawa, in complicity with the Congolese Louis Mubindukila, the director of Mbusa's Private Office, laid siege to the Kasindi customs office for a month, in December 2000, in order to take over all the revenues from this important customs post.

UPDF troops commit acts of looting, theft, rape, killings, massacres and arson in the villages. We cite the following examples in evidence: the Biambwe massacres in late March and early April 2001, the Mangina massacre in May 2001, killings in Maboya, Watalinga, Mutwanga, Mbingi, Kanyabayonga, Kirumba, Butembo, Beni, Eringeti, etc., the torching of villages, Watalinga, Kyanzaba-Bingo, Biambwe, Kirima, Tihe, Kambaila, Katambi, Butuhe, etc., the forced requisition of civilian vehicles in Beni and Butembo, complicity in trafficking in raw materials, fraudulent dealings in coffee, timber, papaine, etc. In all case the UPDF military operate in collusion with Congolese rebel troops.

II.3. The conduct of the Congolese rebel leaders

All the Congolese leaders have unpatriotic attitudes and look to their own present advantages rather than the future of all the people under their control. Their principal concern is to get rich. For example, leaders of the movement appointed as heads of para-State firms live like lords, thanks to the sacrifices made by unpaid officials. To make a better job of destroying these firms, the FLC has signed an order to pay over 40 per cent of their proceeds instead of 23 per cent towards the war effort; the remaining 60 per cent is managed by the much-talked-of management boards and departments concerned. In order to stay in power or to gain power they turn to various Ugandan officers, whose support they buy with enormous amounts of money. Meanwhile they forget to pay the salaries of officials and the military, or to concern themselves with social issues, the road infrastructure, etc. None of them has ever submitted a social project to the people. On the

contrary, the people remain impotent in the face of agreements concluded here and there without consulting them beforehand. Unfortunately the agreements ride roughshod over them every time.

By way of example:

- the people have never been consulted on creating this rebellion and in which they do not know where they are;
- the memorandum of agreement signed between WAMBA dia WAMBA and Bemba on the sharing of public revenues at the rate of 70 per cent for the MLC and 30 per cent for the RCD/Kisangani;
- the memorandum of agreement signed by the leader of RCD/Kisangani in Kampala under the supervision of Tanzania and Mozambique and which gave rise to the attempted Bunia putsch against Wamba;
- the Round Table agreements between the FAP/Mai-Mai and the FLC/Bemba in the presence of the UPDF;
- the RCD-ML congress now being held in Bunia under the presidency of Tibasima and Lumbala seeking to exclude the other leaders of that movement with Jean-Pierre Bemba's blessing.

III. The consequences of Uganda's intervention in the DRC

III.1. In terms of security

The presence of the Ugandan army has led to a great increase in the number of armed bands (ex-FAZ and ex-FAC in the bush) and of Mai-Mai fighters, which have arisen because they claim to be fighting the foreign occupation. In addition there is a greater number of Ugandan rebel operations directed towards our territory in pursuit of the Ugandan army. Crimes that did not exist in our country have now taken up residence there.

ANNEX 2.8

Congo European Network (Brussels), *REC-info No. 5/2001*
(text identical to Annex 2.6 — please refer to the latter)

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ANNEX 2.9

Article by Missionary Service News Agency, 12 April 2001, “Nord Kivu: Biambwe reduced to rubble by Ugandan soldiers, several dozen casualties”

Article by Missionary Service News Agency, 12 April 2001, "Nord Kivu: Biambwe reduced to rubble by Ugandan soldiers, several dozen casualties"

[Translation]

The bodies of dozens of civilians lie unburied at Biambwe (approximately 50 km north-east of Butembo, Nord-Kivu, in the east of the Democratic Republic of the Congo), after the withdrawal of the Ugandan troops that attempted to take control of the area last week. Almost all buildings have been destroyed, according to civilian sources, and many lifeless bodies have been piled up at two points in the small town. The reprisals against the inhabitants of Biambwe are probably the result of the tough resistance put up by the local Mai-Mai groups, civilians who chose armed resistance to Kampala's troops, present in the Congo under the auspices of Jean-Pierre Bemba's Liberation Front (*Front de libération du Congo* or FLC). According to the same sources, the attempt to take control of the forest area north-west of Butembo is a breach of the non-aggression treaty signed in March by the FLC and some Mai-Mai groups. A further breach of the treaty was the murder by Ugandan troops last Sunday of three Mai-Mai fighters at Mpingi (110 km south-east of Butembo). The terrified population fled, but has no food. A few days ago, Bemba invited the leaders of four of the main Congolese political parties, including the Union for Democracy and Social Progress (*Union pour la démocratie et le progrès social* or UDPS) and the Forces of Renewal for Union and Solidarity (*Forces Novatrices pour l'Union et la Solidarité* or FONUS), to a meeting to be held in Beni on 14 April next. Since further massacres have occurred, it is not known whether the parties will now send representatives to the meeting.

ANNEX 2.10

**Société Civile du Grand Nord, *Alarm call to the Head
of MONUC in Kinshasa/DRC, June 2001***

**Société Civile du Grand Nord, Alarm call to the Head of
MONUC in Kinshasa/DRC, June 2001**

[Translation]

The situation with regard to human rights violations in the North, in the Province of North Kivu, Democratic Republic of the Congo, in particular the territories of Lubero and Beni, is truly catastrophic. Here are some specific examples:

- (a) From 28 March to 9 April 2001: forced requisition of civilian vehicles in Butembo by Ugandan UPDF and Congolese FLC military, then travel to Manguredjipa 92 km west of Butembo. Purpose: to pick up 4,000 to 5,000 kg of coltan stockpiled in quarries at Manguredjipa which could not be sent to Butembo because of the Mai-Mai presence on the ground. This forced march led to clashes with the Mai-Mai on the Butembo-Manguredjipa route. Result:
- 193 houses torched, 123 in Biambwe (62 km from Butembo), 22 in Kirima (32 km), 12 in Tihe (25 km), 6 in Kambala (20 km) and 30 in Katambi (15 km).
 - Several people were killed, some of whom were buried in mass graves in Biambwe (two graves already identified).
 - Almost all the houses remaining in Biambwe had their doors broken down and all property carried off or burnt. Even the catholic church in Biambwe was not spared.
- (a) Clashes of arms with the Mai-Mai at Mbingi-Bunyatenge, towns 117 km or more south-west of Butembo, on 21 April 2001. Since then the Mbingi parish priests have taken refuge in the Butembo Procurator's office and one of them, the Abbé Kamabu, had to be extricated from the grasp of FLC soldiers by paying a ransom of US\$300. The army carried out a real manhunt. It is regrettable that there have been many victims and that people are still scattered in the bush. Even the leader of the local authority was pursued on the pretext that the Mai-Mai were natives of the region.
- (b) Looting in broad daylight by eight military, including a Ugandan officer and seven FLC in Butembo at 1200 universal time on Thursday 19 April 2001, in a very busy shop (Magateso-Kabed). Result: US\$60,000 taken, two people injured by bullets, general panic in the market and in the town, with the loss of much property.
- (c) Shooting with live ammunition on Tuesday 24 April 2001 at 1600 universal time in Musienene, 20 km south of Butembo. There was no explanation for the shooting, there being no clashes involving the military, who were travelling to Lubero, 45 km south of Butembo. Result: one person shot and killed and two seriously injured, with displaced scapulas.
- (d) On 25 April 2001 in Butembo, a town with a population of over 400,000, at 0800 universal time and 1000 local time when daily activities (schools, businesses, etc.) were at their height, soldiers were deployed right in the town centre. Shots were fired, causing the people to scatter in haste, people's goods were stolen following the panic, children at school were traumatized and forced to disperse, their parents were traumatized also. Result: seven persons shot and killed, including four children in school uniform and carrying their satchels.
- (e) From Sunday 29 April 2001 to the present day, south of the territory of Lubero, especially in Kirumba, Kayna, Miriki, Kaseghe, Mighovwe, Kitsombiro, Alimbongo, Mambasa, etc., the army of the FLC has been spreading terror followed by looting, killings and arbitrary arrests, so that some villages have been deserted. The large-scale displacement of the people, forced to

sleep in the open during this rainy season and in the coldest region in the Congo, is causing a very serious humanitarian problem.

- (f) Monday, 21/05/2001: 8 Mai-Mai fighters gave themselves up at the administrative centre of Lubero territory in order to join the regular army. During negotiations in the commander's office, following the recommendations by the FAP/FLC Round Table, he gave orders to shoot them all.
- (g) Saturday 2/6/2001: a column of 12 vehicles packed with FLC troops left Beni for the south (Kanyabayonga). On arriving in Mambasa they suddenly opened fire and all the villagers trying to escape were cut down. The veterinary surgeon Marie-Jules Kafwata (the nephew of Ndamukulu of the ITAV Secretariat) was among the victims.
- (h) Since early May the towns of Mangina and Bingo, 20-35 km west of Beni, have been the scene of clashes between Mai-Mai and troops, causing the peaceable population to scatter into the bush. There was systematic looting in the centres of Mangina, Kyanzaba, Bingo, etc., to the point that the people were at disaster level when these military plunderers were relieved. The absence of humanitarian organisations in the region raises serious problems of survival for these people. The region is still very heavily militarised and the people cannot return to their homes for fear of being massacred. The exact number of human lives lost is still unknown.
- (i) Friday 1/06/2001: the head of the tax office in Butembo and his deputy (Rukwata and Bonane) were summoned to Beni by arrest warrant and their homes were surrounded by soldiers. They only saved themselves by fleeing through the back door. Instead of Mr. Mwamba, the finance officer, going through administrative channels he made use of force to spread terror, especially so that the families would find themselves in difficulties in such circumstances. The same thing happened to the suspended mayor of Butembo, Malekani Saghasa, who had also been arrested by the military on 1 May 2001 while returning from mass in Butembo Cathedral on International Labour Day. He had to spend three days in Butembo prison. The FLC defence minister, Major Kibonge, said on the radio the same day that having failed to comply with an administrative decision, he had to be arrested in that way.

Saturday 9/6/2001: Mr. Julien Paluku Kahongya, the Administrator of Lubero territory, was also arrested by the military in Lubero during a meeting that he himself was chairing. All his aides and the customary chiefs who were attending that meeting left the administrative centre of the territory in disarray and the poor Administrator was to be locked up in the underground cells in Rughenda pending transfer to Beni.

- (j) 26/05/2001: 5 soldiers burst into Professor's Kahongya's grounds in the Mukuna district at 1900. They demanded US\$10,000, failing which the entire family would be massacred. Lea the mother, a journalist on Radio Butembo, did her utmost to show these aggressors that the family was in no position to find the money, which is why they were all beaten with rifle butts.

During the night of Saturday 2/6/2001: in Bulengera Commune in Mukuna district, Muhindo Mahana the pharmacist and Katina Espérance his assistant were abducted at 1900 by men in uniform. Their bodies were found in Bunyuka, 17 km from Butembo: how dreadful!

- (k) Night of 6-7/6/2001: Mr. Mormor (a local businessman) was abducted by persons unknown. What a way to intimidate the people in the towns of Beni and Butembo where the citizens were already hoping for the end of the war!

Sunday 10/6/2001: Mr. Biloko, the executive secretary of the WIMA network, was abducted as from 1500 by men calling themselves Mai-Mai, simply because they had met him on their way. His only chance was that his captors were more interested in beer. After they had

threatened him severely, they were to demand money for his release. He was able to regain his freedom only at 2100.

- (l) From Monday 4/6 to Friday 8/6/2001: the town of Beni was in a state of indescribable insecurity, because FLC troops were in action against a dissident faction close to Mbusa Nyamwisi. Several civilians died as a result of these clashes, and even the military were not spared. Two members of the staff of Mr. Kambale's restaurant in the Matonge district, an IPP (Institut Professionnel de Paida) finals student, the son of the SOCONOKI agent in Mupanda and a boy of 13, a neighbour of the SOCONOKI agent, were killed. Major Pepin of the FLC died under fire and was buried on Wednesday 6/6/2001 in Bunia. Certain sources were already referring to 78 dead and several wounded. The warring parties issued threats continuously. The population was caught in the middle, there being no neutral peacekeeping force. Here we are thinking of United Nations observers, who could report on the situation objectively.
- (m) Night of 2 to 3/6/2001: 116 prisoners escaped from Butembo central prison, some accused of involvement in the murder of the Honourable Mr. Lumbulumbu; the case is before the High Court in Butembo.

Night of Friday 8/6/2001: 16 prisoners freed from the Kimemi Commune prison by force by armed men, destination unknown.

Monday 11/6/2001: another escape from the Kimemi Commune prison, from which 19 accused persons were carried off by force by persons unknown, in broad daylight.

Among all these escapees there are armed robbers, dropouts, etc. who are back among the population today and so are capable of further acts. The public administration that is supposed to keep us safe does nothing because the military officials do not trust it and are incapable of helping it because of their various internal differences.

- (o) Lastly, there is a new development that causes us concern: hostage-taking by Mai-Mai militia as a way of exerting political pressure and extorting money for their military activities. At the time of sending this dispatch, twenty-six people from the logging concession in Mangina 86 km north of Butembo have been taken hostage since 16/5/2001, including twenty-four Thais, a Swede and a Kenyan. Two of them (Thais) have just been freed, on 12/6/2001.

In the light of the above, we want MONUC observers to come and establish themselves here, in Kasindi, Beni, Butembo and Kanyabayonga, to help us to put an end to these atrocities, because we think that their presence might curb the barbaric acts committed by the FLC army and its Ugandan allies, while putting an end to the arbitrary practices and anarchy that reign in the region and which are at the root of the proliferation of the Mai-Mai militia.

We fear that the entire region will go up in flames, which is why we are calling for intervention by MONUC.

Done in Butembo, 13 June 2001.

Signatories:

1. Société Civile Co-ordination Office:

Roger Nzama Kilundo, Co-ordinator.

Mrs. Kasivika Kahindo, Secretary.

2. Justice and Peace Commission/Butembo-Beni Diocese:
Wabunga Singa, President.
 3. Groupe des Associations de défense des Droits de l'Homme et de Paix (GADHOP):
Kambere Kayitambya Godefroid, President.
 4. Syndicat de défense des intérêts paysans (SYDIP):
Vahamwiti Mukesyayira, General Secretary.
 5. WIMA (Watu Imana kwa Maendeleo katika Amani) network:
François Biloko, Executive Secretary.
 6. COBELU (Collectif des ONGD Beni-Lubero) network:
Mrs. Sambo Muliwavyo, President.
 7. Uwaki/Nord-Kivu (Umoja wa Wamama wa Kivu ya Kaskazini):
Mrs. Soki Mwira Marie, Acting Executive Secretary.
-

ANNEX 2.11

White Paper on Massive Violations of Human Rights and of the basic rules of International Humanitarian Law by the aggressor countries (Uganda, Rwanda and Burundi) in the eastern part of the Democratic Republic of the Congo covering the period from 2 August 1998 to 5 November 1998, Kinshasa, December 1998

[V]

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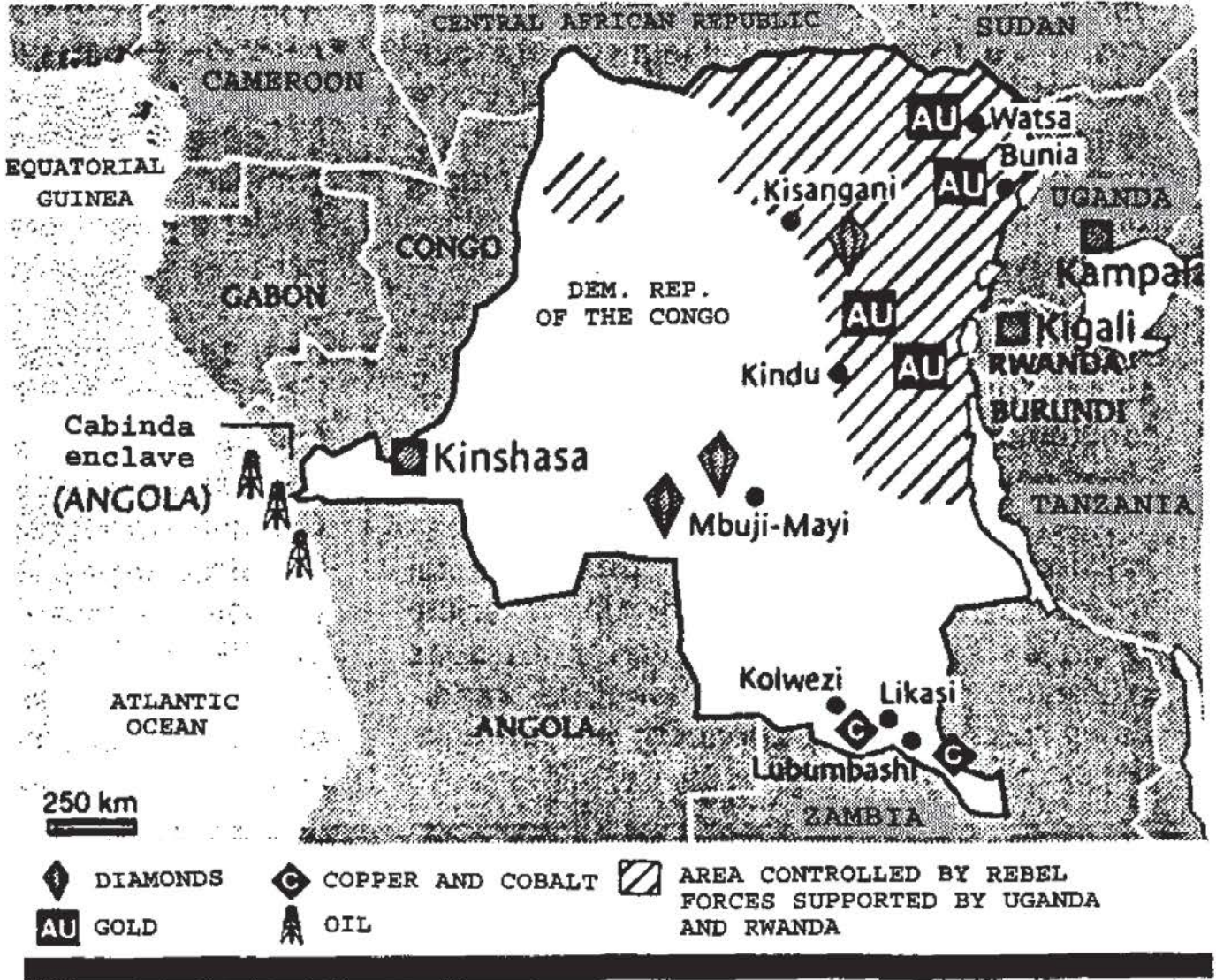
[Translation by the United Nations Secretariat]

WHITE PAPER ON MASSIVE VIOLATIONS OF HUMAN RIGHTS AND OF THE BASIC
RULES OF INTERNATIONAL HUMANITARIAN LAW BY THE AGGRESSOR COUNTRIES
(UGANDA, RWANDA AND BURUNDI) IN THE EASTERN PART OF THE DEMOCRATIC
REPUBLIC OF THE CONGO

Covering the period from 2 August 1998 to 5 November 1998

Kinshasa, December 1998

Mining resources which have been under-exploited and extensively plundered



Source: Le Monde, 13 January 1999.

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ACKNOWLEDGEMENTS

On behalf of the Ministry of Human Rights, I extend my sincere thanks to the national human rights organizations and eminent Congolese civilians who, at the risk of their lives, have provided the Ministry with information on serious violations of human rights and international humanitarian law in the eastern provinces, thereby contributing to the preparation of this white paper.

Their patriotism constitutes ample proof that the Congolese people will never retreat before the aggressors.

I hope that this acknowledgement will adequately express our gratitude.

Léonard SHE OKITUNDU
Minister for Human Rights

[1-2]

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INTRODUCTION

1. At the end of December 1998, the Democratic Republic of the Congo, through its Ministry of Human Rights, submitted for the consideration of the national and international public this white paper on massive violations of human rights and the fundamental rules of international humanitarian law by the aggressors in the eastern provinces between 2 August and 5 November 1998.

2. On 10 December 1998, the international community celebrated the fiftieth anniversary of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948 at the end of the Second World War.

3. Like many other peoples of the world, the Congolese people aspires to peace, development, international cooperation and the peaceful coexistence of nations. These ideals are embodied in the Charter of the United Nations and are considered to govern relations between all peoples of the United Nations.

4. The Charter of the United Nations¹ and the International Bill of Human Rights² recognize the right of peoples to self-determination and to freely dispose of their natural wealth and resources. This fundamental right, which lies at the very heart of human rights, has not been fully exercised by the Congolese people since the beginning of the war of aggression waged against it by Rwanda, Uganda and Burundi.

5. This aggression, perpetrated by three members of the United Nations and of the Organization of African Unity (OAU) against another member thereof, constitutes a serious threat to peace and security in the Central African region in general and the Great Lakes region in particular.

6. The Democratic Republic of the Congo considers that the violation of its sovereignty and territorial integrity and the serious violations of the fundamental rights of the Congolese people and of the basic rules of international humanitarian law by aggressor countries in the conflict zones should be addressed by the international community through the United Nations Security Council since, under the Charter, the Council has the primary responsibility for maintaining international peace and security.³

7. The following topics are covered in this white paper: the origin and development of the conflict (I); international commitments made by the Democratic Republic of the Congo and the aggressor countries (II); violations of general international law by the aggressors (III); massive violations of the basic rules of international humanitarian law (IV); massive violations of human rights (V); the alleged genocide of the Tutsi (VI); introduction to the table summarizing violations of human rights in the eastern provinces (VII); and outlook for the future (VIII).

I. ORIGIN AND DEVELOPMENT OF THE CONFLICT

8. The massive influx of Rwandan Hutu refugees into the eastern provinces of the Congo in 1994, following the assumption of power by the Tutsi in Kigali,

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further exacerbated the security problem along the border between the Democratic Republic of the Congo and Rwanda. The actions of the Ugandan rebels (the Lord's Resistance Army) along the Congolese-Ugandan border is also a source of instability on the Great Lakes region.

9. During the war of liberation (1996-1997), which was intended to put an end to the Mobutu dictatorship by restoring to the Congolese people its long-affronted dignity and establishing a State governed by the rule of law and respectful of human rights and fundamental freedoms, the Alliance des Forces Démocratiques pour la Libération du Congo (ADFL) had accepted military and logistical assistance from several friendly countries, including Rwanda and Uganda.

10. Those two countries would benefit from providing that assistance since an incidental consequence of the war of liberation was the elimination of tension along their borders which posed a threat to their security and, in particular, the neutralization of members of the former Rwandan armed forces (FAR), Hutu rebels (Interahamwe) and Lord's Resistance Army soldiers.

11. In July 1998, in the wake of a plot hatched by the Ugandan-Rwandan coalition to assassinate Laurent-Désiré Kabila, President of the Democratic Republic of the Congo, and overthrow the Government of National Salvation, His Excellency M'zee Laurent-Désiré Kabila, Supreme Commander of the Congolese Armed Forces (FAC), took a sovereign decision to end the foreign military presence in FAC. This measure affected the Rwandan and Ugandan soldiers. On 29 July 1998, the Head of State addressed the military in a speech during which he explained the justification for his decision at length. On that occasion he called for new cooperation between the Democratic Republic of the Congo and Rwanda and outlined his plan to reform the army in order to make it more professional and more republican.

12. For the Ugandan-Rwandan coalition and its allies, this sovereign decision by the Congolese Government was the spark that ignited the armed conflict against the Democratic Republic of the Congo. Uganda and Rwanda subsequently justified the presence of their troops in Congolese territory under the pretext of "guaranteeing their security" along their borders with the Democratic Republic of the Congo.

13. On 2 and 3 August 1998, columns composed of several Rwandan army trucks, loaded with heavily armed soldiers, violated the eastern borders of the Congo and occupied the cities of Goma and Bukavu.

14. While these events were occurring in the east of the country, some thousand Rwandan and Ugandan soldiers who had left the repatriation operation, supported by the members of so-called Banyamulenge, attacked the Tshatshi and Kokolo army camps in Kinshasa.

15. During the same night, Sunday, 2 August/Monday, 3 August 1998, another group of Rwandan soldiers who were awaiting repatriation to Kigali opened fire on the city garrison.

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16. On Tuesday 4 August 1998, three Boeing aircraft belonging to Congolese companies (Congo Airlines, Lignes Aériennes Congolaises and Blue Airlines) were hijacked on leaving Goma, Nord-Kivu, and forced to land at the Kitona, Bas-Congo, military base, carrying 600-800 Rwandan soldiers.

Mr. James Kabarehe, a Rwandan citizen who until July 1998 had served as the acting FAC Chief of Staff, was the primary instigator of this operation, which had several purposes:

1. To rally Congolese soldiers training in Kitona;
2. To paralyse Kinshasa by taking control of the Banana, Boma and Matadi seaports. The south-west river passage is vital to the capital's supply of staple goods and petroleum products;
3. To take control of the Inga hydroelectric dam, which supplies electricity to Bas-Congo Province, the city of Kinshasa and the Katanga mines as well as to several other Central and East African countries;
4. To take Kinshasa from Bas-Congo Province in order to overthrow the Government of National Salvation and assassinate President Laurent-Désiré Kabila with a view to setting up a Tutsi or Tutsi-controlled regime.

17. On Sunday, 9 August 1998, two columns of Ugandan soldiers violated the territorial integrity of the Democratic Republic of the Congo. The first column was composed of three tanks and seven K.V. trucks, the second of seven armoured cars. These Ugandan troops, located between Kamango and Watsa, were headed towards Bunia in Orientale Province.

18. Also on 9 August 1998, at 11 a.m. (0900 hours Greenwich Mean Time), a Ugandan Army jumbo jet landed at Nebbi, a Ugandan district close to Karobo and about 20 km from Mahagi, in Congolese territory. This aircraft delivered a large quantity of weapons and ammunition, which were distributed to the Fahidi, Huruti, Mbo and Mee garrisons in order to provide support to the Ugandan-Rwandan coalition in the Congo.

19. This was the beginning of the war of aggression against the Democratic Republic of the Congo. The conflict has since taken on significant and alarming dimensions as the areas of conflict have expanded to include six provinces (Nord-Kivu, Sud-Kivu, Maniema, Orientale, Katanga and Équateur). In addition, the aggressors seriously violate the fundamental rights of the Congolese and the basic rules of international humanitarian law. They also engage in looting, plundering items such as property, soil and subsoil resources and animal resources, particularly protected species such as elephants, okapi, gorillas and white rhinoceros.

20. There are no witnesses to their dirty work. International humanitarian organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and Doctors Without Borders have been driven out of the conflict zones by being forced to pass through Kigali for systematic searching

by a military escort, which prevents them from obtaining any information on the massacres and looting. This does not, however, take into account the nationalism of the Congolese, of which this white paper constitutes tangible proof. Whatever the price, the Congolese people will not give way to the aggressors.

II. INTERNATIONAL COMMITMENTS UNDERTAKEN BY THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE AGGRESSOR COUNTRIES

21. The Democratic Republic of the Congo, Burundi, Uganda and Rwanda are all States Members of the United Nations and of OAU. They are obliged to honour their commitments under the Charter of the United Nations and that of OAU: non-use of force, peaceful settlement of disputes, respect for the sovereignty and territorial integrity of States, non-interference in the internal affairs of States and respect for the borders inherited from the colonial period.

22. The Democratic Republic of the Congo is a party to the four Geneva Conventions of 12 August 1949⁴ and to Additional Protocol I thereto of 8 June 1977 on the protection of victims of international armed conflicts. Burundi, Uganda and Rwanda are parties to the four Geneva Conventions and to their Additional Protocols of 1977.⁵

23. The Democratic Republic of the Congo has subscribed to the spirit and the letter of the Universal Declaration of Human Rights of 10 December 1948. Burundi, the Democratic Republic of the Congo and Rwanda are parties to the two Covenants on civil and political rights and economic, social and cultural rights of 16 December 1966. Uganda is not a party to the International Covenant on Civil and Political Rights.⁶

24. Unlike other principles and rules of international law, those relating to international humanitarian law and international human rights law must be respected by the belligerent parties without the requirement of reciprocity.

25. In this time of war, the fundamental principles and rules of international humanitarian law are enforceable under treaty law or common law against both the Democratic Republic of the Congo and the aggressor countries. This applies to such cases as the distinction between combatants and non-combatants, the protection of vulnerable persons (children, women and older persons), the protection of property and the prohibition of weapons of mass destruction (chemical, biological or bacteriological weapons).

26. Keenly aware of their international commitments in the humanitarian field, the competent military authorities, chief among them President Laurent-Désiré Kabila, regularly instruct troops in the field on the rules governing the conduct of hostilities.

27. On instructions from the Head of State, the Minister of Justice and the Minister of Human Rights adopted a joint note on 28 September 1998 informing the International Committee of the Red Cross (ICRC) of the conditions of access to combatants, other captured persons and prisoners of war. ICRC has already begun its work, following its criteria for visits and interviews (especially

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interviews conducted in private). There is a desire for transparency on our part.

28. In view of the urgency and the necessity involved, the Government of National Salvation established an Interdepartmental Commission on Humanitarian Issues on 12 August 1998. The Commission has carried out several activities in such areas as the protection of vulnerable persons, facilitation of travel abroad and day-to-day oversight of various humanitarian issues.

29. Without requiring reciprocity of any kind, ICRC has been called upon several times to act in its capacity as a Protecting Power on behalf of our compatriots who are suffering as a result of the war of aggression in the eastern provinces.

30. Despite our firm resolve to respect our country's international commitments under the provisions of its Constitution which stipulate the supremacy of international treaties over all other legislation,⁷ we cannot fail to respond to the violations of international humanitarian law to which our compatriots are being cravenly and savagely subjected in the areas occupied by the aggressors.

31. Thus, while the Democratic Republic of the Congo does not make fulfilment of its international obligations contingent upon the requirement of reciprocity in respect of Uganda, Rwanda and Burundi, three aggressor countries which, like the Democratic Republic of the Congo, are parties to the conventions relating to international humanitarian law, it is obliged to compel the United Nations Security Council, regional organizations such as the European Union and OAU, and all countries or non-governmental organizations to exert pressure on these countries to meet their commitments. If this is not done, we cannot sufficiently emphasize that the Congolese people will ultimately have serious doubts as to the effectiveness, and even the efficiency and raison d'être, of international law and may fall back on the principle of reciprocity as a precondition for respecting international norms.

III. SERIOUS VIOLATIONS OF INTERNATIONAL LAW

32. It is clear that the aggression against the Democratic Republic of the Congo is the work of the Rwandan-Ugandan-Burundian coalition. The attempts by some to pass it off as a "Banyamulenge insurrection" or a "rebellion by Congolese" against the Government of National Salvation are nothing but a crude facade to mask the destabilizing undertaking of the aggressors, whose irredentist and hegemonic designs on the territory of the Democratic Republic of the Congo are beyond question.

33. The violations perpetrated by the aggressor countries are manifest in the eyes of international law and include acts of aggression; violation of the sovereignty and territorial integrity of a State Member of the United Nations and of OAU; violations of the basic rules and principles of international humanitarian law; and massive violations of the fundamental rights of the Congolese.

34. The aggression against the Democratic Republic of the Congo makes a mockery of the fundamental principles governing relations between States as set forth in the Charter of the United Nations and the Charter of OAU.

35. The incursion by Rwandan, Ugandan and Burundian troops into Congolese territory constitutes an act of aggression as defined in article 1 of General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of Aggression", and in the jurisprudence of the International Court of Justice.⁹ Article 1 of this resolution states that "aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations ...".

36. This act consists of several elements, the most important of which are: the use of force, in flagrant violation of the Charter of the United Nations; the violation of the sovereignty and territorial integrity of a State Member of the United Nations; the violation of the principle of the inviolability of the borders inherited from colonization; looting and destruction; and the despoilment of the national wealth.

37. The act of aggression is inconsistent with the policy of living together as good neighbours advocated in the Charter of the United Nations.⁹ The Congolese Government wishes to remind the international community that the policy of neighbourliness is one of the guiding principles of its foreign policy.

38. By launching a military attack against the Democratic Republic of the Congo, the aggressor countries have violated the principles of refrainment from the use of force in international relations, the peaceful settlement of disputes and the requirement to develop friendly relations.¹⁰

39. The violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo by Rwanda, Uganda and Burundi contravenes the provisions of Article 2, paragraph 4, of the Charter of the United Nations.

IV. MASSIVE VIOLATIONS OF THE BASIC RULES OF INTERNATIONAL HUMANITARIAN LAW

40. Every day the aggressor countries are committing systematic violations of the basic rules and principles of international humanitarian law, despite the fact that they are parties to the Geneva Conventions of 12 August 1949 and to their Additional Protocols of 8 June 1977.

41. The following violations are cited by way of illustration: the failure to distinguish combatants from non-combatants; the deportation of Congolese civilians; the seizure of civilian property; the failure to protect vulnerable persons (children, women and the elderly); deliberate efforts to starve the civilian population; the systematic spreading of sexually transmitted diseases aimed at decimating the Congolese population.

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42. Since the outbreak of the war of aggression, several Congolese citizens have been deported to Rwanda and Uganda. Some of them have been killed and subsequently burnt on the spot. There have been countless massacres of members of the civilian population.

43. These appalling crimes are perpetrated far from the scrutiny of international organizations and the international press. The Congolese people would have wished for greater condemnation, greater indignation and greater compassion on the part of the international community in the face of the aggressors' barbarity. Alas! The Democratic Republic of the Congo continues to be unpopular in certain circles.

44. The seizure on 17 August 1998 of the Inga hydroelectric dam, which lasted for several weeks, by the Ugandan-Rwandan coalition contravenes the provisions of article 56 of Additional Protocol I.¹¹ This appalling and barbaric act, comparable to an act of international terrorism, disrupted the lives of millions of people and the economic fabric of the Democratic Republic of the Congo. Moreover, it resulted in the death of many sick persons and newborn infants.

45. Museveni and Kagame are committing acts which are beyond all understanding in pursuit of their strategy of exterminating the Congolese civilian population in the occupied areas. For example, 2,000 Ugandan soldiers suffering from acquired immunodeficiency syndrome (AIDS) or infected with the human immunodeficiency virus (HIV) were sent to the front in Orientale Province, their mission to rape women and girls with the aim of spreading the disease. Need it be recalled that Uganda and Rwanda have the sorry distinction of having Africa's largest number of AIDS sufferers and HIV-infected persons. Similarly, in Kalemie, the male population aged 10 years and over has been decimated by the aggressors.

V. MASSIVE VIOLATIONS OF HUMAN RIGHTS

46. The aggressors show scant respect for the International Bill of Human Rights, committing massive human rights violations in the conflict zones daily, including violations of the liberty and security of Congolese citizens; deprivation of liberty; torture and cruel, inhuman or degrading treatment; failure to respect the right of peoples to self-determination and to dispose freely of their natural wealth and resources; and violation of the right to health (disruption of primary and preventive health care, including paediatric care).¹²

VI. THE ALLEGED GENOCIDE OF THE TUTSIS

47. Since the outbreak of the war, the Democratic Republic of the Congo has emphasized that it would honour its international human rights commitments, particularly the International Bill of Human Rights, the four Geneva Conventions of 12 August 1949 on international humanitarian law and the African Charter on Human and People's Rights. Thus, in accordance with the principle of non-discrimination, it immediately announced that not all Rwandans or Ugandans were necessarily enemies. The same is true in the case of Tutsis.

48. The Democratic Republic of the Congo has always been and remains a land of welcome for foreigners who have made it their second home or who live there temporarily and who respect its institutions, laws and customs.

49. The Congolese people could not reasonably be accused, on the basis of their supposed intentions, of xenophobia or acts of genocide, which, as everyone knows full well, have found fertile ground elsewhere. The defence of one's homeland against aggressors and their accomplices cannot be equated with xenophobia and acts of genocide.

50. The Democratic Republic of the Congo is thus acting in self-defence, whatever the opinion of those seeking to undermine its democratization. It is fiercely protective of its multi-ethnic unity, to which the dynamics of the glorious history of the Congolese people bear witness. The Congolese have never been xenophobic, as the harmony which prevails within its many borders attests.

51. The Congolese people is all the more protective of this harmony since it bears the scars of divisions provoked by neocolonial forces in the very earliest years of independence. Moreover, it understands that the virus of ethnic division is the favourite weapon of all those who, like the colonialists, wage hegemonic wars aimed at enslaving the Congolese people.

52. Everyone, nationals and foreigners living in the Democratic Republic of the Congo alike, knows that no culture of genocide exists among the Congolese people. The traditions of the Congolese people are incompatible with a culture of blood and violence.

53. The Tutsi extremists are cleverly playing the victim in order to justify the abominable atrocities they are committing in the conflict zones and to gain the understanding, if not merely the support, of the international community. They excel at exploiting the Rwandan genocide, on which they trade, giving themselves carte blanche to commit every sort of criminal action purely on the grounds that they have been victims of genocide, and this is met by the international community with almost total passivity.

54. Any threat, of whatever kind, against a Tutsi is systematically characterized as genocide and serves as a pretext for perpetrating appalling crimes by way of retaliation. In so doing, the Tutsi extremists are cynically trivializing, even cheapening, genocide, which in some Western countries is currently a criminal offence.

55. Here we must denounce the manifestly fanciful nature of the criminal complaints lodged against the Congolese Head of State in Brussels and Paris.

56. The real war criminals against whom legal action should and indeed must be brought are Kagame, Bizimungu and Museveni on counts of war crimes, crimes against humanity and trivialization of genocide, as the synoptic table appended to this document makes clear.

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57. The Democratic Republic of the Congo calls on all organizations campaigning against all forms of racism and discrimination, in particular the World Jewish Congress, to condemn this semantic obfuscation, which is an insult to the memory of the victims of still greater tragedies of this waning century.

58. The Government of National Salvation has protected vulnerable persons since the outbreak of the war and continues to do so. This includes the Tutsis, who are being housed in the Kokolo Camp in Kinshasa and in centres in Lubumbashi, Likasi and Kolwezi. Our concern for these people's security prevails over all other considerations. ICRC visits and assists them regularly. Steps are currently being taken to find a more suitable place for these people with a view to reconciling security needs with the need to improve their living conditions.

59. The Democratic Republic of the Congo seeks to afford the same protection to both nationals and resident foreigners. Any difference in treatment in this respect is therefore prohibited.

60. The isolated excesses reported during the aggressors' attempts to infiltrate the city of Kinshasa should be seen in their proper context. Faced with the threat of extermination following the seizure of the Inga dam and the cutting off of supplies, the inhabitants of Kinshasa defended themselves with the means at their disposal. They were acting in self-defence.

61. Out of concern that the right to life should be respected, several religious, political and military leaders made appeals to the population, saying what action should be taken. The Congolese Government deplores any accusation of "ethnic cleansing". The Congolese people is entitled to defend itself against aggressors, Tutsi or otherwise. As to the inhabitants of Kinshasa, they exercised their right of self-defence without hesitation and with clear consciences, seeing the invaders solely as such, with no thought for their nationality or ethnic origin. Humanitarian organizations such as ICRC, a body whose respectability is unquestioned, can confirm our constant concern for the protection of vulnerable persons.

VII. INTRODUCTION TO THE TABLE SUMMARIZING SERIOUS VIOLATIONS OF HUMAN RIGHTS IN THE EASTERN PROVINCES

62. The table appended to this document is only a snapshot, giving no more than an indication, albeit a revealing one, of the blatant, deliberate and massive violations of human rights and international humanitarian law by the Rwandan, Ugandan and Burundian aggressors in the eastern part of the Democratic Republic of the Congo. In accordance with the Latin adage "Nullum crimen sine lege, nulla poena sine lege", this white paper allows the reader to see the crimes that were committed while simultaneously observing what international provisions were violated.

63. These violations are so diverse that virtually all three generations of human rights and international humanitarian law are represented. Thus, following the massacres and summary executions of Congolese citizens, the aggressors are now daily subjecting the civilian population to rape, arrest, arbitrary detention, and cruel, inhuman and degrading treatment.

64. Against a background of violations of the relevant provisions of international humanitarian law, the economic, social and cultural rights of the Congolese are being violated by looting, extortion and destruction of installations and property essential for the survival of the population.

65. Other violations of human rights and international humanitarian law deserve to be highlighted. These include the wanton destruction and irrational and surreal use of the Kahuzi-Biega and Virunga National Parks, which have resulted in the extermination of rare species such as okapi, white rhinoceros and mountain gorillas, together with the destabilization of their habitat.

66. The aggressors' attitude towards civil aircraft since the beginning of the aggression should also be noted. Indeed, at the very start of the conflict, aircraft belonging to a private company were unlawfully seized by the aggressors for the purpose of transporting troops and military equipment from Kigali and Goma to Kitona.

67. On 9 October 1998, a Boeing 727 owned by Congo Airlines, a private company, was shot down by the aggressors immediately after taking off from Kind Airport in Maniema. This aircraft was headed for Kinshasa, evacuating 37 women and children from an operational area. All the passengers, as well as three crew members, perished as a result of this action, which clearly violates international law. These facts are sufficient proof that the aggressors are flouting international civil aviation legislation.¹³

68. What should the attitude of the Democratic Republic of the Congo be in the face of these massive, blatant and varied violations?

VIII. OUTLOOK FOR THE FUTURE

69. At the outset, it should be noted once again that the fundamental violation of public international law by the aggressors continues to be non-respect for the sovereignty and territorial integrity of the Democratic Republic of the Congo.

70. By virtue of its inherent right of legitimate individual or collective self-defence, the Democratic Republic of the Congo is conducting appropriate military and diplomatic action to regain its sovereignty and territorial integrity, and to make its cause triumphant in the community of nations.

71. Under the command of the President of the Republic, M'Zee Laurent-Désiré Kabila, and with the unequivocal and wholehearted support of the Zimbabwean, Angolan, Namibian and Chadian allies, the Congolese people are continuing to resist and repulse the aggression.

72. The military support of Zimbabwe, Angola and Namibia falls within the framework of the collective security system envisaged by the States members of the Southern African Development Community (SADC). As to Chad, it is taking sovereign action in exercise of African solidarity to assist a fraternal country which has suffered aggression. Consequently, it is not possible to equate the aggressors with these States which aspire to peace and justice.

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73. Since the beginning of the war, the Democratic Republic of the Congo has spared no effort at the diplomatic level to try to find an acceptable solution. This is the reason for its participation in various international meetings held in, inter alia, Durban, Victoria Falls, Mauritius, Libreville, Addis Ababa, Lusaka, Paris and Ouagadougou.

74. Similarly, the Democratic Republic of the Congo has constantly informed the United Nations, through the President of the Security Council and the Secretariat, of the grave situation prevailing in its territory. The appeals made by the Democratic Republic of the Congo to the Security Council have not yet produced the desired result. More than once, through irrelevant statements, the Council has spoken of reaffirmation of the sovereignty and territorial integrity of the Democratic Republic of the Congo and of the immediate cessation of hostilities and the withdrawal of all foreign forces from Congolese territory.

75. In indiscriminately calling for the withdrawal of all foreign forces, the Security Council is doing nothing to promote international peace and security. A distinction must be made between the forces of aggression and the allied forces which are in Congolese territory at the request of the legitimate Government. The criminals and the victims cannot be treated in the same way.

76. There is still time for the Security Council to take up the matter again and condemn the aggressor countries, taking the following three positions: strongly condemning the invasion of Congolese territory by the Rwandan, Ugandan and Burundian forces; demanding that the aggressor countries withdraw their troops immediately and unconditionally from Congolese territory; and demanding that Rwanda, Uganda and Burundi cease immediately their violations of human rights and the fundamental principles of international humanitarian law in the conflict zones.

77. The Organization's paralysis or guilty silence is liable to discredit it and its collective security system in the eyes of the Congolese people and other peoples who value peace and justice.

78. It need hardly be recalled that, like the League of Nations, the United Nations is based on the idea of collective security; each State undertakes to support all collective action directed against any State which, in the judgement of the majority, is guilty of aggression or of a threat to the peace.

79. Since there is no longer any doubt about the aggression perpetrated against the Democratic Republic of the Congo, in view of the facts and of the instruments regulating relations between States Members of the United Nations (indeed, the aggressor countries make no secret of it), we are entitled to expect the Security Council to condemn this aggression and take the measures which are required under Chapter VII. Initially these would be necessary measures not involving the use of armed force (for example, an arms embargo, economic sanctions and so forth); if required, appropriate coercive measures could be identified.

80. Outside the United Nations, the Democratic Republic of the Congo will very soon be undertaking diplomatic action of all kinds in various international bodies in order to have its cause prevail in the community of nations and to defend the fundamental rights of the Congolese. In collaboration with the Ministry of Foreign Affairs, we intend to approach the following bodies: the Movement of Non-Aligned Countries, the Organization of African Unity, the subregional African organizations (the Economic Community of West African States, the Economic Community of Central African States, the Arab Maghreb Union ...), the European organizations (the European Union, the Council of Europe, the Commonwealth of Independent States), the League of Arab States, the Organization of the Islamic Conference, the Organization of American States, the African, Caribbean and Pacific States (ACP), the Association of South-East Asian Nations (ASEAN) and so forth.

81. The Democratic Republic of the Congo also intends to report the acts of terrorism and air piracy committed by the aggressors to the International Civil Aviation Organization.

82. It will take advantage of the next session of the United Nations Commission on Human Rights to have the aggressor countries condemned for the various human rights violations against the Congolese.

83. It will also take action in international non-governmental organizations, including Amnesty International, the International Federation of Leagues of Human Rights, the International Committee of the Red Cross and Human Rights Watch/Africa.

84. Can the Democratic Republic of the Congo expect much from OAU? It should be recalled that at the summit meeting held in Cairo from 28 to 30 June 1993, the Heads of State and Government of OAU established a new mechanism for conflict prevention, management and resolution. Since OAU did not prevent the Congolese conflict, we expected it to assume its responsibilities by taking up the management and, when appropriate, resolution of the Congolese conflict. It has to be noted, however, that the summit meeting of the central organ of the OAU mechanism for conflict prevention, management and resolution, held at the level of Heads of State in Ouagadougou on 17 and 18 December 1998, was not able to condemn the aggression or propose the terms of a solution. By shifting the Congolese case to SADC, OAU abdicated its role.

85. OAU, as a Pan-African organization, must propose solutions to African conflicts and ensure their implementation, in collaboration with the United Nations where possible. Apart from mobilizing financial resources to initiate a peacekeeping operation, OAU has the duty to send a strong message to the aggressor countries: condemnation of aggression, demand for the withdrawal of the foreign aggressor troops, reaffirmation of the principle of the inviolability of the borders inherited from colonization, demand for respect for human rights as enshrined in the International Bill of Human Rights and the African Charter of Human and Peoples' Rights of 28 June 1981, and so forth.

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86. In this respect, because of the blatant indecisiveness of OAU political bodies, the Democratic Republic of the Congo, through the Ministry of Human Rights, is preparing to pursue its case at the legal level by sending communications to the President of the African Commission on Human Rights, the Secretary-General of OAU, and the States which have flagrantly violated human rights in the Democratic Republic of the Congo (Uganda, Rwanda and Burundi) under article 49 of the African Charter on Human and Peoples' Rights, on the grounds of flagrant violations of the relevant provisions of this African instrument for the promotion and protection of human rights.

87. The conclusion of a ceasefire between the warring parties will have to be followed by the simultaneous withdrawal of the aggressor troops, under a binding timetable if necessary. The deployment of an observer force or a buffer force along the common international borders could be necessary in order to monitor the effectiveness of the withdrawal and guarantee peace and security between the parties to the conflict at the end of the war.

88. The Democratic Republic of the Congo intends, despite everything, to take the issue of the international responsibility of the aggressor States to the competent international legal forums, particularly the International Court of Justice at The Hague.

89. Indeed, in struggling for a just cause, the Democratic Republic of the Congo is determined to defend itself, not only at the military level (through the exercise of individual or collective self-defence) but also at the judicial level (through an application to the International Court of Justice) in order to secure the condemnation of the aggressors and just compensation for the damage suffered, including the damage described in this white paper. A national commission for damage assessment will be established for this purpose.

90. This paper will remind everyone of what is already clear: the massive and grave violations of human rights and of international humanitarian law in the eastern part of the Democratic Republic of the Congo by the Rwandan, Ugandan and Burundian aggressors.

91. It is hoped that this paper will help alert nationals and the international community to the fate suffered by the Democratic Republic of the Congo and will enable everyone to act without hypocrisy to promote justice and peace in the Democratic Republic of the Congo, in Africa and throughout the world.

92. At the end of the war of liberation, the Government of National Salvation is aware that establishment of the rule of law in the Democratic Republic of the Congo requires efforts by everyone: State bodies, civil society and religious organizations. The culture of democracy and human rights derives from a state of mind which must be tirelessly cultivated.

93. In the context of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, we have established a partnership with State bodies and international and national human rights organizations in order to promote and protect human rights in the Democratic Republic of the Congo more effectively. An awareness-building campaign has been conducted with several sections of Congolese society (including the army, police, courts, territorial

bodies, associations and universities). We intend to pursue this course so that the Congolese people are firmly committed to a culture of human rights.

94. At the end of the special meeting of the Council of Ministers held on 2 January 1999, His Excellency M'Zee Laurent-Désiré Kabila signed decrees Nos. 171 and 172 on the establishment of a state of siege in the provinces of Équateur, Katanga, Maniema, Nord-Kivu, Orientale and Sud-Kivu.

95. The breakdown of State structures in the conflict zones, the massive violations of the human rights of the Congolese and the plundering of the national wealth in these zones require the adoption of appropriate measures to deal with the conflict situation.

96. In the event of war, the Government of National Salvation, under the supreme authority of the Head of State, has responsibility for maintaining the sovereignty and integrity of the Democratic Republic of the Congo, but also for protecting the human rights of the Congolese and of foreigners who live or temporarily reside in the national territory.

97. The establishment of a state of siege in part of the national territory was decided upon in view of the indifference, or even duplicity, of the international community (United Nations, OAU) in the face of the flagrant violations of the fundamental principles of the Charter of the United Nations and the Charter of OAU.

98. The state of siege makes it possible to ensure the survival of the State in the case of extreme danger. The decision to proclaim a state of siege is in conformity with our constitutional law and with our international commitments in the area of human rights, particularly article 29, paragraph 2, of the Universal Declaration of Human Rights, article 4 of the International Covenant on Civil and Political Rights, and the spirit and letter of the African Charter on Human and Peoples' Rights.

99. We know this is why the Romans applied the principle cedant arma togae in times of peace, yet in times of peril this rule could become an exception to itself and change to cedant togae arma, thereby enabling the military authorities to stem the evil and protect the population from the gangrene which so severely undermines and damages both its welfare and its tranquillity.

100. A state of siege involves the establishment of exceptional powers, mainly for the benefit of the military authorities. These powers have the purpose of restoring the sovereignty and territorial integrity of the State; they should be used only for that purpose.

101. The restrictive regime of public freedoms established by a state of siege should in no case depart from the inalienable core of human rights. This obligation derives from article 4 of the International Covenant on Civil and Political Rights of 16 December 1966, to which the Democratic Republic of the Congo is a party.

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102. Intangible rights are rights that are inherent to the human person which must be respected at all times and in all places. No exceptional circumstance, of whatever kind, whether a state of war or threat of war, domestic political instability or any other exceptional situation may be invoked to justify infringement of these intangible rights: the right to life, the right to physical integrity, the right not to be subjected to torture or cruel, inhuman or degrading treatment, the right to a fair trial, the right to freedom of thought, conscience and religion, and so forth.

103. In conclusion, we wish to note that the three aggressor countries are resentful of the efforts which have been made by the Government of National Salvation, under the supreme authority of His Excellency M'Zee Laurent-Désiré Kabila, to establish the rule of law in the Democratic Republic of the Congo and to embark on national reconstruction.

104. In the management of the Great Lakes crisis, a curious fact should be noted: the absence of democracy in Uganda, Rwanda and Burundi since the accession to power of the current leaders, all of whom are Tutsi.

105. With regard to Uganda in particular, this undemocratic or anti-democratic situation has now lasted for about a dozen years.

106. Apart from the absence of democracy in Rwanda, the system of ethnic apartheid to which the majority Hutu population is subjected by the Tutsi minority must be denounced.

107. In Burundi, the democratic process has been put on hold with the assassination of the elected President Melchior Ndadaye, and power has been exclusively regained and controlled by the Tutsi minority.

108. As to the Democratic Republic of the Congo, despite the state of war, the Government of National Salvation has on many occasions reaffirmed its strong determination to continue the process of democratization. The Ministry of Human Rights, for its part, is engaged day by day in promoting and protecting the rights both of the Congolese and of foreigners who live or stay in the national territory.

Kinshasa, 29 December 1998

Léonard SHE OKITUNDU
Minister for Human Rights

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Notes

¹ See article 1, paragraph 2.

² See common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 16 December 1966.

³ See Article 24, paragraph 1; and Chapter VII of the Charter. See also Jean Combacau, Le pouvoir de sanction de l'ONU: Etude théorique de la coercition non militaire (Paris, Pedone, 1974), pp. 144-145, and René Degni-Segui, "Article 24: Fonctions et pouvoirs" in La Charte des Nations-Unies: Commentaire article par article, Jean-Pierre Cot and Alain Pellet, eds. (Paris, Economica, 1985), pp. 451-469.

⁴ The four Geneva Conventions of 1949 deal with the amelioration of the condition of the wounded and sick in armed forces in the field (first Convention), the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea (second Convention), the treatment of prisoners of war (third Convention) and the protection of civilian persons in time of war (fourth Convention).

⁵ The second Additional Protocol deals with the protection of victims of non-international armed conflicts. See Revue internationale de la Croix-Rouge, No. 829, 1 March 1998, pp. 192-195.

⁶ See United Nations, Human Rights. International Instruments: Chart of ratification as at 30 June 1994 (New York and Geneva, 1994), pp. 2-10.

⁷ The primacy of international over internal law is set out in article 27 of the Vienna Convention on the Law of Treaties of 23 May 1969, which stipulates that "a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty".

⁸ See Military and paramilitary activities in and against Nicaragua (Nicaragua v United States of America), Judgement of 27 June 1986 (Merits): I.C.J. Reports 1986, p. 14.

⁹ See the preamble of the Charter of the United Nations.

¹⁰ See Article 1, paragraph 2, and Article 2, paragraph 4, of the Charter of the United Nations. See also General Assembly resolution 2625 (XXV) of 24 October 1979, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations".

¹¹ Article 56 of Additional Protocol I states that "Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack ...".

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¹² All these actions are in contravention of articles 1, 7, 9 and 10 of the International Covenant on Civil and Political Rights and articles 1 and 12 of the International Covenant on Economic, Social and Cultural Rights.

¹³ This includes the Chicago Convention on International Civil Aviation of 7 December 1944, The Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970, and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971.

TABLE SUMMARIZING THE MASSIVE HUMAN RIGHTS VIOLATIONS COMMITTED
IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO
COVERING THE PERIOD FROM 2 AUGUST 1998 TO 5 NOVEMBER 1998

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|--|
| <p>NORD-KIVU AND SUD-KIVU PROVINCES</p> <p>I. <u>Massacres</u></p> <p>A. <u>August 1998</u></p> <ul style="list-style-type: none"> • At about 4 p.m. on Monday, 3 August 1998, 38 officers and approximately 100 soldiers of the Congolese Armed Forces were disarmed and then killed at the Kavumu airport. The names of Mutshapa (Commander of the 202nd battalion) and Commander Epelele have been associated with this act. • On Monday, 24 August 1998, more than 856 people were massacred at Kasika, in Lwindi chieftaincy and in the territory of Mwenga. The bodies, which were strewn over an area of 60 km from Kilungutwe to Kasika, were mainly of women and children. The women had been raped before being killed by their attackers, who had used knives to slit their bodies from the vagina to the abdomen. • 400 Mai-Mai were burnt to death at Luhuindja and 200 at Luindi. | <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Article 13 of the Geneva Convention relative to the Treatment of Prisoners of War; Article 4(1) of Protocol I additional to the Geneva Conventions of 12 August 1949; Article 12 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.</p> <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Articles 51(2), 76 and 77 of Protocol I additional to the Geneva Conventions of 12 August 1949.</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <p>The details of some of these cases are as follows:</p> <ul style="list-style-type: none"> • In Kilungutwe, more than 127 persons were massacred and numerous bodies of children thrown into communal graves and local toilets. <p>The following cases are typical of the killings that have taken place:</p> <ul style="list-style-type: none"> - Ms. Nabonga, a 65-year-old widow, and her entire family of eight persons comprising Mr. Kibaza (35 years), Ms. Kamalebo wa Mukoke (40 years), Mr. Mwangila (28 years), Mr. Sandala (25 years), Ms. Lukenge (20 years), Ms. Mabongele (17 years), Mr. Lutumba (38 years) and Mr. Mulingano (37 years). <p>In addition, a number of itinerant vendors, including Wabe, Balagizi and Mufungizi (not otherwise identified), were murdered in a cowardly manner on the same date.</p> <ul style="list-style-type: none"> • The killing at Kalama of 16 persons, members of the Mutewa family, which resided on Ave. Kasai in the town of Ibanda, in Bukavu. • At Kasika: - More than 633 persons were killed, including the <u>Mwami</u> [King] of Lwindi, Mr. François Mubeza, and his wife Yvette Nyange. 37 bodies were discovered in the royal compound alone. | <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; and Article 51 (2) of Protocol I additional to the Geneva Conventions of 12 August 1949.</p> <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; and Articles 51 and 53 of Protocol I additional to the Geneva Conventions of 12 August 1949.</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|--|
| <ul style="list-style-type: none"> - Victims in the Catholic parish of Kasika included an abbot, four nuns and several parishioners. In all, more than 116 people, including Abbot Stanislas Wabula Kombe, were killed there. - Six elderly women and four workers (one woman and three men) were shot to death in the home of the late Mupali Zotos (alias Mbilizi), a Greek national who had been living in Kasika for years. - More than 400 people (men, women, children, young and old) were killed in the forest adjoining the villages of Kasika, where the inhabitants had taken refuge and which is referred to by the Warega people as the Mangele or <u>Tupiengenge</u>. One specific example was that of 27 members of the family of attorney Kyalanga Liwa (attorney from Bukavu). <p><u>Note:</u> In criminology, one speaks of the "real" figure, in other words, the acts, crimes or atrocities committed but not reported. By this reckoning, the list of victims of the Kasika massacre is very long, since many other Shi (Bashi) itinerant vendors from Kahare and Walungu (two localities in Sud-Kivu) who go to Kamituga to sell their wares (a mining area in Mwenga territory (South Kivu), were killed by the aggressors on the road to Kilungutwe, between Kasika and Kalama.</p> | <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Articles 51 and 53 of Protocol I additional to the Geneva Conventions of 12 August 1949; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|--|
| <p>• <u>Massacre in the town of Bukavu</u></p> <p>On Tuesday, 4 August 1998, more than 50 bodies were buried, some 20 of them near to the fuel station at the Nyamwera market opposite the Ibanda mosque. The dead included 13 civilians and 4 young "Kadogo soldiers". The other bodies, more than half of them civilians, were found in the vicinity of Camp Saio, in Bukavu.</p> <p>B. <u>September-October 1998</u></p> <p>• <u>Central Mwenga</u></p> <p>Following the clashes that took place in the Catholic parish of the town of Mwenga between the mainly Tutsi aggressor forces and the Mai-Mai nationalist forces, the aggressors proceeded to pillage and burn all the dwellings around. Some 43 bodies were found in the rubble of the houses, some burnt beyond recognition. For example:</p> <ul style="list-style-type: none"> - 11 bodies were found in the royal compound of Mwenga, including that of Ms. Namahabu, the wife of the late <u>Mwami Menga</u>. - 15 bodies, including those of 3 children, were found in the rubble of the family homes of the former Regional Director of Sud-Kivu, Mr. Biaza Sanda Lutala. - Other massacres were reported in the area between Mwenga and Kamituga. | <p>Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; Articles 51 and 53 of Protocol I additional to the Geneva Conventions of 12 August 1949.</p> <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Article 3 of Protocol I additional to the Geneva Conventions of 12 August 1949; Articles 32 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
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| <ul style="list-style-type: none">• <u>Massacres at Kitutu</u> On 2 September 1998, in an attempt to block the advance of regular army soldiers who were stationed at Kamituga, the aggressor forces arrived at Kitutu using a trail that begins in the Itombwe highlands and leads to Kitutu, where reports of the killing of 13 people were received, including the shooting to death of the elderly Mutendela (more than 70 years old) together with two of his sons and their wives.• At about 2 a.m. on 3 October 1998, in Monighi, Rwandan Tutsi soldiers killed 38 persons, including men, women and children.• A criminal fire which destroyed more than 100 houses was set by the aggressors in the village of Rubaya, in the community of Mupfuni Matanda, on 22 September 1998. The perpetrators were aggressors who were stationed at the Bihambwe control post. All the homes were burnt and pillaged during the commission of this atrocity. Since that date, in neighbouring villages, peaceful citizens have been victims of various atrocities carried out by armed groups, the most notorious of which are: | <p>Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilians in Time of War.</p> <p>Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; Articles 32 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; and Articles 76 and 77 of Protocol I additional to the Geneva Conventions of 12 August 1949.</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <ul style="list-style-type: none"> - Operation "Kata Kichwa", or "chop off the head", in which the victim is beheaded with a machete; - Operation "Kata Singlet", or "chop outside the singlet", in which a person's two arms are chopped off before he is released; - Operation "Kata bottes", or "chop off the legs", in which a person's two legs are chopped off at the knees before he is released; - Operation "Kimya", or "silence by the point of the sword", in which a person's upper and lower lips are punctured and immediately padlocked and the key thrown away in a toilet hole; - On 5 October 1998, 48 civilians were killed in the mountain district of Kitundu, a village overlooking the town of Mulongwe; - On 6 October 1998, 48 civilians were killed in the village of Lubarika; - Other sources from Uvira have also reported several other massacres of local intellectuals and working persons, including the cases of: <ul style="list-style-type: none"> • 326 bodies found in the Rushima River not far from Luberizi; • 547 bodies buried in a mass grave in Bwegera; • 138 bodies discovered in a mass grave in the village of Luvungi. | <p>Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.</p> <p>Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
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| <p><u>Note:</u> Most of the victims were either Hutus living on the Ruzizi plain or various local authorities, including district and avenue chiefs. Following these massacres, several thousand survivors had taken refuge on the other side of the border, in Cibitoke, Burundi, according to the UNHCR Office in Burundi. To date, 7,000 such persons have been identified.</p> <ul style="list-style-type: none"> • <u>Fizi massacre</u> <p>During the night of 28/29 October 1998, 22 persons were executed in the village of Swima, the seat of Tanganyika Chieftaincy in the territory of Fizi. The Burundian occupying forces suspected these victims of being Mai-Mai combatants. As a result of this massacre, thousands of persons fled to Kigoma in Tanzania, leaving behind property, money, domesticated animals and other items.</p> <p>C. <u>November 1998</u></p> <p>On 3 November 1998, 12 bound corpses were discovered near the main public slaughterhouse of Bukavu, formerly Elakat, Mururu I/Bukavu. The aggressors were the perpetrators of this atrocity.</p> <p>In late October and early November 1998, Mr. Demondo, a boxer by profession, living in the town of Kadutu, was abducted and killed for refusing to join the gang of Rwandan and Ugandan aggressors.</p> | <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; article 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
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| <p>• <u>Uvira massacre</u></p> <p>According to information provided by grass-roots organizers working in the territory of Uvira, below are some instances of massacres and summary executions reported from the beginning of the invasion until 5 November 1998:</p> <ul style="list-style-type: none"> • In the local district of Rubuga, 15 persons were abducted, reported missing and, two days later, discovered dead. Mr. Hahlere, the younger brother of Pastor Kwaja of the Lemera Pentecostal Church, was one of the victims. • In the village of Rukobero, 17 persons were killed and later buried in a mass grave in the surrounding hills, in the suburb of Sange. • In the village of Lemera, four Pentecostal pastors were killed in a local missionary hospital. On 9 November 1998, at about 7 p.m., Mr. Damien Balingene, over 42 years of age, married and the father of six children, Pastor of the Kibumba Nazarene Church, was struck by a bullet in his chest. He was admitted to the Goma General Hospital on 10 November 1998. This act was committed by armed elements stationed in that area known as "the quarry". | <p>Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of Additional Protocol I;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|---|
| <p>• At the same time and place described above, Mr. Philippe Barata, over 45 years of age, married and the father of eight children, catechism instructor in the Catholic Chapel at Kibumba, was slashed four times on the head with a machete and admitted to the Goma General Hospital. The targets of all the atrocities perpetrated in this village are Hutus accused of being Interahamwe.</p> <p>II. <u>Rapes</u></p> <p>A. <u>August 1998</u></p> <p>In August 1998, a number of abductions, arbitrary detentions and rapes took place in the town of Ibanda in Bukavu. On 29 August 1998, women in Kasika were raped and then murdered.</p> <p>B. <u>September 1998</u></p> <p>According to reports in the past three months (August, September, October and early November), a number of girls and mothers were raped in Bukavu, particularly in the rural area of Sud-Kivu. The following cases will suffice to illustrate these sexual abuses:</p> | <p>Article 3 of the Universal Declaration of Human Rights; Article 6(1) of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76(1) of Additional Protocol I;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <ul style="list-style-type: none"> • On Tuesday, 22 September 1998, at 11 p.m., at No. 3 avenue Kasai in the town of Ibanda, Bukavu, Mr. Mutewa witnessed the rape of his wife and two daughters, Riziki, 16, and Malcozi, 14, in his own home by Tutsi soldiers who had come from Rwanda. • As from 1 September 1998, a curfew was imposed by the aggressors and a search operation of the Mai-Mai and soldiers loyal to M'Zee Laurent-Désiré Kabila was instituted; during these operations, 57 girls were arrested and raped by Rwandan soldiers in Bukavu. • On 25 September 1998, on avenue Mbaki, five more girls were raped, including Ms. Alice Mabanza, 22, and her younger sister Yvonne. In the immediate vicinity of the Hôtel Belle-vue, Annie Luko, Masika and Faïda also became rape victims. | <p>Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76 of Additional Protocol I;</p> |
| <p>C. <u>October 1998</u></p> <p>On 5 October 1998, in the immediate vicinity of the Sato military camp, numerous cases of rape were reported, including that of Ms. Sylvie Mwendanga and Ms. Jeanne Rwankuba.</p> <ul style="list-style-type: none"> • In the Bobozo sub-district of Lumumba, in the town of Bagira, a number of girls were raped by soldiers living in the Musique de Bagira camp at the instigation of a young Rwandan officer nicknamed "Terminator", who was commander of the camp at the time. | <p>Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76(1) of Additional Protocol I;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <p>• Ms. Uzamukanda (over 30 years of age) was raped by two guards on the day she was to be released from arbitrary detention.</p> <p>• Similar cases of girls being raped were reported in the territories of Mwenga, Walungu, Shabunda and Idjwi.</p> <p><u>Note:</u> Most of these acts of rape were committed by soldiers in the Rwandan Patriotic Army currently operating in Sud-Kivu.</p> <p>It should be noted that this heinous and satanic crime was committed by 2,000 Ugandan and Rwandan soldiers who were either infected with AIDS or were HIV-positive and were deliberately dispatched to the eastern provinces with instructions to rape Congolese women in order to spread the disease. Some 75 per cent of the Ugandan army is infected with AIDS.</p> <p><u>Note:</u> In many cases, the rapes were committed by Rwandan and Ugandan soldiers in Congolese territory. However, some victims were too proud to report such acts. Hence, this gloomy real figure is actually much larger.</p> <p>III. <u>Attempted abduction and murder of human rights activists</u></p> <p>In the first three months of the invasion in Sud-Kivu, various abductions and/or murders were attempted against a number of opinion-makers and the leaders of the Mouvement Associatif du Sud-Kivu.</p> | <p>Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76(1) of Additional Protocol I;</p> <p>Article 19 of the Universal Declaration of Human Rights; article 18 of the International Covenant on Civil and Political Rights;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <ul style="list-style-type: none"> - On Thursday, 1 October 1998, in the Nyangi II district, Ms. Uzamakunda, over 30 years of age, an ethnic Hutu, mother of a young girl named Sifa (who had been killed), was abducted by soldiers who were not otherwise identified. - On 18 September 1998, at 11 p.m., Mr. Hakizimana Niragire, commonly known as Katembo, 30, was abducted by four Tutsi soldiers. He was accused of acting in collusion with the Interahamwe and the Mai-Mai. - During the night of 14 August 1998, Mr. Paul Sematari, 32, residing in the Majengo district, was abducted by aggressors who looked like Tutsi and taken to the Rugero prison in Rwanda. He was suspected of acting in collusion with the Interahamwe. - During the evening of 2 October 1998, on avenue Itebero in the Mabanga district of Goma, in the immediate vicinity of CAJED near Notre-Dame d'Afrique Parish, three persons, including Basabose Vianey, 36, an A2 male nurse at the Goma Mental Health Centre, were abducted by soldiers of the Rassemblement congolais pour la démocratie (RCD) who looked like Tutsi, on the pretext that they were holding secret meetings with a view to creating disturbances in the town of Goma. - 16,487 persons were deported to Rwanda. | <p>Article 9 of the Universal Declaration of Human Rights;</p> <p>Article 9 of the International Covenant on Civil and Political Rights; article 34 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 34 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which prohibits hostage-taking; article 51 of Additional Protocol I to the Geneva Conventions of 12 August 1949;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <p>The names of some of the deported persons are:</p> <ul style="list-style-type: none"> • Mr. Joseph Muyengo Kyalangilwa, President of the Société Civile du Sud-Kivu. Clandestine deportation. • C. T. Gervais Chirhalwtchwa Nkunuzimwami, President of the Union des Germains du Sud-Kivu and Vice-President of the Société Civile du Sud-Kivu. Clandestine deportation. • Didace Kaningini Kyolto, representative of the economic associations within the Société Civile du Sud-Kivu. • Mr. Jolly Biaya Thizaza and Mr. Bruno Bahati Barha Liburu, representatives of the associations for the defence of human rights, education for democracy and peace within the Société Civile du Sud-Kivu. Clandestine deportation to the mountains in Sud-Kivu. • Ms. Déodale Chishibanji and Ms. Noëlla Mwavita Rugenge, representatives of Sud-Kivu women's organizations within the Société Civile du Sud-Kivu. Clandestine deportation. • Mr. Didier Mwawati Bulambo, Secretary-General of the Collectif d'Action pour le Développement des Droits de l'Homme (CADDHOM)/Mwenga and Secretary-General of the Collectif des organisations et associations des jeunes du Sud-Kivu (OJESKI). Currently in exile. | <p>Article 49 of the Geneva Declaration relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|---|
| <p>IV. <u>Arrests, arbitrary detentions, inhuman and degrading treatment</u></p> <p>In the first three months of the invasion of Sud-Kivu more than 178 persons were illegally detained in jail facilities in Sud-Kivu. They were arbitrarily arrested and detained for common crimes, in violation of judicial procedures, since the work of the Magistrature is paralysed for the time being.</p> <p>Among the cases were:</p> <ul style="list-style-type: none">• Mr. Bertin Ndusi Ruhambuzo, former Chief of the Cirunga Group in the territory of Kabare, was subjected to inhuman treatment on 5 September 1998.• Mr. Willy Mudengwe, a resident of the Ndendre District and an employee at Idéale Bakery in the town of Ibanda, was arrested, tortured and beaten up, then illegally detained on 20 August 1998, at the very time and place where he had an appointment with Ghislaine Dupont, a journalist from Radio France Internationale. He was detained for one month. | <p>Article 9 of the Universal Declaration of Human Rights, article 9 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Additional Protocol I;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|---|
| <ul style="list-style-type: none">• In the commune of Bagira, Mr. Sombrero, a foreign exchange broker, and Mr. Aimé Ndayano Ndatayabe, a bar-tender, were arbitrarily arrested and then released two [omission] later after Mr. Severin Cherubala, chief of the Lumumba district, intervened.• Mwami Ntambuka, Town Chief of the Idjwi South Chieftaincy and Secretary and Rapporteur of the National Pacification Commission, was arbitrarily arrested and reported missing for a week. The aggressor forces accused him of having a mobile satellite device for communicating with Kinshasa.• During the first two weeks of September, Mr. Paul Kilolwa, a resident of No. 8 S/Tshikapa, district 3, in the town of Bagira, and a volunteer first aid worker in the Red Cross and Sud-Kivu, had been arbitrarily arrested and illegally detained for eight days for publicly expressing his opinion on a bus with regard to the current tyrannical administration in the eastern part of the Democratic Republic of the Congo. | <p>Article 9 of the Universal Declaration of Human Rights, article 9 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Protocol I Additional to the Geneva Conventions of 12 August 1949;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|--|
| <ul style="list-style-type: none"> • After Governor Magabe fled to Brussels via Bujumbura, his entourage, consisting of 5 persons, took refuge in Bujumbura and was housed at the EEB Guest House community centre opposite the Embassy of France on Avenue de France. A Banyamulenge commando left Sud-Kivu to kidnap them on 22 October 1998 and took them to an unknown destination in Sud-Kivu. The UNHCR representative in Bujumbura, who was in possession of the file, would have sufficient information on this case. • On 14 September 1998, the aggressors carried out arbitrary arrests of 30 customary chiefs and some members of civil society and transferred them to Rwanda. • In Bukavu and its environs, there were murders and massacres of civilians and cases of abductions, arbitrary arrest, illegal detention, rape, extortion and torture. • Appearance of clandestine prisons following the arrival of the Rwandan aggressors in Bukavu, particularly at the officers' mess of the Bukavu military prosecutor's office, Mobutu's residence, the current office of the Rassemblement Congolais pour la Démocratie (RCD) in Bukavu and the National Information Agency (ANR) office in Bukavu. • Deportation of entire truckloads of civilians from Sud-Kivu to Rwanda, en route to Rwandan concentration camps. | <p>Article 9 of the Universal Declaration of Human Rights; article 9 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Additional Protocol I; article 9 of the International Covenant on Civil and Political Rights;</p> <p>Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|---|
| <ul style="list-style-type: none"> • Existence of crematoria in Rwanda to remove the traces of genocide, particularly in Bugesera. V. <u>Systematic pillage of public and private institutions, expropriation of civilian property</u> - On 4 September 1998, the contents of all safes in the Bukavu branch of the Banque Centrale du Congo were looted. The booty was taken to Rwanda. - In Sominiki, the Rwandan invaders stole all the ore found in the plant. In Kabare, Rwandan members of RCD carried off various species of Congolese fauna, particularly okapi, animals unique to the Democratic Republic of the Congo, white gorillas, and so on. - A systematic raid was organized by the aggressors on 8 August 1998; the following sites sustained the greatest losses: UNHCR-Uvira, World Food Programme (WFP)-Uvira, World Vision, UNICEF-Uvira (including food supplies earmarked for undernourished children admitted to the Uvira general hospital; the supplies were stolen and taken to Rwanda), ICRC-Uvira. - Copies of the Walikale State examination (thirty-second regular session) were stolen and thrown into the street by the aggressors. | <p>Article 6, paragraph 3, of the International Covenant on Civil and Political Rights; article 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 17 of the Universal Declaration of Human Rights;</p> <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 55 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 13 of the International Covenant on Economic, Social and Cultural Rights;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|---|--|
| <ul style="list-style-type: none"> - On 8 November 1998, Mr. Seba Kungu Herachimire, a bean seller on the Goma-Masisi road, was visited by armed elements, namely: Alphonse Muhindo Kambale, Jean-Marie Munguiko, Musanganyi Hasiwa. They stole radios, television sets, clothing, shoes and money (150,000,000 New Zealand dollars). - On 15 September 1998 at 7 p.m., the Mumba health centre in the territory of Masisi was looted by RCD aggressors. This centre is suspected of providing care to members of the Interahamwe militia. They took all the equipment: microscopes, medicines, and even beans and sorghum. - The homes of two nurses, Rukundo Antoine and Mukeshimanan Mathilde, were raided by these same soldiers. - During October 1998, the soldiers decided to burn the houses that were adjacent to the Rubaya village market. Many vendors were victimized by this, including: <ul style="list-style-type: none"> - Frédéric Madowadowa - his house was burned, along with 40 sacks of beans; - Kayuma Idrissa - 21 sacks of potatoes; - Hakiza Bayaya - 21 drums of palm oil and his house. Other effects were transported to Goma in their vehicle, commonly referred to as Ndombolo. | <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 18 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|---|
| <p>Overall, among the tragedies of the war, mention can be made, <u>inter alia</u>, of the following:</p> <ul style="list-style-type: none"> - The German firm specializing in quinine production and the Medical Projects Office of the Bukavu Archdiocese were completely ransacked; - Systematic plunder of the population and looting of the work tools of United Nations bodies; the population was also systematically deprived of humanitarian or socio-economic assistance; - At the end of November, looting and massacres of 100 civilians took place in the Burale Parish. The Catholic church in Burale, the presbytery in Burale and the secondary school in Mangala were systematically plundered. It has also been reported that several Congolese were transferred from Bukavu and deported to concentration sites in Cyangungu. <p><u>Orientale Province</u> (Kisangani administrative centre)</p> <p>Human rights violations committed by the Rwandan-Ugandan invasion troops and their "rebel" allies in the large towns of Orientale Province¹</p> | <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of Additional Protocol I;</p> <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of Additional Protocol I to the Geneva Conventions;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|--|
| <p>A. <u>Isiro</u></p> <p>Situated roughly 550 km from the town of Kisangani, Isiro is the capital of the Haut-Uélé district. The turmoil of war has been evident there since 5 August 1998.</p> <p>1. <u>Arbitrary arrests</u></p> <ul style="list-style-type: none"> - Mr. Paka, with his 3 sons, spent over 25 years in Isiro, where he built a hotel known as the Hôtel Trésor. - Mr. Louis, a mixed-race person of Congolese extraction (arbitrarily arrested on 10 August 1998). - On Friday, 28 August, some arrested persons were executed by soldiers of the Front Patriotique Rwandais (FPR). - In the same murderous frenzy, and on mere suspicion or accusation of communication with the enemy, 10 young men, itinerant palm-oil vendors, had their throats slashed on the Gombari-Mungbere road. Their bodies lie in a common grave that was dug 50 m from the main road. - On 20 September 1998, Ugandan troops, under the cover of the "rebels", entered Isiro after battles which caused 3 deaths, injuries and material damage: • A tailor named Philippe, killed in his living room, where he was lying on the floor out of fear of stray bullets. He lived in the N'Sele district; | <p>Article 9 of the Universal Declaration of Human Rights; article 9 of the International Covenant on Civil and Political Rights; article 51 of Additional Protocol I;</p> <p>Article 9 of the International Covenant on Civil and Political Rights;</p> <p>Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Additional Protocol I;</p> |

| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|---|
| <ul style="list-style-type: none"> • A mentally ill person in military gear, shot point-blank; • The driver of the Dominican convent, severely wounded; • A classroom in the ITCA-Isiro building, destroyed by a tank of the enemy forces; - Among the losses of rolling stock, the following are attributed to elements of the Ugandan Government forces: <ul style="list-style-type: none"> • A Land Rover 110 belonging to the office of the superintendent of the religious missions; • A Land Rover 110 belonging to the Clinique de l'Est; • A private motorcycle. <p>In conclusion, the human rights violations committed in Isiro include ethnic discrimination, invasion and assaults against life, security and property. The perpetrators are Rwandan Government forces, Ugandan troops, Sudanese rebels and young delinquents.</p> <p>B. <u>Isangi</u></p> <p>Isangi is a settlement situated 130 km upstream of Kisangani, on the left bank of the river.²</p> <ul style="list-style-type: none"> - From 23 August to 9 October 1998, the aggressors banned traffic on the Congo river. | <p>Article 5 of the Universal Declaration of Human Rights; article 13 of the International Covenant on Economic, Social and Cultural Rights; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 54 of Additional Protocol I;</p> |

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| DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO | LEGAL NORMS VIOLATED |
|--|---|
| <ul style="list-style-type: none">- The cases of human rights violations recorded during the battles of Isangi cover the areas of property, security, and so on. These violations were committed by the Rwandan-Ugandan forces. The aggressors are accused of several acts of extortion and vandalism, the cause [omission] of the GAP warehouse, the lawless occupation of private homes and thefts of property. - The same acts, attributed to the same aggressors, were recorded in Yangambi (100 km from Kisangani and 30 km from Isangi). In this administrative centre of the Tshopo district, the National Institute of Agronomic Studies and Research (INERA) paid a heavy price: the Director's residence, house and warehouses, were destroyed and several items of property were stolen. | <p>Article 17 of the Universal Declaration of Human Rights; article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;</p> <p>Article 33 and article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.</p> |

¹ Orientale Province includes four rural districts: Haut-Uélé (capital: Isiro), Bas-Uélé (capital: Buta), Ituri (capital: Bunia), Tshopo (capital: Yangambi), situated 30 km from Isangi.

² From Kisangani to Isangi, the road goes through several major towns: Yakusu, Yanonge and Yangambi. The aggressors spent several days in Yanonge before launching an attack on Isangi.

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[33-34]

STATEMENT BY THE COUNCIL OF THE APOSTOLAT DES LAÏCS CATHOLIQUES
DU CONGO (CALCC) IN RESPONSE TO THE MASSACRES IN THE DEMOCRATIC
REPUBLIC OF THE CONGO, PARTICULARLY IN THE EASTERN PART OF
THE COUNTRY

"HALT THIS EXTERMINATION"

Since the war began, CALCC has rightly denounced the international community's silence and denial of rights in the Democratic Republic of the Congo. In its statement of 21 September 1998, it stigmatized the partisan attitude of the international press vis-à-vis the war being waged in the Democratic Republic of the Congo by its neighbours to the east. Now the MISNA agency has just reported the massacre of over 600 people at Makobola, near Uvira. Some foreign radio stations, though aware of the identity of those who control this part of the country, have simply said that they are "anti-Kabila soldiers" in order to sow confusion as to the identity of the perpetrators of barbaric acts which ought to appal anyone of good conscience.

And is this in fact the first time an atrocity has been committed, an exceptional occurrence falling outside the normal range of actions taken by Ugandan, Rwandan and Burundian troops in the territory of the Democratic Republic of the Congo? To the best of our knowledge it is not.

Certain of God's love for mankind and enlightened by their faith, the Catholic Christians of the Congo, speaking through their organization, CALCC, vigorously plead: halt this extermination and put an end to this devaluation of human life.

Ought not these acts to be viewed in the overall context of the objectives of the armies of these three countries? Does not the international press provide such a biased interpretation of events and incidents as to obscure the criminal responsibility of the troops of these three countries?

Can the 1994 genocide in Rwanda continue to be the stock excuse for the perpetration of belligerent and barbarous acts by Rwandan soldiers against groups that took no part in the violent destruction of the coexistence between ethnic groups in Rwanda?

Unfortunately, it seems clear that the pretext of border safety can in no way justify, whether on the grounds of common sense or grounds of international law, the current occupation of Congolese territory by Ugandan, Rwandan and Burundian troops, the support these troops are giving to the internal rebellion taking place in the Congo or, especially, the massacre of civilians there. Is not the intention of the eastern neighbours of the Democratic Republic of the Congo, which has long been known, the creation of a Republic of the Great Lakes that would include the three countries and that part of Congolese territory currently under occupation (see our message of 21 September 1998)? If this is not the case, what is one to make of the fact that deported and massacred Congolese are being replaced with thousands of Rwandans and Burundians who are being transported by whole columns of vehicles and settled in the Congo as the local population?

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Rwanda and Burundi are overpopulated. Must Congolese be massacred to make Congolese territory a receptacle for the overflow of their populations? Is it acceptable that at the end of the twentieth century peaceful people who have no complaint against their neighbours should be the victims of such massive and systematic massacres by the regular armies of neighbouring States?

The international community, and the international press in particular, may find it inconceivable that disciplined armies can conduct massacres so massive and so vile. But such thinking fails to consider the absolutely inhuman nature of the barbarous acts regularly committed in Rwanda and Burundi during the now habitual conflicts between the two major ethnic groups in those countries: the pitiful mutilation of adults, the massacre of children beaten in mortars or thrown against walls, killings by machetes and hatchets, the slitting open of pregnant women's bellies after they have been raped and, in general throughout the occupied territory, the systematic rape of women and girls by soldiers infected with the AIDS virus.

All this reflects a perverse intention to exterminate the population with a view to minimizing all capacity for resistance to the occupation of their territory, or simply to wipe out the population entirely, thereby creating a void it would then be logical to occupy.

By way of example, here is some information regarding the odious massacres committed in Sud-Kivu, without going on to those committed in Nord-Kivu, Maniema, Orientale and Équateur provinces.

This table is a synthesis of the information provided by the Collectif des Organisations et Associations des Jeunes du Sud-Kivu (COJESKI) in a report entitled "An overview of massive human rights violations during the first three months of the aggression in Sud-Kivu, Democratic Republic of the Congo", issued at Bukavu on 20 November 1998 and signed by Alain Mazambi Walandja and Fernandez Murhola Muhigirwa.

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| DATE | LOCATION | No. OF DEAD/WOUNDED | PERPETRATORS |
|---|---|--|--|
| Monday, 3 August 1998, 3 a.m.-10 a.m. | Bukavu (town) | Shootings | Aggressor forces |
| Monday, 3 August 1998, 4 p.m. | Kavumu | 38 Congolese officers and more than 10 Congolese soldiers were disarmed and subsequently massacred | Betrayed by Commander Tshapulu Palange of the 222nd Brigade, who was paid 15,000 US dollars |
| Tuesday, 4 August 1998 | Kasika, Lwidi chieftaincy, territory of Mwenga Kilungutwe Kalama Kasika Central Mwenga | 856 persons massacred, primarily women and children, following rape and disembowelment of pregnant women 127 persons killed 16 persons killed + 31 633 persons massacred Villages burned, 43 persons incinerated | Tutsi soldiers |
| Tuesday, 4 August 1998 | Bukavu | More than 150 bodies buried near the Nyawera gas station. Several bodies at Muhungu and Saio | <u>Idem</u> |
| 20 August 1998 | Fizi, in Kazimia | 47 civilians | Rwandan and Ugandan rebels belonging to RCD |
| First half of August 1998 | Bukavu | 5 persons killed: Major Vangu and several others at Cimpunda, Karhale and Kadutu | <u>Idem</u> |
| Second half of August 1998 | Bukavu | One young man (Claude) killed | <u>Idem</u> |
| 2 September 1998 | Kitutu | 13 civilians shot | Aggressor forces |

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| DATE | LOCATION | No. OF DEAD/WOUNDED | PERPETRATORS |
|-----------------------------|--|---|--|
| 5 October 1998 | Kitindu, in the direction of Mulongwe Lubarika | 20 civilians massacred 48 civilians massacred | <u>Idem</u> |
| 17 October 1998 | Bukavu | Mr. Kashama, of the Rwandan Army, murdered | |
| October 1998 | Nguba | Mr. Sali, manager of the Cibeke plantation, murdered | Tutsi soldiers |
| 28/29 October 1998 | Swima, seat of Tanganyika chieftaincy Bukavu Kamwenga Walungu Shabunda Idwi Kadutu | 22 persons executed Several refugees towards Kigoma/Tanzania Several mothers and daughters raped Several abductions and attempted abductions of human rights activists and several exiles | Burundian occupying forces On the order of a Rwandan officer nicknamed "Terminator". Rapes committed by soldiers of the Rwandan Patriotic Front |
| Late October-early November | Kadun Kamutu Crossroads Bagira Kabare | Mr. Denondo killed A Congolese soldier residing at Buholo IV 6 persons massacred At least 200 persons. Current reprisal zone and thus inaccessible, causing the death of children and elderly persons for lack of assistance. General disaster area. | RCD army A Rwandan officer Aggressor soldiers Aggressor soldiers |

| DATE | LOCATION | No. OF DEAD/WOUNDED | PERPETRATORS |
|--|---------------------------------------|---|---------------------|
| 3 November 1998 | Bukavu slaughter-house | 12 bodies tied up | Military aggressors |
| | Lemera | 4 Pentecostal pastors | |
| | Sanga | 2 merchants and 1 women | |
| 5 November 1998 | Kalundu | Several bodies found | <u>Idem</u> |
| | Luberizi, in the Rushima River | 326 bodies floating in the river | |
| | Bresera | 547 bodies in a mass grave | |
| | Luvungi | 138 bodies in a mass grave | |
| | In the direction of Cibitoke, Burundi | Flight of several persons left defenceless by the Uvira massacres; UNHCR puts number of refugees at 7,000 | |
| From start of the aggression through 5 November 1998 | Uvira Rubaga Rukobero | 15 persons 17 persons buried in a mass grave at Sange | <u>Idem</u> |
| Throughout the aggression | | Systematic looting of public property and property belonging to international and private organizations, intimidation, hiding, exile and so forth | <u>Idem</u> |

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Must these horrors be labelled "genocidal" before they can constitute an affront to the human conscience? Does the fact that their perpetrators belong to the ethnic group that suffered in the 1994 genocide justify the international community's indulgence, negligence and even indifference? Is it necessary to recall that the Western countries granted no extenuating circumstances in the case of the perpetrators of genocide in the former Yugoslavia?

Radio Vatican did denounce the vile massacre at Kasika, in which the faithful and their ministers, praying at Mass, were all massacred in their place of worship after the wife of the village chief was publicly raped and disembowelled, being pregnant at the time.

This news item elicited no significant commentary from the international press, as though the lives of the Congolese victims were of no importance, if one followed the logic of the international community, which was determined to impose its views and choices on the Congolese people, even at the price of human slaughter. The awkward, muted radio coverage by major international broadcasters of these events, whose victims were simply defenceless civilians, totally undermines our confidence in the international community, the international press agencies and the current pattern of inter-State relations. Today it seems clear to us that in a world that has reverted to the law of the jungle, truth and hard facts count for little! Only the strongest, the best organized and the cleverest count! But what would happen and what would the international community think if the situation was reversed and those who now perpetrated such barbarous acts found themselves squeezed militarily? Would not the Democratic Republic of the Congo see the shields stripped away in order to protect "the victims of genocide"?

Genocide is an emotional term that generates indignation and revulsion, even though its victims no longer exist. Yet how many more innocent victims, how many penitents atoning for crimes they never committed, must there be? Finally, why don't the international community, the international press and the powerful nations, nations that call themselves "civilized", seek out objective news so that they can learn the truth?

We know there are certain powers that would like to see the Congo split up into little States under their control. But do the people of this country no longer have the right to die with dignity?

For our part, we strongly and outspokenly condemn these barbarous acts and their perpetrators who are supported by partisan Western Powers. We are also aware of all the hatred directed at the Congolese people because of envy of the country's "scandalous" wealth.

We would recall that human life is a gift from God and that no one in the world has the right to take it, for whatever purpose. Countries that can only see their designs accomplished through the taking of human life are contemptible.

They deserve no respect or consideration, those who, in the name of their political ambitions, do not hesitate to sacrifice the lives of the men and women over whom, ironically, they would wield their power.

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We call upon the Congolese State to create all the conditions necessary for the protection and welfare of the citizens of this country on their ancestral soil; and to get involved with all legitimate mechanisms that may lead to a prompt conclusion of the war in the best interests of our country. For this war is no accident.

We would remind the civilian and military authorities that their duty is to protect all persons living on Congolese soil and their property. Any excesses or blunders can only undermine our country's dignity (apparent massacre of 300 persons at Libenge and Zongo, serious incidents at the Bethany Centre and the Apostolic Nunciature condemned by His Eminence the Cardinal-Archbishop of Kinshasa in his message of 14 January 1999).

We invite all sons and daughters of this country to close ranks and create a vast movement of international solidarity, to ensure their self-defence, to create out of their midst a State governed by law that can protect them and in which they are the sovereign authority participating, in freedom and democracy, in decisions that will shape its future and that of the world.

We demand that the Ugandan, Rwandan and Burundian occupation troops withdraw immediately from Congolese territory and halt the gratuitous and shaming massacres of defenceless civilians.

We demand that the authorities of the international community respect the laws that govern us, that they condemn these barbarous acts and their perpetrators, and that they take the appropriate steps to right these wrongs and restore our rights to us.

To our brothers and sisters in Christ in the Democratic Republic of the Congo we firmly reiterate our attachment to the faith of our baptism, and we invite each faithful person to see in these events which have shaken our society an intention to harm God's people in the Congo by shaking the very foundations of our convictions and our practices, particularly all the efforts to undermine the Catholic Church in our country through religious manipulation and agitation. Let us never overlook the political dimension of our lives and our duty to imbue our society with the fundamental values of our faith, namely respect for and service of the life that exists in each human being, given that we are created in the image of God and called to salvation by Christ our Saviour.

Done at Kinshasa on 15 January 1999

FOR THE COUNCIL APOSTOLAT DES LAÏCS CATHOLIQUES DU CONGO:

(Signed) André WAMESO
Secretary-General

(Signed) Marie Thérèse MULANGA
First Vice-President

(Signed) Pierre Anatole MATUSILA
National President

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CLARIFICATION OF CERTAIN ASPECTS OF THE PRECEDING STATEMENT

The Congolese Armed Forces have denied the accusations made with regard to the massacre of civilians at Libenge and Zongo in Équateur Province. In any event, if these allegations proved true, the Government would draw the appropriate inferences in the light of our international commitments.

The Congolese Armed Forces, under the command of His Excellency M'zee Laurent-Désirée Kabila, regularly instruct combat troops in respect for the rules governing the conduct of hostilities, particularly the distinction between combatants and non-combatants.

The interrogation of persons sheltered at the Bethany Centre was part of a security check undertaken in time of war. There were no unfortunate consequences in so far as the physical safety of those interrogated is concerned, despite the disproportionate nature of the operation.

In reply to the protest by the Apostolic Nunciature, the Vice-Minister for Foreign Affairs has reminded the authorities concerned of the commitment undertaken by the Democratic Republic of the Congo to respect article 22 of the Vienna Convention on Diplomatic Relations of 18 April 1961, concerning the inviolability of diplomatic premises.



This is an example of the USA's Rwandan Tutsi Trained Army massacre (Masisi/Kivu region, October 1998). There are many massacres committed by these Tutsi troops in the "Banyamulenge" name. Kivu is the Congolese region that welcomed frightened Tutsi from Rwanda in the sixties. Today, Congolese living in Kivu region are paying the price of the hospitality towards neighbours under an absolute unacceptable silence of the international community.

ANNEX 2.12

Verbatim record of the hearing of Kabengele Muvuale, 18 November 2001

Verbatim record of the hearing of Kabengele Muvuale, 18 November 2001

[Translation]

Pro Justitia

Verbatim record of the hearing

In the year 2001, on the eighteenth day of the month of November; before us, Captain Lindjandja, law officer, Assistant Legal Adviser at the Service for the Military Detection of Unpatriotic Activities, external branch (*Détection militaire des activités antipatrie* or DEMIAP-Ext); in our office in the former Sicoira building in the municipality of La Gombe, appeared the said Kabengele Muvuale, son of Kabengele and of Kapinga; from Katanda, Kasai-Oriental province; born in Mbuji-Mayi on 4 November 1954; married to Mujinga, six children; commander of the FSIR battalion, resident at Badiandingi Camp, who answered our questions in French, as follows:

Q: What was your position before 2 August 1998?

A: I was in Kamina, in command of the 4th battalion of the special rapid intervention force (FSIR).

Q: Under what circumstances did you take part in operations after 2 August 1998?

A: In September 1998, the high command ordered me to put my battalion on an operational footing; a few days later, my unit was ordered to advance to Buta to defend the town and to open the route to Banalia. On 21 September 1998, my battalion and I left Kamina for Buta.

Q: What was the composition of your forces?

A: My battalion comprised 1,146 men, split into the following units:

- one company belonging to the special group for presidential security (GSSP), comprising 180 men;
- one general staff and services company belonging to the 25th brigade, comprising 148 men;
- one company belonging to the rapid intervention police force (PIR), comprising 156 men;
- one company belonging to the 51st infantry battalion, comprising 168 men;
- one BM 122 rocket-launcher battery, with 27 men;
- two infantry companies, comprising 437 men.

Q: Please tell us about the sequence of events, as you actually witnessed them.

A: According to the information I received on arrival in Buta (21 September 1998), the enemy, which we had believed to be in Banalia, had already crossed the River Arwimi and was advancing towards us.

On 22 September 1998, I received information from the network of Catholic missionaries in Buta that around 2,000 Ugandan troops, plus some tanks, had just landed in Kisangani, transported by planes shuttling to and from Kampala.

I therefore sent two companies to Kole (116 km from Buta and 80 km from Banalia); a platoon was despatched to a point 15 km from Kole to lay an ambush at Bobenge.

Events then unfolded as follows:

- 26 September 1998: the platoon that had been sent to lay an ambush was attacked at Bobenge, and retreated to Kole;
- 27 September 1998: the enemy attacked Kole and we retreated to Kole Bridge;
- 30 September 1998: the enemy attacked Tele with two Ugandan tanks and we retreated to Bangbagatome.

The skirmishes left 9 officers and 150 men dead.

After the battle, I gave orders to retreat to Buta: once there, one unit was positioned on the Buta-Dulia front, and the other on the Buta-Titule front.

Following the attack on Buta on 4 October 1998, and subsequent desertions in the ranks, I retreated to Aketi with the remainder of my men;

- 27 October 1998: reinforcements were sent from Aketi to Dulia; the enemy then attacked the forward company stationed 12 km from Dulia;
- 28 October 1998: the enemy ambushed the reinforcements sent to Dulia.

Following the attack on Aketi on 8 November 1998, my unit retreated to Bumba on 10 November. On 12 November 1998, we joined up with the troops of the 25th brigade, which had arrived from Lokutu via the River Congo.

On my arrival in Bumba on 10 November, I found the troops belonging to the 19th battalion in an extremely nervous state, since on that same day the second-in-command of the 22nd brigade, Commander Semeli, had retreated towards Lisala, 120 km from Bumba, while Commander Shulungu had set off in the direction of Gbadolite.

I therefore contacted General Amela, who was in Gbadolite, and who ordered me to bring the situation under control.

- 13 November 1998: Commander Semeli returned to Bumba, accompanied by Dr. Munyapala and by Commander Freddy of the 19th battalion;
- 17 November 1998: Bumba fell, and we retreated to Lisala on board two vessels, *La Ville de Kisangani* and *Eneyelo II*. We arrived in Lisala on 19 November 1998.

Once the various units had been quartered in Lisala, the high command ordered the arrest of 5 commanders, and their transfer to Kinshasa. They were Commander Semeli, Commander Wagu, Commander Mbumb, Commander Mutingwa and myself.

Q: What were you accused of?.

A: The high command accused us of having been unable to stabilize the front, and of undermining the morale of the troops.

Q: Do you have anything to add?

A: I had two major problems in my unit: my unit was not a sufficiently uniform fighting force, my men having been transferred from several other units; for most of them it was their first experience of war and they were traumatized each time the Ugandans turned their tanks and artillery on us.

Having read his statement, the witness maintains his testimony and signs together with us:

The witness
(Signed)
[Illegible]

Authenticated by
(Signed)
[Illegible]

ANNEX 2.13

**Jean-Pierre Bemba, *Le choix de la liberté* [I chose Freedom],
Gbadolite (DRC), Ed. Vénus**

(Excerpts)

**Jean-Pierre Bemba, *Le choix de la liberté* [I chose Freedom],
Gbadolite (DRC), Ed. Vénus**

[Translation]

. . . intimidation and humiliation were the common lot of the vanquished. The prisons were filling up with former dignitaries. At the highest level in the State, theft and corruption were giving way to incompetence, rackets and mafia. When arrests were made, demands for ransom genteelly disguised as sureties were everyday occurrences. No one was an exception to the rule. A Belgian businessman would be released from prison after more than seven months in return for a ransom received in cash from a Belgian bank by . . . the governor of the Congo Central Bank.

Abroad, an awkward silence greeted the Congolese who still had some access to Western government or decision-making circles. Post-Mobutu was proving to be worse than could possibly be imagined. The disclosure of the massacre of over 200,000 Hutu refugees by Rwandan and AFDL troops during their advance on Kinshasa finally convinced the waverers who thought that they could still salvage something from a totally disorganized régime hiding its drift towards mafia under an anachronistic Marxist exterior. At a time of globalization the Kinshasa Government was dreaming of planning, until the day the Planning Minister was arrested for misappropriation of public funds. All the senior officials, including the Governor of the Central Bank, would go the same way. Some of them would experience extraordinary reverses and miraculous rehabilitations!

In December 1997 the refusal of the “friends of the Congo” to aid the Kabila government extinguished all hopes and locked the old resistance fighter into a course of isolation confirming his simple-minded anti-westernism. Convinced of his imminent abandonment by his Rwandan partners, Laurent Kabila made contact with Hutu extremists, the same whose women and children had been brutally murdered by the AFDL a few months earlier. By a reversal of alliance of which only Kabila knew the secret, ex-FAR and Interahamwe found themselves on the side of their former torturer. Early in 1998, secret camps were set up to train Rwandans for genocide. Abroad, Kabila sent to the Sudan, the sworn enemy of Uganda, several dozen young Congolese — mostly from the same province — to learn terrorism and guerrilla warfare methods. A few of them enrolled at the University of Khartoum in order to gain a better grasp of anti-imperialist ideology. The Rwandan intelligence services informed Paul Kagame of Kabila’s intrigues. In May 1998 the divorce was consummated. The honeymoon between the former Congolese rebel leader and his allies had lasted hardly a year.

During this period certain officers were organizing in order to prepare for resistance to the new dictatorship. I met some of them and kept a close watch on developments in the Congo. The headlong flight of Rwandan key personnel and officers from the Congo and the establishment of a motley coalition of former Mobutists, Kabilists, Banyamulenge and Congolese from the diaspora raised many questions.

First meeting with Museveni

During my business trips to Africa, from 1994, I had asked the Ugandan authorities to grant my air transport company the right to fly between Entebbe and Ostend. My cargo planes used to carry fish from Lake Victoria to Europe. Thus I had become acquainted with President Museveni in the course of my private activities. The events of 2 August 1998 made me aware of the total failure of the new Congolese régime. I built up a portfolio of relationships during my numerous business trips to Uganda. My contacts whom I met again in 1998 said that they were worried by the turn of events in Kinshasa. Together we agreed on a meeting with the Ugandan Head of State. At this meeting President Museveni told me about his vision of Africa, about the way the peoples complemented each other and about the necessity to promote the economic development of the region. He expressed his concern about the way the Kinshasa régime was going. He was greatly

disappointed to see that all the opportunities made available by Mobutu's departure were being systematically squandered by a handful of men who in reality had dreamed of driving out the former dictator only to better his example. He asked me: "What are you young people prepared to do for your country?" I told him that I was ready to make a commitment to my country. We resolved to meet again. I returned to Europe, and from Portugal I kept a close watch on the manifold developments in the second rebellion. The mad dash to Kitona, the lightning advance by Rwandan troops into Bas-Congo, the creation of the Congolese Rally for Democracy [RCD] and the unexpected entry of Angola and Zimbabwe into the conflict all confirmed my opinion. A blitzkrieg or a coup d'état in the Congo could no longer be contemplated. For more than thirty-two years power had been taken from the people. Without the people, there could be no progress. Despite its military capability and last-minute political backing by some well-known figures on the Congolese political scene, Rwanda failed to take account of a fundamental factor, the support of the Congolese people. This error was to have dramatic consequences when the rebels entered the Congolese capital in the early hours of the morning and were driven out by a population traumatized by twelve months of Rwandan occupation and arrogance in Kinshasa.

In Brussels I met two officers: Jean-Pierre Ondekane, accompanied by Sylvain Mbuki, on a first visit to the Belgian capital. This meeting was promoted by mutual Ugandan friends who were anxious for us to be able to work together. I kept quiet about my plans and tried to understand what this officer's objectives were. Like so many others blown hither and thither by the wind of history, Lieutenant Ondekane, after serving Mobutu and finding himself by the side of Kabila, was in the hands of new masters . . . Such a career — and one common to many Congolese officers — leaves room for doubt as to the fidelity and commitment of the men responsible for training the army. In addition, the RCD's political views disappointed me. I could find no originality in them or any theme on which we could base a broad movement bringing together all our fellow countrymen eager for change and freedom.

Other officers, in particular Colonel Karawa and Captain Solo, contacted me and confirmed that they were determined to assume their responsibility in combating Kabila's dictatorship. Both of them were close to former Mobutu generals. I told them about my political vision of change. Friends who had stayed in Kinshasa had drafted a political and economic programme at my request. They were in touch with reality and declared themselves ready to join me.

Early in September I took a gamble on the future. The loss of my fortune, my health or my life was of little consequence provided that I was true to my convictions and remained faithful to myself and to the ideal which guided my companions: liberty. Having already chosen exile, this was my second break with the past and with my family. Once the decision has been taken there should be no more reflection and no regret for that which was lost. On the contrary, only the immensity of the task and the need to take up the challenge dictated my conduct and the leap into the void . . .

I returned to Kampala, where I informed President Museveni directly of my decision. He spoke of it to Paul Kagame, the Rwandan Vice-President, and asked him to receive me in Kigali. On 12 September 1998 there was a meeting with Major-General Kagame. This meeting revealed the disappointment and bitterness of the strong man of Rwanda regarding Laurent Kabila. In Paul Kagame's eyes, the support for those guilty of genocide and the Hutu extremists shown by the resistance fighter whom the Rwandan Patriotic Army had put in power in Kinshasa was treasonable and criminal. I told him of my willingness to contribute to the liberation of my country. I described to him my vision of the future of the Congo. At the end of two hours of conversation, Paul Kagame asked me to cross the neighbouring frontier to Goma and meet up with the Congolese Rally for Democracy.

From the outset I was profoundly sceptical about the RCD's approach; it refused to involve the population in the administration of its territories, imposing local leaders instead of promoting democracy and elections. At the military level also, this movement's choice of relying entirely on

its Rwandan ally to the detriment of developing a Congolese capability led me to think that this could not lead to the formation of a credible popular movement. Lastly, the numerous abuses and human rights violations inflicted on the people of Kivu by the local militia confirmed my doubts. Despite the insistence [of Paul Kagame] I could not join my RCD brothers. On returning to Kampala, I reported to President Museveni on my meeting and asked him to help me to create a real alternative to the dictatorial Kinshasa régime.

.....

The war

Arrival in Kisangani

In the plane that took me to Kisangani, General James Kazini was looking through the window at the dense Congolese forest. There were two Zairean officers at his side, Colonel Karawa and Captain Solo. They also had decided to take the plunge and to commit themselves to the revolutionary struggle. President Museveni had lent us his private plane to fly us to Kisangani. No more talk of back-peddalling or hesitation! Early in the morning General James Kazini, the Chief of Staff, had come to fetch me at the hotel to take me to the Entebbe military base. We did not know each other; doubtless he was following orders from the Ugandan President . . .

The military training and recruitment of the first troops in the Congo Liberation Army began as soon as we disembarked at Kisangani. An oppressive atmosphere prevailed in the town . . . While units of the Ugandan People's Defence Force were tolerated, there was organized resistance to what the inhabitants, and particularly the young, regarded as Rwandan occupation. It was in these circumstances that 154 Congolese soldiers agreed to answer my call and attend the first training session of our movement, which we called the "Congo Liberation Movement" [MLC], at camp Kapalata under the guidance of Ugandan instructors. These would be the first recruits. Thousands more would follow the same path and enrol in the Congo Liberation Army [ALC]. Among the intellectuals and youth of Kisangani, individuals of worth and substance abandoned their jobs in order to enlist at my side. The strength of their belief in nationalist ideas, the call to take action against the Rwandan presence and willingness to change the pattern of their lives motivated these young people. Samuel Simene, the Kisangani representative of my cell phone company, and Jean-Pierre Singo, a Mboliaka Group executive, immediately developed a network of supporters. Mobilization was entrusted to Shabani, who went to great lengths to contact young academics. They all took enormous risks in defying the security forces of the Congolese Rally for Democracy and the Rwandan troops who were seeking to make Kisangani their exclusive preserve . . .

Among the very first to join the group, Papy Kibonge Yuma, Valentin Senga a former deputy territorial administrator of Bafwasende, Delphin Etula the territorial administrator of Ubundu, Poeme Kongoli, Jean-Claude Bilola and Alain Munanga would support the movement, whose philosophy and vision they embraced. Their commitment came from a willingness to break with the past. None of them knew me, but they all longed for fundamental change, at the price of any sacrifice and the risk of losing everything! What could be stronger than the sharing of a common ideal to bind together Congolese from all levels of society and all regions of the country!

In Kinshasa the dictatorship was mobilizing all its resources of baseness and villainy to mislead the people. It found unexpected support in Bemba Saolona, who issued a stream of denunciations designed to blacken my character. In front of an audience of journalists he showed no hesitation in taunting me, calling me an adventurer and publicly disowning me by asking me to change my name . . .

The secrets of success: training and discipline

As soon as I arrived, intensive training began at the Forestière camp on the outskirts of Kisangani, about 20 km from the town. Military life transforms the character, and as the weeks passed I came to recognize that the principle taught to me by Captain Karuhanga and the Ugandan officers was well founded: “The more you sweat in training, the less blood and tears will be shed in action!”

.....

In August 1998 some of the ex-FAZ confined at Kitona were present when a Boeing belonging to the private company Congo Airlines landed. A hundred and thirty Rwandan commandos and some twenty Congolese captured the military base. Two days later an air bridge was organized between Goma and Bas-Congo. Several ex-FAZ officers and men decided to join the mutiny by the Goma 10th brigade led by Bob Ngoy, Sylvain Mbuki and Jean-Pierre Ondekane. They would advance to the very gates of Kinshasa, even reaching the airport at Ndjili. The unexpected appearance of Angolan and Zimbabwean troops dashed Rwandan hopes. Colonel James Kabarebe, who had planned the entire operation, decided to pull back from Kinshasa and the Bas-Congo. He broke through the lines of the Angolan government army that was advancing in pursuit and opened up a corridor into the north of Angola. There he joined forces with Jonas Savimbi’s UNITA forces. The Rwandan troops and their Congolese allies were to spend three months in the Angolan bush.

Colonel Kibonge Mulomba and Colonel Bitu were among the Congolese officers who joined the RCD in Bas-Congo. Both came originally from the eastern Congo. Colonel Gédéon Kibonge, from South Kivu, is a graduate of the Kananga Officers’ Training School (7th course), of the Advanced School of Infantry at Fort Benning (Georgia, USA) and the School of International Intelligence Studies at Fort Bragg (North Carolina, USA), the 24th course of the Kenitra Staff College (Morocco), the Staff College (19th course) at the Kinshasa Centre Supérieur Militaire and of the 2nd Francophone course at the Army Staff College in Nanjing (Chinese People’s Republic). He commanded several courses at the Kananga School, and in 1997 he became second-in-command of the 225th Brigade at Bunia. After the rout of the Rwandan troops he fled to Congo-Brazzaville, before finding his own way back to Goma. In October 1998 he joined the MLC, after deep dissension in the RCD. Colonel Bitu was also in the western expedition. He would remain with James Kabarebe in Jonas Savimbi’s Angolan bush. After the troops had trickled back to Goma in October 1998, he also decided to join the MLC.

A handful of the officers who had chosen exile decided to offer their expertise and military know-how to the infant Congo Liberation Army. Among these were Colonel Dieudonné Amuli Bahigwa, Lieutenant-Colonel Lolo Mongapa, Lieutenant-Colonel Kato and Major Bule. The former two had served in the Special Presidential Division. I knew Colonel Amuli personally. He had been responsible for President Mobutu’s security, and had the qualities of humanity and authority and was respected by his men. In 1997 he defended Ndjili airport against AFDL troops until the last minute. On orders from his superiors, who had already disgraced their uniform and fled to Congo-Brazzaville, he abandoned his position and withdrew . . . Colonel Amuli remembers this defeat and the betrayal by his superiors with bitterness. A native of Ituri, Amuli Bahigwa has a degree in social sciences and is a graduate of the Kananga Officers’ Training School (11th course). He is also a qualified CETA and Kota-Koli paracommando. He has attended a battalion commanders’ training course in Israel. He was a Brigade Commander in the Special Presidential Division responsible for Presidential Security. He joined the MLC in October 1998 and is now the ALC Chief of Staff.

In April 1997 Lieutenant-Colonel Lolo Mongapa was defending Lumumbashi. The capital of the copper belt fell to the AFDL before the onslaught of troops of the pro-Kabila coalition and due to wide-ranging disorganisation in the FAZ. Mongapa fled, attempting to join General

Philémon Baramoto in South Africa. The former President Mobutu's brother-in-law had no plans to re-conquer the Congo. Mongapa became aware of the weakness of the generals, whose low reputation extended far beyond the frontiers of the Congo. He also joined the MLC, in October 1998. Colonel Mongapa, aged 48 and a native of Equateur, trained at the Royal Military Academy, Sandhurst (UK) and at the Egyptian Staff College.

Many other officers were to join the movement during the first few months of struggle. Most of them were excellent officers, trained to instil discipline and training in logistical organization, intelligence and operations. Lieutenant-Colonel Kato, Major Alongaboni, Major Alengbia and Colonel Gbiato all had a score to settle with fate. In a few months the ALC was cutting a fine figure. The Ugandan instructors' work was excellent, and battalions were emerging from training centres set up throughout the territories. The backing of the people was our principal source of support. Dulia, Isangi, Aketi, Bumba, Lisala, Businga, Gemena, Libenge, Zongo and Gbadolite gave us the flower of their youth to fight the government forces. As regards resupply, the people of Mongala joined forces to provide thousands of bags of paddy to feed their young people. The ALC's struggle was truly a people's struggle. Moreover, indiscriminate bombardment by Kabila and the abuses inflicted on the civilian population by the FAC helped to strengthen relations between the people and our fighters.

Sudan and Chad in support of Kabila

The bold breakthrough by Rwandan troops into Bas-Congo was followed by an advance by Ugandan troops into Ituri. On 11 August 1998 the UPDF 19th battalion took the town of Bunia. Ugandan troops were protecting the right flank of Goma, where the mutiny led by Lieutenant Ondekane was consolidating its position. Uganda's entry into the war was motivated by the Kabila government's support for the Ugandan ADF rebels. They had taken refuge in the Ruwenzori Mountains, in Beni and in Ituri. The advance of the Ugandan troops compelled the Congolese government forces and the Ugandan rebels to fall back northwards. In pursuing them, troops of the 7th UPDF battalion took the town of Isiro on 20 August 1998.

When the principal town in Haut Uele fell, Kabila contacted the Sudanese authorities and decide to provide logistical support and equipment for another Ugandan rebel group, the fighters of the West Nile Bank Front (WNBF), which had close ties with the former tyrant Idi Amin. There were to be confrontations involving the FAC and their rebel allies at Kaya, Yei and Morobo.

Developments in the war encouraged the Sudanese government to come in on the side of Kabila. The authorities in Khartoum gave their support to an airlift of 300 Ugandan rebels into Bas-Uele, to Buta. Their task was to prepare for the counter-offensive that was to lead them back to their own country. On 5 October 1998 the UPDF 3rd battalion took Buta. Many Ugandan rebels from the WNBF were taken prisoner. Laurent Kabila realized that his troops, though assisted by Ugandan rebels, could not stand against the UPDF; he therefore appealed for assistance to the Chadian authorities, who despatched a brigade into northern Equateur.

Deadly ambush at Dulia

In October 1998 a first battalion formed up to advance on Buta. Since the eastern Congo had been released from the Kabilist yoke by Ugandan and Rwandan troops, a sharing of the action zones between the allies in the anti-Kabila coalition was essential. Rwanda and the RCD were confined to the southern sector, while Uganda and the MLC deployed into the west of the Congo.

In the first actions we faced the Chadian forces that had come to the rescue of the government troops. At Dulia an ambush destroyed a convoy of 52 Chadian jeeps equipped with 14.5 mm support weapons. The column of vehicles had been despatched towards Buta in order to

recapture the principal town of Bas-Uele. We were informed by our compatriots of the movements of the two thousand Chadians landed at Gbadolite. Warfare in the forests and savannah is unknown to these desert fighters. On the plains of the Sahara the enemy is spotted at long range, whereas in the equatorial forest death may come upon you at any time.

At Dulia we prepared a classic ambush, supported by the UPDF 3rd battalion's artillery. We set up an observation post above a gorge that the Chadians would have to pass through on the way to Buta. From our vantage point we saw the column coming on at breakneck speed. Suddenly, a few moments before entering, the convoy commander stopped. He started off again and signalled to his men to follow him. The jeeps committed themselves one by one, taking no precautions and without cover. The last vehicle had hardly entered when the order to open fire was given. In a few minutes shells rained down onto the Chadian battalion. The commander fell, mortally wounded. In that narrow gorge the rout was complete; it was impossible for the vehicles to turn back. Over 600 Chadians were killed in a few minutes. There was stupefaction and terror on the enemy side! The survivors fled to Gbadolite and one group took up a defensive position at Yakoma. There was joy in the ranks of the ALC. I was pleased that no-one was wounded. We recovered 12 jeeps intact. Before leaving the site of the ambush I took care to have the bodies buried. A foul stench hung over that place. I was to know that stench again, on other battlefields . . .

The road to Equateur

Flushed with this first success, the ALC troops were in good spirits. The way to Equateur was now open. The troops' advance was irresistible. Control of the railway linking Buta to the port of Bumba provided an excellent gateway to the west of the Congo. Despite the run-down state of this line, its restoration made it possible to send men, materiel and equipment into Equateur. The taking of Bumba on 17 November 1998 marked the MLC's entry into Equateur Province. Driven to despair by the abuses committed by the FAC (Congolese Armed Forces), the people came out to meet our troops to show us the best route to take to surprise Kabila's men. Bumba gave the MLC a rapturous welcome . . . We had to take advantage of this momentum and press on further towards the Congo River. I informed President Museveni accordingly, who had doubts and was against taking Lisala. Conditions seemed right to me, and I decided to continue the advance. Major Fred Ngalimo, supported by the gunners of the UPDF 7th battalion, laid an ambush in the plantations at Mindembo, 80 km from Lisala. In their flight from Bumba, the FAC scattered and fell into a deadly trap. Nearly 200 FAC lay dead in the plantation. A battle tank and an ammunition truck were destroyed. This ambush finally destroyed the flagging morale of the FAC, and they gave up the fight. The government troops would never recover from this humiliating setback. Five days later, on 10 December 1998, ALC troops captured the town of Lisala. The inhabitants of Lisala, aware of the rout of the FAC, exactly as they had at Bumba came to meet us 6 km from the town to open the gates. Lisala would become the political headquarters of the Movement.

The fall of Lisala made us more and more confident of our enemy's weakness. The advance continued in an atmosphere of euphoria that was to have serious consequences. On 24 December 1998 the ALC took Gemena. Our assessment of the enemy's frailty encouraged me to divide the ALC forces. By leaving one company at Businga, another at Libenge and a third at Bodangabo, I exposed the troops to a possible counter-offensive. It was not long in coming.

Counter-offensive by Kinshasa

From Gbadolite, government troops and their Chadian allies made ready for a counter-offensive towards Businga. Another operation was planned in Kinshasa to retake Gemena. It required the support of the Central African Republic. On 31 December 1998 Ange-Félix Patasse, the Central African Republic President, authorized Kabila's troops to pass through the capital,

Bangui. They crossed the River Ubangui. The involvement of the Central African Republic changed everything. This unexpected support enabled government forces to retake Gemena. They tried to create a line of advance towards the port of Akula in order to launch an offensive against Lisala.

The Chadians advanced at lightning speed. Their forces surrounded Gemena minutes after I left the town. The loss of Gemena filled thousands of my compatriots with terror. Fearing that they would again be subjected to abuses committed by the FAC and their allies, tens of thousands left the town to take refuge in the forest. Without water or medical supplies, they would hide out for several months under appalling conditions, until some of them returned to their homes following an appeal by Bemba Saolona. To reassure the terrorized people, Kabila's minister convinced them that I would never return to Gemena. Dumbfounded, the crowd that attended Bemba Saolona's mass meeting heard him disown me. He asked the populace to help the Chadian troops and the FAC to take me, dead or alive. Having lost my mother, I was now to lose my father!

This counter-offensive by Kinshasa threw the ALC and our Ugandan ally into disarray. We decided on a tactical withdrawal towards Akula. The reasons for my decision were the difficulties of logistical support because the rear lines were a long way back and the lack of supporting weapons. The course of action put to Colonels Amuli and Karawa was to preserve the lives of my men and not to lose matériel. The lightning breakthrough by Kabila's men towards Gemena was impossible to resist. Our defensive position would be established at Akula. Command of this small locality, where the fate of the MLC would be decided, gave control of the river.

From Zongo to Libenge, troops from Kinshasa led by Katangan officers committed abuses of the worst kind. Dozens of young people suspected of supporting the MLC were brutally massacred by the FAC. An independent South African journalist would find evidence of the massacres on the ground, and Imana Ingulu, an official of the MLC, would carry out a detailed investigation and identify several mass graves. The people of Libenge remained traumatized for several months. For a long time they refused to leave the forests where they had taken refuge.

The forces stationed at Bodangabo, Akula and Libenge fell back to Akula. At Businga the allies lost a truck filled with ammunition and weapons, including a 107 mm gun, an anti-aircraft weapon and a surface-to-air missile. On 27 January 1999 the Chadians retook Businga. Idriss Deby's troops regained confidence and advanced at high speed with light tanks towards Lisala.

The battle of Lisala

Coming from Gemena and Businga, Kabila's troops and the Chadians had Akula in a noose. To deal with the most urgent matters first, the UPDF commander-in-chief ordered his 5th battalion stationed in Isangi to reinforce Lisala. The strength of this battalion was 1,200 men. Several battle tanks and support weapons were shipped by river from Kisangani to Lisala.

On 2 February the Chadians took Akula and crossed the river. The ALC battalion stationed 9 km from the port of Akula offered no resistance to the advance by the Chadians, who established a bridgehead on the other bank. I was informed of the loss of Akula during the night of 2-3 February. On 2 February, at 23.00, I set off for Akula with General Kazini. It was make or break! Fortunately the support weapons that arrived at Lisala provided invaluable reinforcement. After eight hours of fierce fighting, on 4 February the Chadians were routed and the port town of Akula was retaken.

The respite was of short duration. Military intelligence reported that barges were moving up the Congo at Makanza. On 22 February 1999 these barges, armed with artillery, were moving

towards Lisala. Three thousand FAC troops disembarked at Umangi and encircled the town. I was in Kampala . . . I had to get to Lisala as quickly as possible.

President Museveni made a C 130 aircraft available to me. When we took off we were completely in the dark regarding the fate of the troops at Lisala. We landed under heavy enemy fire; their forces were advancing along two lines, the first towards the town, the second towards the airport. The town was cut in two. As I left the plane, several soldiers were cut down by enemy fire. My unexpected arrival gave the soldiers resisting the enemy advance fresh courage. Some of the troops took flight along the Bumba road. I decided to follow them in a Land Cruiser in order to stop their retreat. In my haste I rolled the vehicle, fortunately without serious damage. I got up with superficial injuries. If one believes in miracles, this would not be the last! Night fell, and there was complete uncertainty. I tried to raise the men's energy and morale. All those about me were ready for anything, except the loss of Lisala.

The second day of fighting removed none of the uncertainties. Three gunboats were pounding the town. Antonovs were bombing our positions. I continued to regroup the men and respond to the enemy assaults. We had not yet lost the airport, which remained the target of heavy FAC artillery bombardment. I had to risk my all. As I drove towards Umangi I ran into an ambush. A missile landed a few metres from my vehicle: I was uninjured. The second miracle! My escort fled, and I was compelled to turn back towards the centre of Lisala. Ammunition was beginning to run short and the situation seemed increasingly desperate. I persuaded Kampala to send ammunition.

On the third day of fighting, an Antonov 12 landed under fire. At each bombardment the crew and the soldiers who were unloading the boxes of ammunition took cover in the shell-craters. Under a hail of shells the Antonov managed to take off again undamaged. The third miracle! This ammunition enabled us to scale up our response. The arrival of the battle tanks, transported in the utmost secrecy, caused a wave of panic in the ranks of the FAC.

On the fifth day we retook the town. The courage, gallantry and determination of the aircrews who risked their lives landing under enemy fire, and the heroism of the men, who conquered their fear in order to resume the fight, would consolidate the sense of cohesion and fraternity within the Congo Liberation Army. The victory of Lisala is engraved on the memory of all the fighters and people who lived through those dramatic times. This battle marked a turning-point in the war; what was now at stake was control of the River Congo and its tributaries.

Change of strategy

Kabila's counter-offensive compelled us to take stock of our weaknesses and our errors. From now on there would no longer be any question of splitting up the ALC troops and rushing onto objectives without ensuring good rear cover. After five months of intensive training, centres in Buta, Bumba and Lisala were sending out combat-ready infantry battalions. These thousands of fighters enlisted freely, with the support of their families and close relatives. The officers who supervised the centres and the Ugandan instructors were working to form a homogeneous, disciplined and well supervised army corps. From January to May 1999 all efforts were concentrated on these training centres.

Persistent signals were reaching me reporting the willingness of former FAZ generals to join the liberation struggle. Some established themselves in Kampala and made contact with the Ugandan authorities. Generals Baramoto, Eluki and Mukobo tried to convince Uganda that their presence alongside the officers and fighters was essential. In May 1999, right in the middle of the organization of the offensive, General Philémon Baramoto landed at Lisala. He promised us substantial aid: uniforms, ammunition and light weapons to fit out the new troops. The men would wait in vain for several weeks for these false promises by the former boss of Mobutu's Civil Guard

to be kept. Doubtless convinced that they would be supported by the Ugandan authorities, Mobutu's treacherous generals settled down in Kampala waiting to take control of the Congo Liberation Army. Short of money, divided and angry with their hosts, they would return to Europe. This bizarre episode marked the end of a tragic era in which power had become the plaything of a comic-opera general.

During this period of reorganization, Captain Solo was responsible for logistics management. Solo, my companion from the first, took advantage of his position to sell some of the fuel stocks. He was arrested and brought before the disciplinary board, which sentenced him, in accordance with the ALC code of conduct, to a term of imprisonment that he would serve at Angenga. Colonel Karawa also faced court martial for his refusal to go to the front and carry out his orders. The will to build a strong, disciplined and homogeneous army overrides sentimental considerations that destroy the cohesion of the force. Although these two officers had been the very first to enlist with me in the struggle for liberation, their refusal to assimilate the values of change and to break finally with the methods of the past and to serve as an example to young fighters would lead them to leave the Movement.

The capture of Businga on 14 May 1999 was followed by the capture of Abuzi on 20 May. The reconquest of Equateur had begun. The troops of the Congo Liberation Army were well-equipped. From now on the fight against Kabila's Congolese Armed Forces, the Chadian troops and the Hutu fighters would be on equal terms. In the course of 28 and 29 May we re-took control of the junction on the Businga-Gbadolite highway. The battle of Gbadolite could begin . . .

The opposing armies

The capture of Gbadolite was a major objective in the conquest of Equateur. We had to gain control of the airport, from which the planes that were bombing the civilian population were operating.

The strength of the force under the command of Colonel Deward N'sau, as declared by the Headquarters of the 5th military region, North Equateur sector, was 14,245 men. Laurent Kabila fully appreciated the importance of the battle of Gbadolite and gave precise instructions to his Staff of 256 officers and other staff. Colonel N'sau deployed 2,471 and 2,868 troops respectively on the Yakoma and Businga lines. He also organized a force of 1,207 men responsible for the Gemena sector. To these should be added 2,210 soldiers from the Chadian contingent, 3,932 Interahamwe Hutu extremists and a detachment of 108 Sudanese soldiers. Gbadolite was defended by the Golf detachment, consisting of 1,056 troops. The 78 men of the DEMIAP, 53 military policemen, 32 airforce personnel and 74 naval personnel completed the defensive dispositions for North Ubangui.

Against the 14,245 troops deployed by Kabila in May 1999, the Congo Liberation Army mustered 8,623 soldiers. The eight ALC battalions were deployed on several fronts. These battalions, which were under the control of an operational headquarters, all fought on the various fronts with UPDF support. Eighty per cent of the men were new recruits, with the addition of former FAZ personnel and FAC deserters. They had all had the benefit of full military training. However, the imbalance in strength between the defending troops and the MLC did not tell against those fighting for freedom. Popular support, cohesion, and training by officers who maintained discipline and the will to win would be decisive in the outcome.

Several of the battalions lined up on the Equateur front had a special history or special experience. The first battalion consisted of former FAZ and FAC personnel picked up by the ALC in the Kisangani, Buta and Bumba sectors. It had a strength of 986. After freeing the towns and centres referred to above, this battalion liberated Lisala and pressed on to Businga, Karawa, Akula and Gemena as far as Libenge. However, it lacked an accurate assessment of the situation, and the

enemy counter-attack would compel it to leave Libenge, Gemena and Businga to take up a strong defensive position at Akula.

The 2nd battalion, formed when Gemena and Libenge were taken, also consisted of ex-FAZ and FAC. It had a strength of 826. This unit would be the pride of the ALC after consolidating its defensive position at Akula. After liberating Budjala and Karawa, it advanced towards Gemena.

The Simba battalion consisted of youngsters recruited and trained in the vicinity of Bunia and Isangi and a few ex-FAZ and FAC. This battalion would begin its advance to Lisala and, with the 1st battalion, would capture Businga and Karawa, finally falling back to Bosomanji, where it would take up a strong defensive position. After reorganization, the Simba battalion would recapture Businga and continue towards Loko. After the battle of Gbadolite its task would be to recapture Zongo and Libenge. It had a strength of 580.

The 3rd battalion of 424 men consisted of youngsters recruited in Buta, Dulia and Aketi and trained in Dulia. It began its manoeuvre from Likati, and would reach Gbadolite by way of Wapinda, Yakoma and Kotakoli. After Gbadolite, its task would be to join the Simba battalion for the conquest of Zongo and Libenge.

The 4th battalion consisted of 910 youngsters recruited in Bumba, Binga and Lisala. These recruits were trained first in Ebonda and Yamaluka near Bumba, then went to complete their training in Lisala. This unit would take Mobeka, a centre at the confluence of the Rivers Mongala and Congo.

The battle of Gbadolite

After the blitzkrieg between October and December 1998, the advance by MLC troops into Equateur resumed in May 1999, having learnt from the strategic and tactical errors in the first few weeks of the war. The nature of the troops concentrated in North Ubangui made it essential for the FAC command to have perfect control over the men in order to maintain cohesion and discipline. On 20 March 1999, Laurent Kabila gave Colonel Deward N'sau command of the 5th military region. During the AFDL war N'sau commanded the 21st (Leopard) brigade that protected Lumumbashi, the capital of the copper belt. This brigade was the spearhead of the FAZ. It had an impressive arsenal. In April 1996, AFDL troops went into Katanga. Lumumbashi was encircled, with the complicity of Zambia and the support of Tanzania. The FAZ resisted the bombardment by the AFDL coalition. On the orders of General Mahele, the FAZ Chief of Staff, Colonel N'sau called on his troops to lay down their arms and join Laurent Kabila. General Mahele was convinced that the forces of the anti-Mobutu coalition would be victorious. He envisaged defeat and the formation of a new Congolese army that would be placed under his command.

For the AFDL spokesman, N'sau was far from being an unknown. In 1970 Warrant Officer Deward N'sau was in command of a platoon in the Kalemie sector where Laurent Kabila's rebellion was active. In fact at this time the Congolese National Army's 23rd battalion had just defected and had gone into the bush with Kabila. N'sau would be among those responsible for hunting down the resistance fighters. In 1971 he entered the Ecole Militaire in Belgium in the para-commando regiment. In this way, after joining the coalition forces, he became Commander James Kabarebe's unofficial deputy. When the troops entered the Zairian capital, Kabila appointed Deward N'sau commander of the 50th brigade responsible for Kinshasa, Bas-Congo and Bandundu. In an atmosphere riddled with the paranoia of those in authority and denunciation by junior officers, Colonel N'sau was accused of fomenting a coup against Kabila and of assisting the flight of several from the former Special Presidential Division. He was questioned on 19 October 1997 by Laurent Kabila and replaced by John Numbi, an electronics specialist from Likasi. N'sau was appointed commander of 223rd brigade stationed at Isiro. It had only one battalion to confront the UPDF troops. Lacking supplies and logistical support, Kabila's troops

would be totally defeated by Ugandan firepower. Having lost all hope, N'sau and his 1,500 men would retreat into the Central African Republic, leaving the way to Yakoma completely open. Laurent Kabila would order them to organize the defence of Gbadolite.

In May 1999, tension in the principal town of North Ubangui was high. The FAC was aware of the irresistible advance of our troops. The morale of Kabila's troops, subjected to five different lines of attack, Bondo-Yakoma, Likati-Yakoma, Abuzi-Yakoma, Businga-Yakoma and Akula, was at rock bottom, the more so because the Chadians, having received US\$454,000 in pay, fled by night to the Central African Republic, on the pretext of organizing the defence of Gemena. They took tanks, light armoured vehicles, 75 jeeps armed with machine-guns and all their equipment. In Gbadolite the troops were completely discouraged. Colonel N'sau informed Kabila that his Chadian allies had departed and asked Kinshasa for reinforcements. There was only one Antonov 26 left on the airport at Gbadolite which, after being flown by Sudanese crews, was handed over to Colonel N'Tita and Major Mwanza from March 1999. Both officers flew bombing missions against localities that we had liberated.

In June 1999 two battalions arrived from Kinshasa to reinforce Gbadolite. The first was from the 50th brigade and the second consisted of PPU, troops from the presidential guard. As soon as they arrived in Gbadolite, the PPU seized Colonel N'sau's communications equipment and accused him of betraying Kabila. The FAC was divided and under extreme tension. The men of the 50th brigade, freshly disembarked in Gbadolite, advised Colonel N'sau not to take command of the troops on the front line for fear of being shot by the PPU, which had been the fate of the three ex-FAZ generals, Bekadjwa, Ngwala and Mulimbi, in Katanga; General Lukama, the current chief of staff of Kabila's army, had escaped this massacre by a miracle. The reinforcements decided to go to the support of the 23rd battalion, which was resisting the ALC advance on the Businga line. On arriving at Businga, the PPU took command of operations and refused to follow the advice of the commander of the 23rd battalion, whom they killed, causing the battalion to revolt. After turning on each other, the FAC troops abandoned their position and fell back towards Gbadolite.

Evariste, the ferocious FAC commander, the terror of the population of Gbadolite, was perched on a tank at the head of the column seeking to regain the ground. A few kilometres from Businga, a mine laid by his allies destroyed his tank. Evariste was decapitated. Kabila's troops panicked, refused to fight and rushed back once more towards Gbadolite.

As to the other lines along which ALC troops were advancing, their discipline, determination and courage were in sharp contrast to the conduct of Kabila's men. The ALC had effective support from UPDF 5th battalion artillery.

In their retreat, the general stampede by the FAC overrode compliance with instructions from their superiors. Joseph Kabila, the chief of staff of land forces, ordered Colonel N'sau to destroy Loko bridge and to fall back from Bosobolo towards Molegbe. The leader's son went further; he insisted on all the bombs stored in airport buildings at Gbadolite and intended for air strikes delivered by the Antonov 26 should be placed on the runway and used to destroy the airport. Colonel N'sau knew the risk to the civilian population that would arise from the detonation of 250- and 500-kilo bombs, representing over five tons of explosives, a few hundred metres from civilian dwellings. He refused to obey Joseph Kabila's orders and did no more than destroy the MiGs and Mi24s abandoned by Mobutu's troops in their flight and which Kabila had not thought it necessary to make operational again. N'sau ordered the crew of the Antonov 26 to take off and return to the capital. Kinshasa then ordered the destruction of the town of Gbadolite. No infrastructure was to be spared.

On 3 July 1999 Colonel N'sau abandoned his headquarters and most of his troops. He reached Tudu, a small locality 5 km from Gbadolite, and asked the men who had remained in the town to take shelter before the buildings were bombarded. In fact it was a trick in order to spare the civilian population. With his men he reached the frontier locality of Mobayi, on the banks of

the Ubangui. For the last time he contacted the general staff in Kinshasa by satellite telephone and spoke to Colonel Eddy Kapend, who ordered him to do everything possible to destroy the Mobayi hydroelectric dam. Colonel N'sau promised to blow up the dam on 4 July at 8 o'clock in the morning. At 2 o'clock he left Congolese territory to take refuge in the Central African Republic. He made contact with my men and joined the MLC.

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At the head of his battalion, Romain Mondonga advanced towards Beni. He was recalled to Goma to support the RCD troops. In fact James Kabarebe had just been informed that Angolan involvement in support of Kabila was imminent. The reinforcements might save the situation.

Romain Mondonga landed at Kitona a few hours before Angolan government troops entered the conflict. After 48 hours of fierce fighting, the RCD troops yielded the Kitona base to the Angolans. Having no anti-tank weapons, the rebels were unable to withstand the advance of the Angolan troops. They withdrew towards Boma and Matadi. Commander James Kabarebe directed operations and ordered Mondonga to advance towards Kinshasa, where Mustapha's men had already taken a stand.

The Zimbabwean and Angolan reinforcements completely changed the scenario that the Rwandan strategists had drafted. The severing of any link with the rear proved fatal to the rebels. The failure of the attempted coup d'état in Kinshasa compelled them to fall back on the Kisantu regrouping area. Contacts with UNITA would enable the men to reach Angola with their arms and equipment. After capturing the airport at Maquela do Zombo, Romain Mondonga — like Mustapha — was repatriated to Goma.

Early in October 1998, Lieutenant Mondonga was tasked with a mission to Buta. He led the 118th battalion with a strength of 620, including ex-FAZ and *kadogos*. On 10 November I reached Dulia with Colonel Karawa and succeeded in winning Mondonga over to the views of the MLC. He was ordered by the RCD chief of staff to leave Dulia and return to Buta. Political confusion reigned in the principal town of Bas-Uele, fuelled by officials of the RCD whose headquarters was in Kisangani. Commanders Hugo Ilondo and Jean-Pierre Ondekane accused Lieutenant Mondonga of having sold out to the MLC. Specific threats were directed against him. The officials of the RCD were divided; some wanted an exemplary and final punishment, others took the view that the young lieutenant could be restored to the ranks of the RCD. Order and counter-order followed one another. In Buta, Romain Mondonga met Commander Mustapha again. The paths of these two men had crossed on three occasions, at the fall of Kananga, at Maquela do Zombo and in Bas Uele. When informed of the dismal fate awaiting his young comrade-in-arms, Commander Mustapha took up the cudgels for him.

A meeting organized in Kisangani between James Kazini, the Ugandan chief of staff, and Commander Ondekane would finally clarify the operational sectors of the two armies, MLC and RCD. In January 1999, in command of the 3rd ALC battalion, Commander Romain Mondonga reached Lisala. The counter-offensive by Kabila's troops and their Chadian allies surprised Mondonga's men, whose task it was to hold the port of Akula. Following reorganization of the forces, I made Romain Mondonga responsible for training the young recruits . . . Alain Munanga took charge of my secretariat and Papy Kibonge continued his work on local radio. Taking advantage of a family visit to Kisangani, Delphin Etula decided to leave the territorial army and join the MLC. All these young men agreed to make every effort to mobilise the people. In Isiro, several of them would start military training. Valentin Senga took a course of military instruction in Lisala at General Kazini's request. He in turn would provide ideological training for MLC political commissars. These were young Congolese who introduced peasants, villagers and people in the hinterland to the essential values of democratic life. The trail blazed by these young intellectuals was proof of an irreversible commitment to the triumph of a shared ideal and a shared

vision of the Congo of tomorrow. These key workers are the vital breeding ground for a new political class.

Other persons of known merit or well-known figures from the Congolese political world joined these new men in the MLC. From Europe, François Muamba, Dominique Kanku and Olivier Kamitatu contributed a westernized view on the future of the Congo. The presence of Vincent Lunda-Bululu, Alexis Thambwe-Mwamba, José Endundo-Bononge, Roger Nimy and Montfort Konzi derived from a wish for vertical integration, in terms of political generations, and horizontal integration by intermixing all the regions of the Congo within the structures of the Movement.

In three years of struggle and fighting, the MLC, by virtue of the quality of the men who lead it, the frequency and extent of its actions and the relevance of its views on government and development, has become more than a reality: it is an alternative to dictatorship and chaos.

The Goloma course

“Revolution is a matter of sacrifice. After the suffering you will find victory!”, declared General James Kazini to the political staff who were starting their military training in March 2000. Some 20 km from Gbadolite, at an abandoned farm in Goloma, the executives of the Movement were to learn of the physical pain of early-morning jogging sessions, forced marches, drill in the sun and gymnastics. The UPDF Chief of Staff made it a point of honour personally to open this training session for MLC staff. The commitment of young Congolese politicians to the politico-military struggle was evidence of a profound change of attitude.

For four weeks the national political officers were to share the soldiers’ life. They would be granted no exemptions or privileges by the Ugandan instructors, whose task it was to transform these men so that military life would no longer hold any secrets for them. Familiarization with weapons was an important stage for anyone who had never handled a rifle or a revolver. At the intellectual level, six hours of instruction in class were given to the political staff, who obviously had a real interest in the courses on strategy, leadership, map-reading, etc.

These men and women had changed when they left the Goloma course, their contact with military life. The solidarity of the classroom and kinship in suffering took precedence over the petty quarrels and differences to which politicians are accustomed . . .

The Ugandan instructors trained a hard core, whose troops performed many feats of arms on the front lines . . .

Today the ALC is an army consisting of 33 fully-fledged battalions.

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On 17 May 1999 the battalions left Lisala and began to advance towards Bongandanga. The ALC troops advanced along both banks of the river Congo . . . The 1st battalion, supported by the 71st UPDF battalion, commanded by Major Fisher Kulumba, was split into two wings, the left wing under the command of Benjamin Alongaboni and the right under the command of Captain Widi, assisted by UPDF Major Kaluanga. The men’s commitment was total . . . When they were 20 km from Bongandanga, the Chief of Staff commanding the UPDF forces in the Congo, General James Kazini, ordered the 71st UPDF battalion to halt. Operations would be conducted by the Congolese officers and their men. After several fierce exchanges of fire, Bongandanga fell to the ALC . . .

The progress of the troops along the banks of the Congo met with resistance from the FAC coalition and their Zimbabwean and Hutu-extremist allies. With its 1,200 recruits trained by Major Romain Mondonga, assisted by UPDF Major Edouard Kasumba, the ALC had at its disposal a disciplined and well-led force . . .

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In May 1999 I took command of the operations . . . During the advance [on Buburu], two heavily-armed gunboats were dispatched to hold us up and clear the position. The artillery directed by UPDF Major Paul Loketsh worked out a stratagem that was to confound the commanders of the two vessels. Instead of concentrating on the targets, the shells were fired so as to fall aft of the vessels. The FAC and its allies, unable to work out where the shells were coming from, thought they had been caught in a pincer movement. They immediately fell back in order to evade the imaginary troops presumed to be operating downstream from Buburu. The locality fell to the ALC. Throughout the advance along the river, thousands of Congolese who had taken refuge on the right bank of the Ubangui in Congo-Brazzaville watched the fighting. Victims of abuses and massacres carried out by the FAC and its allies, they were living in makeshift camps and looking on helplessly as their fields were pillaged by the Kinshasa troops. Some of them, risking their lives, ventured out at night to the other bank to harvest a few bags of manioc.

In every village, our arrival was greeted by dancing and cries of joy from the inhabitants. The stories of atrocious suffering inflicted on the villagers by Kabila's men shocked the German journalists who were accompanying me. We were told in vivid detail, of rape, murder, assassination, abductions . . .

The capture of Buburu caused an outcry in the international community. The United Nations demanded an immediate troop-withdrawal. Our Ugandan ally, who had no troops in the frontline, was also violently attacked by New York . . . The threats to the friendly relations with our Ugandan ally and the risk of isolation provoked by United Nations sanctions against it obliged me to review our position. Ambassador Kamel Morjane, the Special Representative of the United Nations Secretary-General in the Congo, and General Mountaga Diallo, the force commander of MONUC, travelled from Gbadolite to convey to me the message from the United Nations. Ignoring the images of thousands of Congolese returning to the villages and the testimony of the civil population regarding the massacres perpetrated by the FAC, the two emissaries transmitted the demands of the international community. As I withdrew, I knew that I was again sending thousands of compatriots into exile or to certain death. Reprisals by Kabila's troops could be expected.

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The battle of Ubangui

. . . The six vessels travelled back down the river towards Mawiya. Between 11 a.m. and noon, ALC artillery trained their guns on M.B. *Ibeka* and *Accor 25*. Both were hit. The damage to the first two vessels prompted the others to flee downstream towards Dongo. M.S. *Kolwezi* and M.S. *Gungu*, both loaded with food supplies and reinforcements, escaped our artillery fire. However, M.B. *Lubue*, carrying 500 barrels of diesel plus an entire battalion, was hit with full force on the bridge. The vessel's engine continued to run, and the boat, in flames, carried on at full steam before running aground a few hundred metres from the ALC's defensive position . . . Throughout the night, the fuel and ammunition transported by M.B. *Lubue* were ablaze, causing a series of explosions and fireworks which could be seen for dozens of kilometres around. The FAC 10th brigade of 4,000 men lost nearly 800, drowned or burned, at a stroke. Along the river-banks, the mayhem was in keeping with the apocalyptic vision of the shattered boat. Kabila's men

abandoned all their equipment: 8 trucks, 5 jeeps, heavy artillery, light weapons and hundreds of boxes of ammunition.

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The Lusaka Agreement

The refusal of the Congolese rebel movements to engage in the Lusaka peace process irritated Washington, which accused in turn the Rassemblement Congolais pour la Democratie and the Mouvement pour la Libération du Congo of bad faith. Meanwhile the background scenario, the struggle for leadership within the RCD between the Goma faction, supported by Kigali, and the Kisangani faction, supported by Uganda and led by Professor Wamba dia Wamba, turned to tragedy. Several dead and wounded, such was the tragic outcome of the fratricidal war between the rival factions.

The trigger for the clashes was the visit by the Verification Commission led by the Zambian Minister Eric Silwamba. Each of the factions wanted to demonstrate that it was in control of the country's second largest city before signing the Lusaka Peace Agreement. Emile Ilunga, Jean-Pierre Ondekane and Bizima Karaha wanted to show that Ernest Wamba controlled no military force, other than a training camp on the outskirts of Kisangani. They even accused him of training Interahamwe, with the assistance of Ugandan instructors . . .

A quarrel in the family

In signing the Lusaka Ceasefire Agreement, Yoweri Museveni maintained the diplomatic stance adopted on 18 April 1999 at Sirte in Lybia . . . , where he had succeeded in negotiating the withdrawal of the Chadian troops of Idriss Deby The Lusaka Agreement confirmed the withdrawal of all foreign troops from Congolese territory, except for police operations to disarm the armed bands roaming the country. "If the Congolese want to come to an agreement with Kabila, so much the better. If they want to go on fighting, there is nothing to stop them either", stated Museveni. His troops provided my fighters, who were advancing in the northern Congo towards Mbandaka, with support in terms of artillery and logistics. Uganda withdrew its support for the RCD/Goma forces in order to concentrate on Orientale and Equateur Provinces. The internal divisions within the RCD encouraged this withdrawal of Ugandan support. Officially, Yoweri Museveni was refusing to endorse the coup d'etat which had ousted Wamba in favour of Emile Ilunga. In reality, in giving his support to the RCD faction based in Kisangani, Uganda was marking a break with the hard-line policy of Vice-President Paul Kagame and, having played the MLC military card, was now supporting Ernest Wamba's approach favouring political negotiation with Kinshasa. "The Rwandans Ugandans are no longer on speaking terms!", a western diplomat would declare.

In military terms, whilst Rwanda had its eyes on the diamond mines of Kasai and was attempting to establish a front of almost 2,000 km joining Katanga, Kasai and Orientale Provinces, the Ugandan instructors advising my men were concentrating all their forces on the banks of the river Congo. With the break-up of the former Zaire, the river-line remained the DRC's true economic spine. Brigadier James Kazini was put in charge of Operation Safe Haven, the code name given in Kampala to the Congolese expedition. Outwardly charming, Kazini is an able and experienced individual. At Kisangani he also provided physical protection for Ernest Wamba and his small group. On the diplomatic front, the MLC's signature of the Ceasefire Agreement came as a relief to Kampala, after the accusations that it had been fomenting the Congolese rebellion in order to further its design of military conquest. In reality, Kampala was pursuing a number of objectives in the short and medium term. The Ugandan Government wanted to prevent any fresh attacks by Ugandan rebels such as the ADF, ANLU, WBNF and others hiding out in the Congolese

mountains. A whole series of armed movements present a permanent threat to Uganda's boundaries. In the Congolese conflict, over 2,000 men trained in Sudan under the orders of Major Taban, the son of Idi Amin, had been reported to be standing by to come to the assistance of Kabila's beleaguered troops. I accused Khartoum of supporting Kabila by carrying out bombing raids and training Katangese terrorists. Behind the Congolese crisis there was in fact another war, the one being waged in Sudan.

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North Kivu and Ituri became hang-outs for every kind of riff-raff. Among this gang of unscrupulous businessmen, wheeler-dealing pseudo-Mai-Mai, mining and timber interests, local political leaders, warlords and corrupt officers, the lowest common denominator was money. It was the hunger for profit which explained the unnatural alliances and contemptible betrayals. In a world of anarchy and chaos, built on a climate of fear, violence and massacres, the bottom-feeders were eating their fill.

The rapprochement between the MLC and RCD/K

Once the MLC fighters had gained control of the north of Equateur Province, the Ugandan authorities could envisage withdrawing the UPDF from Congo. With the Congo Liberation Army controlling the airports and rear bases capable of being used by the Sudan-sponsored Ugandan rebels, Uganda's mission appeared to have been accomplished. However, the MLC was operating in a difficult environment, necessitating financial resources and substantial logistical support. Control of the territory required optimal troop mobility. Maintaining a policy of recruitment and training was an absolute priority. In all the training camps thousands of recruits were preparing to swell the ranks of the ALC.

For his part, Laurent Kabila was not giving up. There were rumours of young Congolese undergoing training in terrorist methods in Sudanese camps. In Katanga thousands of other young men were being enlisted and trained by North Korean officers. In Kinshasa, on the outskirts of the capital, there were also battalions undergoing accelerated training. These thousands of men were being prepared to be sent to the Equateur front. The Congolese dictator was more determined than ever to crush the MLC.

Aware of what was at stake if the conflict continued, the Ugandan authorities wanted to be in a position to withdraw by making the MLC completely self-supporting. It was essential to meet the challenge of obtaining equipment, *matériel* and arms and supplying the troops with fuel, food and medical supplies so that they could not only control and defend their territory, but also pursue and definitively neutralize the enemy.

In July 1999 General James Kazini, Chief of Staff of the UPDF, took the initiative of encouraging a *rapprochement* between the two liberation movements supported by Uganda. The allocation of Congolese public funds mobilized in the east in support of security and the liberation struggle would permit a consolidation of what had already been achieved. In reality, the General was afraid of losing control over the Ugandan commanders seconded to Beni and Butembo. They were being bought by local businessmen, and this was threatening to break the UPDF chain of command.

In mid-July President Museveni confirmed to me that the Ugandan troops were going to withdraw from the Congo and encouraged me to intensify my efforts to recruit and train soldiers. Ugandan officer instructors were seconded to help me strengthen our military capacity.

With the support of Kazini, on 15 July 1999 I sent Secretary-General Olivier Kamitatu and Dominique Kanku to review the financial situation in North Kivu, identify the constraints,

investigate corruption and organize the mobilization of tax and customs revenues. On their arrival, the suspicions of the Ugandan officers were confirmed . . . Documents show that from 26 May to 4 July 1999, almost 1.5 million dollars were siphoned off by an illegal system of hand-outs and misappropriation. These funds were placed at the disposal of [Mbusa Niamuisi, *commissaire général* of the RCD/K], who shared them out among a few loyal followers and Ugandan officers.

The Dar Es Salaam Agreement

When they were informed of the financial mismanagement along their borders and the corruption of their officers, the Ugandan authorities decided to support a reform of the public finances in eastern Congo, as well as the establishment of a mechanism to finance the war effort in Equateur Province.

On 31 July 1999, at Dar Es Salaam, in the presence of General Kazini, Colonel Mayombo, Head of Military Intelligence, Kahindo Otafiire, Counsellor for the Congo to the Ugandan President and the Tanzanian Ambassador Adam Marua, Professor Wamba and I agreed on a mechanism for the sharing of the financial resources of the eastern territories . . . The Agreement provided that 15 per cent of monthly revenues would be returned to the departments concerned and that the balance would be allocated on the basis of 70 per cent of revenues to the MLC and 30 per cent to the RCD/ML . . .

In the meantime, the collaboration between the leaders of the MLC and the new Ugandan Commander, Colonel Lyangombe, proved to be a fruitful one. Within a short time, as a result of the implementation of the system for the redistribution of revenues to the local authorities, the town of Beni began, for the first time since the beginning of the war, to benefit from the effects of a rigorous control of public funds. Monthly sums were allocated for road maintenance, the purchase of medical supplies for health centres, the purchase of fuel for the supply of electricity and to education. As a result, the MLC underwent a gain in popularity and acquired increasing numbers of members. This gain in popularity, in an area dominated by the interests of traffickers and of certain officers, was badly received. In circles close to power in Kampala, it was being said that the MLC, instead of governing, was using its position for propaganda purposes and to create difficulties for political leaders allied to Uganda.

In September 1999 the pressure brought to bear by Mbusa Nyamwisi on the Ugandan authorities forced them to compromise. They were afraid of a revolt by the Nande, the largest and most influential ethnic group in North Kivu, of whom Mbusa claimed to be the favourite son. In reality, it was the rigorous financial control imposed by François Muamba which was upsetting some of the Ugandan officers, accustomed to the generous facilities accorded by Mbusa.

In the course of the following year the RCD/K would be torn by factional in-fighting between Mbusa, Wamba and Tibasiima, plunging Ituri and North Kivu into turmoil and massacre.

The Congo Liberation Front Uganda's appeal

In January 2001 there was a sense of tension pervading the corridors of power in Kampala . . .

In regard to the previous year, what Ugandan public opinion had noted was not so much the rise in fuel prices and the fall in coffee prices, which were slowing economic growth, but the way the Ugandan force has become bogged down in the Congo war. There were increasingly persistent rumours of the enrichment of certain Ugandan officers and of those close to President Museveni. As the Ugandan authorities reported that the ADF and LRA terrorists had been defeated, and the

Presidential elections approached, more and more Ugandans were starting to ask themselves what purpose was being served by keeping the Ugandan army on Congolese territory.

There were reports in the Ugandan press of the major splits tearing the Congolese rebellion apart . . . Political Commissar James Waphakabulo and Minister Otafiire Kahindo were being regularly despatched by the Ugandan Presidency to Bunia, headquarters of the RCD/K, in order to calm the *enfant terrible* of the pro-Uganda rebellion . . . In Ituri Province, pro-Mbusa and pro-Wamba militias were so busy killing one another that they provoked a fresh outbreak of the Hema-Lendu conflict, with the two tribes aligning themselves on opposing sides.

Exasperated by the rivalry among the Congolese rebels and the pressure from public opinion to clarify their position, and urged by the international community to withdraw their troops from the Congo, the Ugandan authorities would seek to promote the merger of their two allies among the Congolese liberation movements. President Museveni made it clear that he was unwilling to support more than one rebel group. Whatever the choice of the Congolese might be, Uganda decided that it would concentrate its efforts on unifying the rebellion. From now on the Ugandan authorities' view of the rebellion was one territory, one administration, one army . . .

Colonel Noble Mayombo, General Wamala Katumba, successor to Brigadier James Kazini as commander of the Ugandan force in the Congo, and Political Commissar James Waphakabulo were given the task of implementing Uganda's new policy. At the beginning of January the Congolese rebels were invited to Kampala to agree on the unification of their movements. The forthcoming Ugandan elections put the RCD leaders under pressure to reach a result . . .

.....

On 3 November, Ugandan troops were called in to rescue President Wamba, whose home was under siege . . . The Ugandan authorities recalled the three leaders for consultations in Kampala, where they would remain until the creation of the *Front de liberation du Congo* [FLC]. For more than two months, there was no political or administrative authority capable of calming tensions on the ground and bringing the extremists to heel. The Ugandan commanders appeared to be overwhelmed by the wave of violence and massacres. In January 2001, in the streets of Bunia, extremists were brandishing human heads on their spears.

.....

It was in this context that I took charge of the front, firmly determined to restore peace and order in Ituri. In so doing, I was supported by the humanitarian agencies, and in particular by those responsible for the co-ordination of the United Nations humanitarian agencies, who, since the beginning of the conflict, had been fully committed to fostering inter-communal dialogue . . .

The commander of H Brigade of the ALC, Major Omari, who was surrounding Mbusa's home, was under pressure from Colonel Burundi, who, through his intelligence officers, was urging him not to use force and to disobey my orders. Accustomed to receiving a monthly payment of US\$ 30,000 from Mbusa Nyamwisi, Colonel Burundi, whose pay had been limited since my arrival to the day-to-day expenses of his battalion, was nursing a real grudge against me and François Muamba, the more so because orders from his superiors stated that all Ugandan troops were to return home within the next few weeks. He had only a short time in which to get rich before the withdrawal . . .

On 6 June 2001, Colonel Burundi tried once again to obtain funds from the public purse . . . That afternoon, Burundi and Colonel Kibonge broke into the bank, where they would find a grand total of . . . US\$6,000! . . .

In the night of 5 to 6 June 2001 I informed the Ugandan authorities of the situation and of Colonel Burundi's involvement in the chaos and violence being perpetrated in Beni. President Museveni immediately ordered the replacement and arrest of the Ugandan officers involve in this attempted coup . . .

The international community

The last decade has shown the Congolese the high price of independence and liberty. The pressures exerted by the international community to get rid of Mobutu, the murder of President Habyarimana, the seizure of power by the FPR, the exodus of millions of Rwandans into Congolese territory, the accession to power of Kabila thanks to the efforts of an African coalition, and the precipitate recognition of his son by the west, are all events which throw a blinding light on the external influences which too often make sport of the will of the Congolese people. In more than 40 years of independence, we can ask ourselves if we have ever been free in our power to choose, free to conduct our own destiny and free to exercise our sovereignty . . .

The huge disappointment caused by Laurent Kabila, who sold out on Congolese sovereignty by paying for his accession to power with loss of control over the eastern territories, and the humiliation felt throughout the country by the presence of foreign troops, have strengthened national sentiment . . .

ANNEX 2.14

AFP despatches, Extracts from the Ugandan daily, *The Monitor*



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Don't Abuse Passports!

The Monitor (Kampala)
July 12, 1999
Kampala

News that Prof. Wamba dia Wamba, the Congolese faction leader of the rebel Rally for Congolese Democracy (RCD) and his men have been issued Ugandan passports must have raised eyebrows (See, Congo Rebels Get Ugandan Passports, The Monitor, July 11).

The most annoying bit is that thousands of Ugandans can't get passports yet it's their right. Ugandans who seek travel documents go through a rigorous process -- and, even then, the Immigration department reserves the right to issue the document.

You have to go as far as naming your grandparents and pointing out the most obscure details of your ancestry just to prove your Ugandaness. You also have to go through several layers of security and LCs, many of whom demand bribes in return. Then you have to pay the mandatory Shs 50,000 and bribes to get the document done.

Yet our government goes ahead to issue our sacred and sensitive documents to people whose loyalty and credibility we are not even sure of. There is no guarantee that tomorrow they (Congolese rebels) will not turn our enemies. Neither are we sure that our passports won't be used to facilitate these people in activities detrimental to Uganda's interests.

Our Constitution is clear in the matter of dual citizenship. If you want to become a citizen here, repudiate your first country. Have the Wambas done this?

The issue of Ugandan passports ending up in the hands of undeserving foreigners has been laboured before. It's common knowledge that certain people from Rwanda hold our documents and freely travel on them. Yet they are also Rwandan citizens first and foremost, and their loyalty is firmly with Kigali not Kampala.

Now we have again taken it upon ourselves to "extend" the same courtesy to a fresh set of "brothers" from the Democratic Republic of Congo, or whatever is left of it. The opportunity for abuse has no doubt acquired new proportions.

It's sad that foreigners have seemingly "unlimited" access to the most sacred symbols of our national esteem, yet nationals are hard-pressed to access the same privileges and facilities.



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Soon the dogs will be known - Kagame

The Monitor (Kampala)
September 18, 1999
Posted to the web September 18, 1999

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Kampala

On Thursday, Vice President and Defence Minister of Rwanda, Maj. Gen. Paul Kagame made an uncharacteristically passionate speech about the Kisangani fighting between the UPDF and the RPA. Our Correspondent was in the gallery and noted some of his remarks:-

[Uganda's] President Yoweri Museveni and I did not agree on what was the cause of the fighting in Kisangani.

Before I went to Mweya, I talked to the Ugandan President. I told him that the UPDF had attacked PRA positions in Kisangani.

He had an opposite view.

I proposed that we summon both the RPA and UPDF commanders in Kisangani to tell us exactly what was going on. President Museveni accepted the idea, but told me he was not feeling okay. He told me he was in Mweya and I said I would find him there.

I communicated to our commanders in Kisangani to be ready to be flown to Kisangani. By the time I arrived in Mweya, Uganda had deliberately undermined the proposal. I went ahead and proposed that we dispatch the top commanders from the two countries to assess what had exactly happened.

That is how the commission of inquiry was formed.

When I arrived in Mweya, Uganda had already drafted the allegations on which the investigations would be held.

All the allegations were against RPA. I said I had no problem with that since the investigations would prove who was in the wrong.

However, Ugandans started accusing the Rwandese of being treacherous, of breaching the cease-fire as well as attempting to assassinate Prof. Wamba.

Now the Kisangani report has exhaustively examined and investigated all the allegations. Clearly what the report shows is that the UPDF is 100% responsible of the fighting that took place in Kisangani. This was not only demonstrated in this report, but on video films recorded as Ugandan commanders and soldiers testified to the commission. The UPDF officers and men interviewed are clear on this.

Uganda lost several soldiers although some people have tried to play down the numbers. Personally I believe there were no winners in Kisangani, though the Ugandans have chosen to misrepresent the facts. It is clear that the allegations against the RPA are entirely false.

The report shows a sequence of events beginning August 13, when the UPDF continued to force the RPA from its positions at Bangoka (Kisangani International Airport) until finally the UPDF opened fire.

When we dispatched Col. James Kabareebe to Kisangani on August 9, we instructed him to ensure that RPA avoids fighting the UPDF as much as possible.

This is demonstrated in the report and the video evidence.

Ugandan commanders and soldiers in Kisangani admitted it.

The violation of the cease-fire was not by the PRA. It was by the UPDF. Major Ssentongo Ddiba in his testimony clearly states that throughout the fighting between the RPA and the UPDF, he never received any orders to cease-fire.

Rwandans did not start the fighting. Rwandans were not treacherous.

As a matter of fact, it was the contrary.

We instructed our commander at Wagenia Hotel to cease-fire which he promptly did.

But the UPDF came out treacherous and sent more re-enforcement to attack the RPA positions. Major Rurusha, the RPA commander responded and [drove] them out of the Wagenia and scattered other UPDF forces who were attacking his positions in all directions.

Prof. Wamba, Col. Otafire, Major Mayombo and Major Ikondere were given safe passage by the RPA.

When I came here (in parliament) last month, I said I would not comment on the Kisangani events, since investigations were still going on.

President Museveni went ahead addressed the Ugandan Parliament on the issue after personally signing a letter he wrote to a newspaper!

Personally, I believe President Museveni wanted to say, "this is what I want to be published in the report."

This is confirmed by the fact that the UPDF has now rejected the report, a report by a joint commission made up of Ugandans and Rwandans. It was signed by Uganda's own army commander [Maj. gen. Jeje Odongo and] the UPDF is trying to suppress the report!

They want a veto.

Personally, I believe the correct way to have gone about it, would have been to summon the commanders we gave the assignment to present their findings to us, so as to find a joint way of handling the report.

Now the UPDF is shifting the goal-posts.

The report is based on the truth and no one can suppress the truth.

It has to be told.

When the UPDF arrived in Congo last year, they launched a virulent anti- Rwandan campaign. They called us all sorts of names, thieves, oppressors, arrogant etc.

We told them this was a wrong method of work.

We told them if there are any criticism, we should get together and resolve the problems.

The UPDF's position was to smear or slam Rwanda the way they pleased and Rwanda had no right to reply.

The Ugandans accused us of having brought Kabila on the political scene, but it is the Ugandans who introduced him to us.

Personally, I never got to know Kabila until late 1995.

Last year, I headed a delegation to discuss a number of accusations that had been levelled against the RPA by the Ugandans.

We agreed to set up a joint committee headed by Uganda's Amama Mbabazi and Rwanda's [Patrick] Mazimpaka and senior army officers from both sides.

The report came out in October 1998. Ugandans decided to suppress it. Now they want to treat the Kisangani report the same way!

Last year we agreed on a joint military command when Brig. [James] Kazini came to Kigali for a meeting which was supposed to finalise the issue, with Rwandan commanders.

He overruled what had been agreed on earlier on between the two sides in Uganda. He insisted on a separate sectors.

Meanwhile the UPDF insisted that the RPA should leave Kisangani for them.

We said No!

The UPDF proposed that our forces should be under their command.

We said no!

They decided to launch a disinformation campaign that they controlled Kisangani.

The recent events are a culmination of what the UPDF had been gunning for all along time; the RPA to leave Kisangani for them.

On August 7, an attempt was made by the UPDF to forcefully eject the RDC/Goma out of Kisangani.

Ugandans have created factions in the Congo -- [Jean Pierre] Bemba's MLC and the Wamba factions.

We have on several occasions tried to resolve this confusion in Dodoma and Dar-Es-Salaam, Tanzania but the Ugandans have not shown any good faith.

When the Zambian minister for Presidential Affairs (Mr. Eric Silwamba) went to Kisangani to verify claims of the factions over Kisangani, there was no Wamba.

The minister proceeded to Kampala in attempt to meet Wamba, he was refused access to the professor.

The Ugandans advised the Zambian minister to go back to Kisangani and that [Prof.] Wamba would meet him there.

Meanwhile the UPDF attacked RDC/Goma forces to create a space to show to the verification teams -- a space they would portray as Wamba-controlled.

When the joint committee of the South Africa Foreign Affairs minister and the Zambian minister for Presidential Affairs went to Kisangani for verification, a man posted by the UPDF as the commander of the Wamba forces stunned the two ministers and the delegation when he declared that his faction had a "company composed of three brigadiers."

The events of August 13-17 were culmination of a long-term plan by the UPDF to throw the RPA out of Kisangani, to make it an exclusively Wamba territory.

In fact at one time, the Zambian and South African ministerial delegation witnessed plane-loads of UPDF troops landing in Kisangani. They remarked to us that the Ugandans were preparing to attack us.

We Rwandans have been victims of our own transparent and polite way of handling issues.

It is about time we started exposing the truth.

We hope to co-operate with our friends, but the truth has to be told.

Otherwise, insults from Uganda should be treated with all the contempt they deserve.

They have called us treacherous, traitors and dogs.

But ultimately dogs get to be known.

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Wamba, Uganda split over cabinet posts

The Monitor (Kampala)
October 24, 1999
Posted to the web October 24, 1999

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David Kibirige
Kampala

A rift has emerged between the Ugandan government and Congolese Rally for Democracy (RCD)-Kisangani, leader Prof. Ernest Wamba dia Wamba who is now based in Bunia, Sunday Monitor has learnt.

Sources say the disagreements stem from Wamba's appointment of new cabinet officials Oct. 1, some of whom Uganda is opposed to.

Prof. Wamba had two vice presidents (not yet appointed), a prime minister, a deputy prime minister, eight ministers and nine deputy ministers.

Among his appointments was Adele Mugisa Lotshove, 48, who had been appointed by Uganda as Governor of Kibali-Ituri. Wamba named Adele Mugisa as minister for Infrastructure, Public Transport and Communications.

However, our sources told us that Uganda was unhappy with Wamba's appointment of Adele Mugisa and wanted her to stay as on as governor of Kibali-Ituri.

Unconfirmed reports say that Mugisa's appointment letter as Governor had actually been signed by Brig. James Kazini, who has been until recently the supreme commander of Uganda's forces in the Congo.

In an interview she had with the Congolese newspaper, Les Coulisses Sept 27, Adele Mugisa denied that Kazini had influenced her appointment, and that there were problems with Prof. Wamba.

"Kazini never nominated me," she said Sept. 04 "When I saw him, he assured me of written security. He gave me some advice on the economic and democratic issues of the territory [Kibali-Ituri]. It was normal that I am given written security which would bind the Ugandan officers in the towns of Bunia and Muhagi."

Adele Mugisa also vehemently denied being a plant saying, "I am not an agent of Uganda. That is totally false."

"I approached Kazini to make him know my intentions of creating a province. He told me if you want to create your province, I will give you security" Adele Mugisa said.

Sunday Monitor was Oct.16 reliably informed that after Wamba appointed Mugisa, a Ugandan delegation approached him and advised him to retain her as Governor because she could mobilise better.

Wamba is reported to have told off the Ugandans saying it is the Congolese to decide their destiny and not Uganda, a situation that is similar to how Rwanda fell out with the Banyamulenge rebels. A senior security source however, said that Uganda was trying to mediate, not dominate.

"Uganda was not dictating to Wamba what he should do but just advising him. If this guy continues like that he will end up with no one on his side," the official said.

Sunday Monitor has learnt that the people of Kibila-Ituri (with Ugandan encouragement) wanted Adele-Mugisa to remain governor instead of being appointed minister. Sources say the money in the Congo is in granting mining concessions in areas where there is no longer much bureaucratic control, and not in being a minister in Wamba's cabinet.

Minister in Charge of the Presidency, Dr Ruhakana Rugunda could neither deny nor confirm the new development.

"I don't have the details yet but in principle we are not supposed to

appoint governors in Congo. But you get me the details on Monday and will help you in whatever way," Rugunda said.

Sources said that the split between Wamba and Uganda might have been one the causes of the Aug. 14-15 clashes between UPDF and RPA which left a big number of Ugandan soldiers dead.

In May this year, Prof. Wamba was ousted from the presidency of the RCD by radical founder members who replaced him with Dr. Emile Ilunga. Wamba immediately relocated to Kisangani from Goma under heavy Ugandan security. Ilunga was thought of as a friend of Rwanda, and still is.

The incessant splits and quarrels among the anti-Laurent Kabila alliance have provided enormous relief to the beleaguered DRC president since August 2, 1998 when they took up arms against him.

As well as Ilunga and Wamba being supported by different countries, there is Jean Pierre Bemba who enjoys independent Ugandan support.

Another rebel group National Council of Resistance for Democracy (CNRD) surfaced recently and claimed to be backed by Uganda. In an Oct. 14 statement CNRD said it had sacked its chairman, Gaston Kangele Mubawa and replaced him with Malinga Makwa.

CNRD secretary accused Kangele of making contacts with Rwandese government officials.

Mitima reiterated that CNRD was still fighting alongside Wamba dia Wamba's RCD-Kisangani.

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100 UPDF officers promoted

The Monitor (Kampala)
November 17, 1999

By Julius Mucunguzi
Kampala

Over 100 top UPDF officers have been promoted to various ranks, the deputy Army Commander Brig. Joram Mugume has said.

Mugume made this revelation during the funeral service of the late Lt. Col. Reuben Ikondere at All Saints Church Nakasero yesterday. Ikondere was according to the UPDF killed by Mayi Mayi militiamen in the Democratic Republic of Congo (DRC).

"I would like to clear an issue which has been of public concern that the promotion of the late Ikondere was political. There was no politics in it at all," Mugume started.

"In fact, over 100 officers and men of the UPDF have been promoted the decision took place on November 8, but the communication only delayed. It was in this group that Ikondere was promoted from Major to Lt. Colonel," he added. (See, Ikondere died just after he was promoted, The Monitor Nov. 16)

Brig. Mugume said that among those promoted was Noble Mayombo who is now a Lt. Colonel from the rank of Major.

The Monitor has also learnt that the Director of Chieftaincy of Military Intelligence Col. Henry Tumukunde has been promoted to Brigadier. The names of the other officers who have been promoted could not be established as the responsible personnel had all gone to Mbarara for Ikondere's burial.

Mugume described the late Ikondere as a "gallant soldier". He said that the death of Ikondere should not discourage the other officers from continuing with the struggle.

"Dying is part of our daily life.. one should pursue his mission, and when death comes, it is non of our business," Mugume said.

Meanwhile RCD-Kisangani rebel leader Professor Wamba dia Wamba yesterday mourned the late Lt. Col. Reuben Ikondere who was killed in the DRC on Sunday Nov. 14.

"Ikondere was very committed to the liberation of and political stability of the DRC and now without him, it will be difficult," the academician - turned rebel leader said.

"He was a very committed and creative officer, and without him, it would have been difficult if not impossible to overcome our enemies in Kisangani," he added.

The late Ikondere was the commander of the UPDF in Bunia DRC and head of Wamba's escort squad.

It is said that during the mid- August clashes between Rwandese Patriotic Army (RPA) and the UPDF in the DRC city of Kisangani, where the RPA over-run Wamba's headquarters at Hotel Wagenia, it was Ikondere who saved Wamba from being captured by literally carrying him on his shoulders.

The visibly down cast Wamba who shed tears as he laid the wreath on Ikondere's coffin pledged to give the family US\$ 5000 (Shs 7.5m).

"His creativity enabled us to protect the Zotexki Hotel where I was staying when the RPA attacked us," he said.

At one moment during the August clashes, RPA claimed it had captured the late Ikondere.

There was no condolence message received from RPA.

The Army Chief of Staff, Brigadier James Kazini while explaining to the mourners the circumstances under which Ikondere died said that while they had information that he had been killed by the Mayi Mayi, it was Prof. Wamba who knew the details.

Wamba however could not give the details of Ikondere's death as he was whisked away by his body guards immediately after the funeral service.

The First deputy Prime Minister and Foreign Affairs Minister Eriya Kategaya who represented President Yoweri Museveni read out Museveni's condolence message.

"Ikondere was a gallant soldier who encouraged various groups in Northern Uganda to join the NRA. He made significant contribution to the pacification of the country," Museveni's message read in part.

Kategaya went ahead to defend Uganda's presence in the DRC reasoning that, "in my view, we can't sit and say that let the DRC go on fire and keep watching."

"I have heard some people saying that we should put our troops only on the boarder, but that can't be," he said.

The preacher of the day, Rev. Can. Dr. Edward Muhima stunned the mourners when he said that people are going to blame Museveni and the government for the death of Ikondere.

"This talk is already there on the streets people are going to be pointing fingers to the government and Museveni for the death of Reuben," Muhima said.

He added: "These accusations are there, and let us not pretend by burying our heads in the sand.. they are very there."

Alluding to the Book of Exodus in the Bible where the Israelite accused Moses for taking them away from Egypt where they had been held captives, Muhima said that the same kind of response will be advanced by people here.

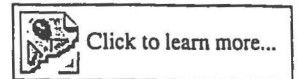
"That why did you take us there (read DRC) to die? they will say."

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Wamba Ousted, Flees Congo

The Monitor (Kampala)

April 13, 2000

Posted to the web April 13, 2000

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Donald Oucha in Bunia DRC & Julius Mucunguzi in Kampala
Kampala

Leader of the Ugandan backed DR Congo RCD-Kisangani rebel group, Prof. Wamba dia Wamba has fled his Bunia territory under mysterious circumstances, The Monitor has learnt.

RCD- Kisangani deputy Prime Minister and Finance minister Tibasima Mbogemu Atenyi, who is now in charge, told a cabinet meeting and journalists in Bunia April 11, that he was shocked that Wamba had left the area under "unclear circumstances."

"We cannot locate his whereabouts but we are certain he left at about 6:00 p.m. Congo time aboard a certain unscheduled flight, since then we have not heard from him," Tibasima said.

Tibasima had called the meeting to explain to the cabinet members the situation of the group since Wamba's "disappearance" in the heat of reports of an internal house coup against him.

Other sources in Bunia told The Monitor that on April 8 RCD-Kisangani chartered an Eagle plane for Wamba, but that he didn't leave by it.

"[The plane] was parked at Bunia Airport for over 7 hours ready for the chairman to travel in, but Wamba entered the plane twice and finally made up his mind not to travel," the source said.

It added that; "He came out of the plane and stayed in his presidential car for over thirty minutes, then he was driven back to his home without talking to his cabinet ministers."

Wamba also ordered the camera of a TV journalist who had been covering the circus to be confiscated. Wamba, who was to travel at 8.00 a.m. kept his entourage of several RCD government ministers and the Ituri Province Governor, Uringi Padolo, waiting at Bunia Airport until he arrived at 11.00 a.m.

The deputy governor in charge of Finance in Ituri province Prof. Ruhigwa Baguma told The Monitor in Bunia that several of Wamba's minister's had declined to travel with him to Kampala.

According to Tibasima, Wamba was on April 8 scheduled to attend a reconciliatory meeting of various rebel movements fighting to oust DR Congo President Laurent Kabila in Kampala.

Tibasima explained that he had learnt that "a certain soldier reportedly advised Wamba to leave Bunia as soon as possible otherwise he would be killed in the night."

He said that the unidentified soldier also reported a likely coup against Wamba in the night of April 08.

The RCD faction opposed to Wamba accuse him of "absconding from duty and spending a lot of time in Uganda without the permission of the movement."

"We simply want to fight and overthrow the Kabila government. It is only Wamba who is frustrating our task to wage massive war on Kabila, by planning to talk with Kabila. RDC-Kisangani should get a leader who sides with the decisions made by the people," a rebel functionary from Barire Makpo said.

The Monitor yesterday run a story that Wamba had been sacked and replaced by his Prime minister Mbusa Nyamwisa, but his aide Frank Lusambo denied it.

The UPDF deputy Chief of Military Intelligence Lt. Col. Noble Mayombo told The Monitor last evening that Uganda was still behind Wamba.

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"All those developments are of no consequence since Uganda still backs Wamba," Mayombo told The Monitor on phone.

"I know of all those meetings, but they are of no consequence," Mayombo added.

Professor Wamba's aide based in Kampala Frank Lusambo told The Monitor yesterday that Wamba was in another of several day-long meetings he has had with officials since he arrived in Kampala.

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'Uganda Won't Appoint Congo Rebels Leader'

The Monitor (Kampala)
April 20, 2000
Posted to the web April 20, 2000

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Julius Mucunguzi & AFP
Kampala

Uganda cannot choose leaders for the rebel-ridden DR Congo, minister for the Presidency Dr Ruhakana Rugunda told The Monitor yesterday evening.

He was reacting to remarks by the head of the main rebel group, Emile Ilunga that the Congolese Rally for Democracy (RCD) has "sharp differences" with its Ugandan backers.

"We have sharp differences with Uganda," Emile Ilunga, told the French News Agency AFP late Tuesday.

The RCD, which also has the backing of Rwanda, gained Uganda's support for its fight against President Laurent Kabila when it began its rebellion in August 1998.

"There have been several examples of unfriendly behaviour on Uganda's part," Ilunga said.

He referred in particular to fierce battles in Kisangani last August, when Ugandan troops fought against RCD rebels and Rwandan troops for the control of the city.

Some 300 people, including civilians, died in the fighting.

Ilunga referred also to "violations of sovereignty such as the carving up of the Oriental and North Kivu provinces and the naming of a new governor without consulting us first."

Ilunga also complained about Uganda's support of two other DRC rebel groups.

"We have a difficult relationship with Uganda also because Kampala supports two other freedom movements," the Movement for the Liberation of Congo (MLC) led by Jean-Pierre Bemba and a breakaway faction of the RCD called the Congolese Rally for Democracy-Liberation Movement (RCD- ML), led by Ernest Wamba dia Wamba, he said.

Uganda "had agreed to support just one liberation movement" in the DRC, Ilunga said.

"Uganda is not making the effort to encourage the unification of the Congolese insurrectional movement," Ilunga said.

Reacting to Ilunga's remarks, Rugunda said that Uganda supports Congolese people.

"Our position is very simple, we support the Congolese people to be free, peaceful, united, democratic and to develop their country," Rugunda told The Monitor on phone last evening.

He said that Uganda's preference would be to have a united Congolese rebel movement.


"But we can't arrogate or pretend to chose leaders or determine the destiny of the Congolese people. It is up to them," he added.

He said that Uganda has supported numerous efforts aimed at uniting the DRC rebel movements, citing " the meetings in Kabale, and other parts of the country."

"The president and the National Political Commissar have been spearheading efforts to promote unity within and among the rebel groups in DRC," Rugunda said.

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UPDF 'Pocketed' By Wamba - DRC Rebel

The Monitor (Kampala)
August 22, 2000
Posted to the web August 22, 2000

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James Tumusiime
Kampala

A representative of a rebel faction has accused RCD-ML leader, Prof. Wamba dia Wamba of "using" the UPDF against the DR Congo population.

Ringo Baraka, who said he represents another rebel leader, Jean Pierre Bemba, in Ituri province told The Monitor in Kampala yesterday that Wamba's action had renewed ethnic clashes in the region. Baraka also accused Wamba of tearing apart the rebel group by suspending his top most lieutenants, Mbusa Nyamwisi and Tibasima Atenyi, instead of seeking unity.

He said the people of Ituri do not want Prof. Wamba in their territory any more. He welcomed the presence of Uganda's Minister for the Presidency, Dr. Ruhakana Rugunda, and Minister for Security, Muruli Mukasa to mediate in the conflict.

He said, however, Uganda's National Political Commissar, James Wapakhabulo and the Presidential Advisor on Congo, Col. Kahinda Otafire, who have been active in the region before were "pocketed" by Wamba.

Press reports yesterday indicated that the Hema-Lendu conflict in eastern Congo had flared up and that the Lendu were targeting UPDF soldiers. According to the reports, the latest fighting had claimed up to 142 lives and displaced about 10,000 people since last week.

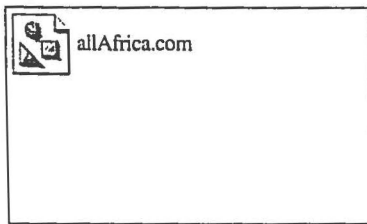
The reports also claimed Wapakhabulo, Rugunda, Muruli Mukasa and Col. Otafire had reportedly arrived in Bunia over the weekend to mediate in the conflict.

Baraka told The Monitor at Yovani Hotel in Kampala that the figures of dead and displaced cited in the reports were "conservative". He did not give fresh figures.

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UN Congo Experts Are Corrupt Museveni Report Contained 'Absolute Rubbish'

The Monitor (Kampala)

May 11, 2001

Posted to the web May 11, 2001

By Henry Ochieng

President Yoweri Museveni has accused the United Nations (UN) panel of experts that released a report last month accusing senior UPDF officers of plundering the Congo's natural resources, of corruption.

Museveni, who was addressing a meeting of Parliament at the International Conference Centre Wednesday night, accompanied the accusation with unreserved scorn and thinly concealed disgust.

Because they are corrupt they think everybody is corrupt. They have never heard the word patriotism; we patriots cannot get on with colonial minded people. I think of liberation, they think of exploitation, the President charged.

He said the panel, which spent six months investigating allegations of illegal exploitation of the Democratic Republic of Congo's resources, had no idea of what they were talking about. The President zeroed on the panel chairperson, Safiatou BaNDaw, whom he disparaged for having been part of the deposed former government in Ivory Coast, which fled in the face of its army's demands that it be paid salary.

Museveni kept referring to the panel leader as this girl, the other lady from Ivory Coast as he hinted on "neocolonial" forces seeking to distract reemerging African nationalism and liberation.

Defending Uganda against allegations that the country is perpetuating the war in the DRC for selfish interests, Museveni accused the UN of not treating African problems with seriousness. He asked why the UN has scaled down the number of observer troops planned to superintend the disengagement of forces in the Congo from 5,537 to just over 500.

There is now a minimalist approach where there will be 500 military observers and 2,460 support personnel like clerks and cooks. In a war situation, you need soldiers not cooks. Five hundred soldiers in a vast area like Congo is not a serious proposition, Museveni said.

He reminded the MPs of the time the international community alienated the government of former Tanzania President Mwalimu Julius Nyerere (RIP) when he backed Ugandan exiles in the liberation war, and said Uganda is now in a similar situation.

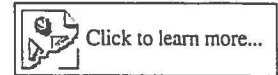
Defending historical crossborder trade between countries in the Great Lakes region, Museveni said the UN panel report was ridiculous and contained absolute rubbish when it claimed that Congo's coffee and tobacco were being looted.

There should be a distinction between illegal and legal. Certain activities, which are important for the subsistence of families, can't wait for the civil war to end. But for purely commercial ones, especially [large scale] mineral mining, they should wait for the war to end, Museveni said.

He said Uganda's gold exports increased to the present 10 tonnes per annum because of economic liberalisation that stopped black marketeering, and not because of the DRC. Museveni only conceded that it's possible because of our good policies that some gold could be coming from other countries.

The President promised to stick by the July 10, 1999 Lusaka Peace Agreement and insisted that Uganda went into the Congo to defend her security interests. He appealed for Parliament's support.

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Files On Congo Trade Go Missing

The Monitor (Kampala)

July 31, 2001

Posted to the web July 31, 2001

By Carolyn Nakazibwe And Katamba G. Mohammed

Files of companies owned by close relatives of top political leaders, whom a United Nations panel implicated in the illegal exploitation of natural resources from the Democratic Republic of Congo, have gone missing from the Registrar of Companies.

The Judicial Commission of Inquiry into the Illegal Exploitation of the DR Congo's Natural Resources yesterday gave the acting Registrar General, Ketra Tukuratre, up to Friday to produce a file for Trinity Investments, which is reportedly owned by Maj. Gen. Caleb Akandwanaho a.k.a Salim Saleh. This followed futile efforts by the commission to get details from Tukuratre concerning the registration of Trinity. Tukuratre also had no information about the Victoria Group, which is also reportedly owned by Saleh, his wife Jovia Akandwanaho and Maj. Muhoozi Kainerugaba.

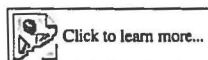
Saleh is President Yoweri Museveni's younger brother, while Muhoozi is the President's son. "My Lords, we have evidence that Trinity Investment does exist but the file seems to be missing," Lead Counsel Allan Shonubi told the panel chaired by Justice David Porter. The plea to produce the files came during Tukuratre's second appearance before the commission in one day, after the commission demanded that she returns in the afternoon with every file on Trinity that she could find. She returned with three other files whose directors were unknown.

"Well, well, well, you have got missing files in your registry as well," Porter remarked before asking her to reappear on Friday with the file. The UN panel accused Trinity Group of illegally dealing in timber, minerals and other fraudulent transactions with an alleged tax exemption. Victoria Group is similarly deeply implicated in the UN panel report as being involved in gross exploitation of natural resources and printing counterfeit Congolese currency.

Both companies were not found in the local and foreign registries. This is the second time Tukuratre is facing a judicial commission of inquiry over missing files. During the junk choppers probe chaired by Justice Julia Sebutinde in May, the file for Consolidated Sales Corporation (CSC) owned by rally ace Emma Katto could not be located.

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Junk Chopper Money Puzzles Congo Probe

The Monitor (Kampala) August 2, 2001 Posted to the web August 2, 2001

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Katamba G. Mohammed & Carolyne Nakazibwe

The source of funds for the purchase of junk military helicopters from Belarus is not indicated in the ministry of Defence records, the Judicial Commission of Inquiry into alleged exploitation of wealth from the Democratic Republic of Congo discovered yesterday.

The Permanent Secretary in the ministry of Defence, Gabindada-Musoke, yesterday appeared before the commission and denied that the ministry and the army ever receive any funding outside what is provided by the ministry of Finance.

Porter also queried the actual price of the helicopters, which Musoke said he was not in position to say without checking records, having joined the ministry only last year.

Musoke said purchases are covered in the ministry's recurrent budgets. He denied allegations that Congolese rebel factions taxed people in eastern Congo and sent the money to Kigali and Kampala to finance their war efforts.

He said that money for soldiers under the Operation Safe Haven was all part of the Defence budget. He also said that Defence supplemented the wage budget from the capital budget following the disappearance of the paymaster of Operation Safe Haven, Capt. Dan Byakutaga, with Shs 1.6bn meant for salary payments of soldiers in Congo.

Musoke said that between July 2000 and the end of the year, the ministry was paying about 12 battalions in the Congo, with each battalion comprising between 750 and 800 soldiers.

The commission also heard that the Uganda Peoples Defence Forces (UPDF) spent Shs 9.3bn on air transport of troops and equipment to the Congo between August 1998 and June 1999 and Shs 5.1b in 1999/2000. Musoke dismissed as untrue claims by the UN panel of experts that the UPDF spent an annual \$ 12.9m on air transport at a rate of \$ 2,000 per hour, for six hours for a return journey and three trips per day.

He said the figure went down as the troops stabilized and when the army started chartering planes. Musoke could not rule out the possibility of misuse of chartered planes by the army by transporting of private items.

When quizzed further about chartering planes, Musoke said that Defence trusts the army. He, however, said that the ministry lacks a mechanism of crosschecking cargo transported on the planes. "The practice is that the army requisitions for the plane and the ministry pays. We don't know the details of the cargo transported. We trust the army," Musoke said.

The commission also comprises Joseph Berko and John Rwambu, with Allan Shonubi as the Lead Counsel.

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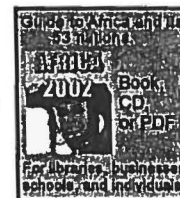
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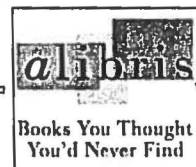
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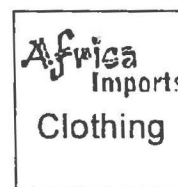
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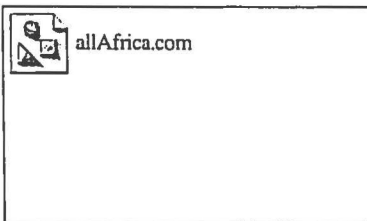


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Hired Planes Took Waragi to DR Congo , Probe Told

The Monitor (Kampala)
August 7, 2001
Posted to the web August 7, 2001

By Carolyne Nakazibwe And Katamba G. Mohammed

A UPDF officer in charge of loading aircraft for the Operation Safe Haven yesterday presented detailed load sheets for flights to the DR Congo, which indicated gross misuse of the aircraft at the expense of the ministry of Defence.

Maj. Musinguzi Jones Katafiire who coordinates Operation Safe Haven at Entebbe Tactical Headquarters, told the Judicial Commission of Inquiry into Exploitation of Wealth in the DRC, that on Dec. 12, 2000 twelve cartons of Uganda Waragi were ferried to the DRC for a brigadier. The table does not name the brigadier, but Brig. James Kazini headed Operation Safe Haven until July 2000 when he was replaced by Brig. Katumba Wamala, now a Major General and Inspector General of Police.

Katafiire also said army commanders approved civilian goods to be transported for trade in Congo on the planes meant for military cargo. A July 9, 2000 table of the contents on one of the planes indicated that former Movement parliamentary candidate in Lira Municipality, Sam Engola, ferried 50 bags of posho, 30 bags of dried beans and other assorted goods for free on a plane chartered by the ministry.

"I would like to apologise to the commission. This is a betrayal on the part of my juniors. I don't know about this, it is an embarrassment," Katafiire told the commission chaired by Justice David Porter.

He had earlier locked horns with the commissioners when he declined to name other commanders who authorized the ferrying of private goods on the planes, after naming Brig. Kazini and Col. Sula Semakula.

"The picture I see on your face says you are hiding something from us. Even your voice shows; you started trembling," Justice Joseph Berko, the commission's vice chairman, said.

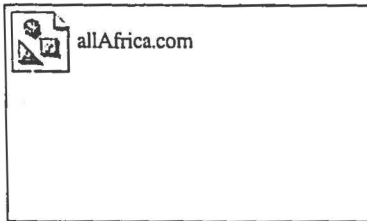
Other load sheets presented to the commission for the year 2000 showed that some planes had flown to Congo twice a day, carrying only a third of a tonne, yet their full capacity is 48 tonnes. Katafiire, however, said he did not record what the planes carried on their return from Congo. He later confessed seeing coffee and palm oil on some return flights.

The commission also heard that on June 14, 2000 after the last clashes between Uganda and Rwanda in Kisangani, the ministry of Defence flew 100 mattresses and 100 blankets to Congo.

"The mattresses were for putting on our dead and the blankets were to wrap up our dead, I recall now," Katafiire explained. The commission pointed out failures in his department, including poor packaging of dangerous materials like acid to go on the planes as well as poor coordination of what goes on the planes.

Earlier in the day, the commission heard from former Under Secretary (Logistics) in the ministry of Defence, William Luwemba Apuuli, who testified that the requests for charters were made to carry only army luggage.

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Aviation MD Allowed Risky Planes to Fly to Congo

The Monitor (Kampala)

August 15, 2001

Posted to the web August 15, 2001

By Katamba G. Mohammed And Carolyne Nakazibwe

Uganda Peoples Defence Forces (UPDF) chartered unlicensed and planes that were not airworthy to DR Congo, the Civil Aviation Authority (CAA) Managing Director Ambrose Akandonda has said.

Akandonda said this yesterday while appearing before the Judicial Commission of inquiry into the exploitation of wealth in the DR Congo.

Akandonda said that Knight Aviation did not meet CAA standards of operation and was therefore denied a licence, but ministry of Defence nevertheless recommended them for business.

Akandonda told the Commission that other airlines like Air Navette, VR Promotions and Sam Engola's Showa Trade had no licences but operated on letters issued by the permanent secretary of the ministry of Defence Dr Ben Mbonye. "How can a plane not be airworthy and still be allowed to fly? It runs on the same international runway that I land on when I return from England. I have got a problem with that, don't you have a problem with it?" Justice David Porter who chairs the commission said.

Akandonda said Uganda has one international airport and he had no capacity to stop the questionable planes from flying, to which Justice Joseph Berko warned that one such plane would one day crash at the Constitutional Square before CAA acts.

Akandonda also disclosed that a lot of the authority's money was tied up in debts related to Operation Safe Haven, as the ministry and private charter companies debate over who is supposed to pick the CAA bills. He said Knight Aviation, Air Navette, Air Cess, VR Promotions and ministry of Defence had not paid billions of shillings in aeronautic and passenger service fees, claiming that the ministry was supposed to meet the cost. "But ministry of Defence says these operators should meet their own financial obligations," he said. A total of US\$862,664 (Shs1.5b) is not paid, of which the ministry is directly responsible for US\$695,500 (Shs1.2b) Akandonda also gave the Commission details of the numbers of civilians and businessmen plying the Uganda-Congo route on military charters.

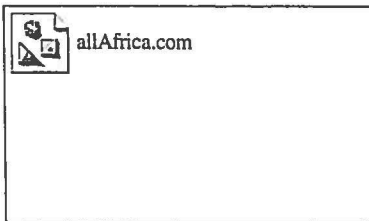
This follows the Commission's unsuccessful efforts to get the figures from the ministry and UPDF witnesses who insisted there were hardly any businessmen or civilian goods aboard the planes meant for military logistics.

The MD said 1,500 civilians used the old Entebbe Airport to fly to Congo in 1998/99 alone when Operation Safe Haven started. The following year, the number decreased to 800, before shooting to about 3000 in the year 2000/2001.

Akandonda estimated the figures from the amount of money CAA was collecting from the passengers as Passenger Service Charge, before they proceeded from the new terminal to the old airport, which also houses the Uganda Air Force base.

He however said he had no details about the goods that came back from Congo, since CAA was not directly responsible for the military base. He referred the commissioners to Uganda Revenue Authority, which got a customs point at the air base starting last year.

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For up to the minute sports,



General's Wife Flew Unlicensed Planes to Congo

The Monitor (Kampala)
September 5, 2001
Posted to the web September 5, 2001

By Katamba G. Mohammed And Carolyne Nakazibwe

Maj. Gen Salim Saleh's wife, Jovial Akandwanaho used two unlicensed aircrafts to fly to the Democratic Republic of Congo, the Judicial Commission of inquiry into the exploitation of natural resources from the Congo heard yesterday.

Jovial and her minor son Alexander, registered as a businessman and an adult, own the airline, Air Alexander. It was set up by Saleh (a.k.a Caleb Akandwanaho), who later sold his 50 percent shares to his wife. However, information available to the commission showed that Air Alexander never notified the Company Registry about the transfer of shares, implying that he remains a shareholder in the company.

The planes, which the Uganda Peoples Defence Forces hired, flew from the Entebbe military airbase to Kisangani in eastern Congo.

Jovial, who appeared before the commission sitting at the International Conference Centre yesterday, said that flights by Air Alexander were paid for in advance. The commission is chaired by Justice David Porter, assisted by Joseph Berko and John Rwambuya. Alan Shonubi is the Lead counsel.

Jovial said that they were licenced to fly "helicopters and other aircraft." However, Air Alexander also flew a passenger Boeing 707 and a cargo DC 8 to Kisangani. Jovial told the commission that the two planes were leased by Air Alexander from Kigali-based Planet Air. She also said she didn't know whether Air Alexander had any written agreement with the Ministry of Defence (MOD).

When asked how many planes her company managed to fly without licences, Jovial said: "All the aircraft were being cleared by CAA, and since they did not stop it, I took it for granted." Jovial denied any involvement in Victoria Group and Trinity companies, both mentioned in the report by the UN panel of experts. She also denied that she ever dealt in diamonds and that she was to blame for the Kisangani clashes between the UPDF and the Rwandan Army. "It's wrong, it's unfair* I am not even a platoon commander. There is no way I could cause a war," Jovial said.

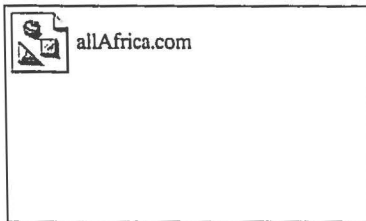
After her testimony she played hide-and-peek games with press photographers, and at one time sprinted and hid behind Saleh, who was present throughout her testimony. Jovial (she stressed that her name isn't Jovia) later held a file above her head while walking closely behind an unidentified woman, in a bid to avoid the photographers.

Another witness, Grace Majoro, a businesswoman with G.C.K Enterprises Limited, said that all her dealings in the Congo were within the law. She said that the Permanent Secretary in the MOD, Dr. Ben Mbonye, allowed her to operate a commercial activity from the airbase. Majoro named Kassim Buyondo as one of the other businessmen who were operating in Kisangani.

She said that she used to get timber from Amex Bois and get markets, although the Uganda Revenue Authority seized her first consignment of timber.

The minister of state for Regional Cooperation, Col. Kahinda Otafiire, is expected to appear before the commission today. Otafiire was formerly President Yoweri Museveni's advisor on the Congo.

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Kazini New Army Chief

The Monitor (Kampala)
November 5, 2001
Posted to the web November 5, 2001

By Andrew M. Mwenda

President Yoweri Museveni has fired Lt. Gen. Jeje Odongo as army commander and replaced him with Maj. Gen. James Kazini as the acting army commander.

In a surprise reshuffle of the Uganda Peoples' Defence Forces (UPDF), Lt. Gen Museveni also dropped the deputy army commander, Maj. Gen. Joram Mugume, and appointed him as presidential advisor on military matters.

Mugume now brings the number of presidential advisors to a staggering thirty-four.

According to a press release issued yesterday from State House, the president also promoted Col. Nakibus Lakara to the rank of Brigadier and appointed him Acting Army Chief of Staff.

He also promoted Col. Kale Kayihura to Brigadier and made him Chief Political Commissar in UPDF. Col. Kayihura who has returned from a one year advanced course from US retains his role as the Military Assistant to the President in charge of anti-smuggling.

Kazini, the new acting army commander, was once fourth division commander based in Gulu. On promotion to Acting Army Chief of Staff, a post he has held since 1999, he was then sent to head UPDF's operation Safe-Haven in Kisangani, Congo. It was during his command in Congo that the UPDF and RPA were engaged in bitter fights that came to pass for Kisangani I, II and III. Since his return from Congo, Kazini has been heading military operations against rebels in western Uganda.

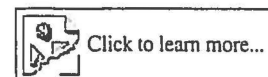
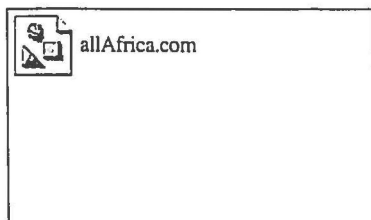
Col. Lakara has been Uganda's military representative at the East African Community in Arusha. Before then he was commander of the Second Division up to 1998, having been second in command to Kazini in the fourth division in Gulu. In 1999 he did a Command and Staff course at FortLivenworth College, US.

Only two weeks ago, Museveni promoted Odongo from Major General to Lieutenant General together with Salim Saleh, David Tinyefuza and Elly Tumwine.

In the same vein, the president promoted Kazini and Mugume from Brigadier to Major General. Later the president promoted more officers.

These new changes in the army come amidst hostilities between Uganda and Rwanda heightened by the now famous Aug. 28 letter by Museveni to British Secretary of State for Overseas Development Clare Short. Museveni asked Short to back Uganda's proposal to increase the defence budget in anticipation of Rwanda's aggression. Presidents Museveni and Paul Kagame are expected in London Nov.6 for peace talks.

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Defence Minister Rejects UN Report

The Monitor (Kampala)
November 22, 2001
Posted to the web November 22, 2001

Government has rejected the latest report of the UN Panel of experts, citing lack of substantive evidence against UPDF officers said to be involved in the exploitation of DR Congo resources, the minister of Defence, Amama Mbabazi, has said.

"There is no significant difference between the current and previous UN report, therefore, we reject it," Mbabazi told The Monitor in an interview yesterday.

He said that while the report implicates specific UPDF officers, there is no tangible evidence against them.

The UN panel of Experts on Monday submitted a 38-page addendum to the report, naming Army Commander Maj Gen. James Kazini, Lt Gen. Salim Saleh and the minister of state for Regional Co-operation, Col. Kahinda Otafiire, among those involved in the exploitation of DR Congo resources.

"It appears there is no sufficient evidence, even on the surface, to convince any reader of the report that there is a case against Saleh or Kazini," Mbabazi said.

He said the UN report falls short in terms of quality of evidence presented compared to the Justice Porter report, which contains sworn statements from a number of key witnesses.

"When you talk of quality of evidence, this report only talks about sources who are not named," Mbabazi said. "The quality of evidence in the Porter report is far greater than the UN report, which was made through picking street gossip as those friends of mine obviously have done".

He said that if government were to act, it would consider the Porter report, which he said, had been presented to the United Nations Security Council.

"Our next step is to continue with the Porter report. If anyone is found to have committed a mistake or breached the code of conduct we established, they will be punished," he said.

Mbabazi's reaction is in contrast to that of Third Deputy Premier and minister of Foreign Affairs, James Wapakhabulo, who said the report was fairly balanced (see UN Report Balanced, Says Wapakhabulo, The Monitor, Nov. 20).

Wapakhabulo said, Tuesday that although government does not fully agree with the report, it has some fresh positive aspects and recognised Uganda's legitimate security concerns in the DRC.

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'Col. Otafiire Paid Iron Sheets for Congo Timber'

The Monitor (Kampala)
November 29, 2001
Posted to the web November 29, 2001

By Katamba G. Mohammed

Minister of State for Regional Cooperation Col. Kahinda Otafiire exchanged iron sheets for Congo timber, a witness told the Justice David Porter Commission yesterday.

Boniface Kakare, 57, a timber dealer based in Kabarole said that in 1999 Otafiire gave him 750 iron sheets for 260 pieces of timber, which were valued at Shs 18m.

Otafiire, who wanted timber for construction, also gave him some iron sheets in advance for more timber, Kakare said.

Other commissioners on the Commission of Inquiry into the Exploitation of Resources from the Democratic Republic of Congo are John Rwambuya and Joseph Berko. The commission was sitting for the second time after releasing its interim report early this month.

Kakare said that he had a truck with 500 pieces of timber but did not have money to pay to the Uganda Revenue Authority at Nakawa. Otafiire provided Kakare with Shs 2m for clearance. The timber was unloaded at Otafiire's residence in Bugolobi, from where officials from the Forestry Department inspected and stamped it, Kakare said.

Kakare and the interpreter however confused the commissioners about the Shs 2m paid to URA, the total value of timber, iron sheets and how much money or iron sheets Otafiire paid in advance for more timber.

Kakare said, "I don't know how you look at it but he (Otafiire) gave me the money, I took the timber to his place and he selected what he wanted."

Porter told the translator, "Please be careful with what you are translating, translate what he says not what you want us to hear. We would miss many points if (Rwambuya) was not assisting us."

Kakare said that an Arab, Bewazir, also supplied timber to Otafiire, who told him to get some iron sheets from him (Kakare). Bewazir reportedly rejected the sheets as payment for the timber.

Otafiire told the Commission before it released its interim report that he lent Kakare money to pay taxes to URA, had the timber unloaded at his residence and that all timber was taken away when he paid Shs 2m.

The second witness Col. Peter Kerim swore an affidavit yesterday.

Today the Commission expects to hear testimony from the minister of Defence Amama Mbabazi, while the acting Army Commander Maj. Gen. James Kazini is expected tomorrow.

[Daily Monitor] [Sunday Monitor] [Ngoma]

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Gen. Kazini Impounded Saleh's Plane in Congo

The Monitor (Kampala)
December 1, 2001
Posted to the web December 2, 2001

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Katamba G. Mohammed

Acting Army Commander, Maj Gen. James Kazini, impounded an aircraft hired by Lt Gen. Salim Saleh, which was carrying undisclosed items to Kisangani in 1998, the Justice Porter probe heard yesterday.

Kazini, who was then Commander of Operation Safe Haven in the Democratic Republic of Congo, said the plane, flying from the military airbase in Entebbe from where it was not cleared, was a security threat to the Ugandan forces in Kisangani.

Kazini was yesterday appearing before the judicial commission of inquiry into the illegal exploitation of resources from the Congo.

When asked by the commission's chairman, Justice David Porter, about how a plane could fly from a secured base, Kazini said: "I don't know how they managed. It's a security loophole. The plane came without clearance."

"We were trying to implement the directive from (President Yoweri Museveni) on senior commanders engaging in business. We impounded the aircraft in Kisangani," Kazini said.

He said officers are not allowed to engage in business activities when in combat or when in a foreign country.

Kazini also said that the UPDF was not in position to secure the Kisangani airport because it was also controlled by RCD rebels.

The committee, which also includes Commissioners John Rwambuya and Joseph Berko, grilled the army chief over the procedures followed by military and civilian planes flying to Congo. The commissioners further quizzed Kazini about how he could release an impounded plane, considered a security threat, without even finding out its cargo.

"Why didn't you shoot it down if it was a security threat?" Berko asked. You would not allow it back to Entebbe."

"It was a blunder," Kazini replied, adding that they told the pilots never to return without clearance from Entebbe. He said he could not rule out the possibility that similar aircraft were landing in Kisangani without clearance.

Kazini said he was aware that Roger Lumbala of DRC knew the minister of state for Regional Cooperation, Col. Kahinda Otafiire, but said he was not aware of their business dealings, including the signing of two commercial agreements by Lumbala, Otafiire and some Belgian individuals.

The army chief denied that he knew Boniface Kakare, a timber dealer who told the commission Wednesday that Kazini and other army officers had connived to steal his timber. "I don't know him (Kakare). I was shocked by the news yesterday," Kazini said.

Kazini also denied allegations contained in the new UN report that he received payment from Congolese rebel chiefs, who also bring him diamonds on their trips to Kampala.

"If they bring money, it must be millions of dollars. You can come and check under my bed. I am a poor man," Kazini said.

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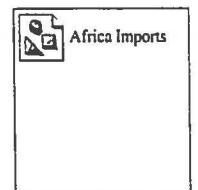
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200 Killed in Fresh Lendu-Hema War

The Monitor (Kampala) 17 Février 2002 Publié sur le web le 3 Mars 2002

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Over 200 Congolese civilians have been killed in yet another round of Lendu-Hema ethnic war in the north-eastern Congolese town of Bunia. Sunday Monitor has learnt. Fighting is said to have begun on Saturday morning and left over 200 people dead in one major clash at Kparuganza, 25km north of Bunia.

Uganda People's Defence Forces (UPDF) spokesman Maj. Shaban Bantanza confirmed the fighting saying the Defence Minister Amama Mbabazi is in contact the United Nations about the increasing ethnic skirmishes.

"We have had about the fighting and the Defence minister is contacting the UN representative to find quick solutions," Maj. Bantanza told Sunday Monitor.

The fighting with the highest single toll in many years of Hema-Lendu conflict comes a week after the UN representative in DR Congo asked Uganda to stop the ethnic war in the areas they control. However, Maj. Bantanza told Sunday Monitor that "when we intervene in such a situation we are accused of interfering in Congolese administrative issues, and when we let them solve their problem we are again accused of sitting back a watching the murders."

The fighting also comes three days after the US-based rights watchdog Human Rights Watch released a report that blaming the ethnic war on the UPDF forces. The report blames the top UPDF leadership of taking sides in the ethnic war.

The Lendu and Hema tribes located in the Uganda-controlled Congolese territory have a long running land dispute dating back nearly a century ago.



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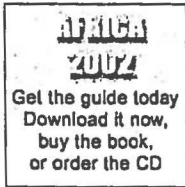
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Liens Pertinents

- Afrique Centrale
Afrique de l'Est
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Ouganda



Les délégués de Sun City approuvent un projet de plan économique
Masire à la recherche d'un accord à Sun City
Le Gouvernement refuse de déposer la liste des conventions signées durant la période de deux guerres
Une délégation du Département d'Etat attendue ce jeudi à Sun City
Des ONG internationales demandent la suppression de la Cour d'ordre militaire (COM) en RDC

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Civil Aviation Bosses Apologise to Rugasira

The Monitor (Kampala)
March 23, 2002
Posted to the web March 23, 2002

By Carolyne Nakazibwe

Civil Aviation Authority (CAA) yesterday apologised to VR Promotions proprietor Andrew Rugasira for implying the company had forged CAA tax invoices to present before the probe.

Appearing before the Judicial Commission of Inquiry into the illegal exploitation of DR Congo's natural resources, CAA's Andrew Musoke said they regretted the impression.

On Wednesday the two parties appeared before the Justice David Porter probe to iron out problems surrounding five flights not recorded by the CAA.

Whereas Rugasira insisted, with documents, that the flights paid for by the Ministry of Defence had taken place, Musoke said if they were not in the CAA flight logbooks, then they were 'ghost' flights.

But yesterday Musoke admitted that three of the flights had been traced after crosschecking with their Entebbe offices.

The Commission wondered how Musoke could fail to identify the signature of the CAA manager for Finance, after he conceded that Rugasira's documents were authentic after all.

Porter's probe cleared Rugasira, saying judging from the evidence collected, the Commission would reach judgement over the missing two flights.

The Commission also asked the CAA to explain why the authority allowed civilian flights out of the military air base, knowing the safety implications.

The authority's Regulation and Air Traffic Services manager Samuel Muneza said the flights, most of them by Antanov aircraft, were allowed after consultation with the ministry of Defence.

"Where in the (CAA) statute does it say that the ministry of Defence can give CAA guidelines?" Porter asked.

Muneza said any flight that operated from the old airport was considered military. He said CAA contacted Col. Kahinda Otafiire over fears that the flights were in violation of DRC's sovereignty, but they were assured they were military flights.

"One airline ferried cocoa, is cocoa a military service or you are now manufacturing chocolate at the military air base?" commissioner Berko asked.

The commissioners felt the CAA was weak and should have controlled the situation, especially since most of the civilian aircraft were not fit to fly into war zones.

Porter noted that then Permanent Secretary Dr. Ben Mbonye had written to CAA denouncing the civilian flights as belonging to Defence, but CAA had not done anything about it.

He ordered the CAA to return with a proper submission on the matter.

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ANNEX 2.15

**Verbatim record of the hearing of Major Buyuni A. Faray,
20 November 2001**

Verbatim record of the hearing of Major Buyuni A. Faray, 20 November 2001

[Translation]

Pro Justitia

Verbatim record of the hearing

In the year 2001, on the twentieth day of the month of November; before us, Captain Lindjandja Mungamba, law officer, Assistant Legal Adviser at the Service for the Military Detection of Unpatriotic Activities, external branch (*Détection militaire des activités antipatrie* or DEMIAP-Ext); in our office in the former Sicotra building in the municipality of La Gombe, appeared the said Buyuni A Faray, son of Buyuni and of Feza; from Kasongo, Maniema Province; born in Kindu on 19 September 1958; married to Yohali, six children; reservist, staff headquarters of the land army; resident at Tshatshi Camp, who answered our questions in French, as follows:

Q: What was your position before 2 August 1998?

A: I was the commanding officer of the 501st battalion in Kinshasa.

Q: Please tell us about the part you played in operations after 2 August 1998.

A: In November 1998, the high command ordered me to back up the units of the Congolese armed forces positioned in Bumba, with the objective of recapturing Aketi and Dulia. On my arrival in Lisala on 19 November 1998, I made contact with Commander Agolowa, and with the Bishop of Lisala, of whom I made enquiries as to the attitude of the local people. Thus I learned that Ugandan troops had arrived in Bumba on board a vessel belonging to a firm called Sorgerie.

According to information received from the Catholic mission in Boyange, some Ugandan troops had halted in Bumba after attacking Aketi, whereas those advancing towards Lisala had come from Kisangani on board the Sorgerie vessel, arriving in Bumba on 22 November 1998.

On 24 November 1998, my battalion left Lisala to advance towards Bumba. At Angbonga, 45 km from Lisala, my forward section was ambushed by the enemy and a soldier named Tshibangu died.

On 26 November 1998, there was a skirmish at Mindembo (a coffee plantation), with the loss of a second man.

On 27 November 1998, on arrival in Mondjamboli, I was informed that the enemy was advancing towards the town with two tanks and an off-road vehicle, which had been transported there by boat.

On 4 December 1998, there was a skirmish at Mondjomboli, in the course of which I lost one company commander, two platoon commanders and 37 men.

After that skirmish, we retreated to Lisala, which fell on 10 December 1998.

Our efforts to defend Lisala having failed, the units positioned there retreated to Lolonga, and from Lolonga my battalion was sent to the Ingende front.

Q: Do you have anything to add?

A: No, save that Uganda's tanks and artillery gave them greater firepower. That is what made the difference in the operations which my battalion and I conducted on the Lisala-Bumba front.

Having read his statement, the witness maintains his testimony and signs together with us:

The witness
(Signed) Faray

Authenticated by
(Signed) [Illegible]

ANNEX 2.16

***Mortality in the Democratic Republic of Congo. An ongoing Crisis*, reported by Benjamin Coughlan (Burnet Institute, Melbourne, Australia), Pascal Ngoy (International Rescue Committee, Kinshasa, DRC), Flavien Mulumba (International Rescue Committee, Kinshasa, DRC), Colleen Hardy (International Rescue Committee, New York, USA), Valérie Nkamgang Bemo (International Rescue Committee, Abidjan, Ivory Coast), Tony Stewart (Burnet Institute, Melbourne, Australia), Jennifer Lewis (Burnet Institute, Melbourne, Australia), Richard Brennan (International Rescue Committee, New York, USA)**

MORTALITY IN THE DEMOCRATIC REPUBLIC OF CONGO

AN ONGOING CRISIS



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75 YEARS FROM
HARM TO HOME



Reported by

Dr. Benjamin Coghlan
Burnet Institute, Melbourne, Australia

Dr. Pascal Ngoy
International Rescue Committee,
Kinshasa, DR Congo

Flavien Mulumba
International Rescue Committee,
Kinshasa, DR Congo

Colleen Hardy
International Rescue Committee,
New York, USA

Dr. Valerie Nkamgang Bemo
International Rescue Committee,
Abidjan, Ivory Coast

Dr. Tony Stewart
Burnet Institute, Melbourne, Australia

Jennifer Lewis
Burnet Institute, Melbourne, Australia

Dr. Richard Brennan
International Rescue Committee,
New York, USA

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EXECUTIVE SUMMARY

The Democratic Republic of Congo (DR Congo) has been mired in conflict for over a decade, with devastating effects on its civilian population. The most recent war of 1998–2002 was characterized by mass displacement, collapse of health systems and food shortages, all contributing to major elevations of mortality. Although a formal peace accord was signed in December 2002, the war has since given way to several smaller conflicts in the five eastern provinces that have continued to exact an enormous toll on the lives and livelihoods of local populations.

Since 2000, the International Rescue Committee (IRC) has documented the humanitarian impact of war and conflict in DR Congo through a series of five mortality surveys. The first four studies, conducted between 2000 and 2004, estimated that 3.9 million people had died since 1998, arguably making DR Congo the world's deadliest crisis since World War II. Less than 10 percent of all deaths were due to violence, with most attributed to easily preventable and treatable conditions such as malaria, diarrhea, pneumonia and malnutrition.

Recent political developments together with improvements in security and humanitarian funding have raised hope that DR Congo could emerge from years of crisis. A number of international agencies have expressed optimism that such progress would yield an early humanitarian dividend. But DR Congo faces many challenges on its road to recovery and development.

This fifth and latest survey, covering the period from January 2006 to April 2007, aims to evaluate the current humanitarian situation in DR Congo by providing an update on mortality. Investigators used a three-stage cluster sampling technique to survey 14,000 households in 35 health zones across all 11 provinces, resulting in wider geographic coverage than any of the previous IRC surveys.

The key findings and conclusions are:

1. Elevated mortality rates persist across DR Congo.

More than four years after the signing of a formal peace agreement, the DR Congo's national crude mortality rate (CMR) of 2.2 deaths per 1,000 per month is 57 percent higher than the average rate for sub-Saharan Africa. This rate is unchanged since the previous IRC survey in 2004. These findings indicate that DR Congo remains in the midst of a major humanitarian crisis. As with previous surveys, mortality rates are significantly higher in the volatile eastern provinces than in the west of the country. In addition, mortality rates have risen significantly in the center of DR Congo (a region referred to as *Transition East* in the attached survey). Based on the results of the five IRC studies, we now estimate that 5.4 million excess deaths have occurred between August 1998 and April 2007. An estimated 2.1 million of those deaths have occurred since the formal end of war in 2002.



2. Modest, yet statistically significant improvements in mortality were documented in the eastern provinces.

For the period covered by the survey, the only region to record a significant reduction in mortality since 2004 was that encompassing the five eastern provinces (referred to as *East 2002* in the attached report). This improvement coincided with a reduction in the risk of violent death, as well as a more robust U.N. peacekeeping effort by MONUC, the international force in DR Congo. Nonetheless, the CMR in this region is still 2.6 deaths per 1,000 per month, a rate that is 85 percent higher than the sub-Saharan average. Ironically, it is these slight but notable improvements that are now being threatened by the current escalation of violence in North Kivu province.

3. Most deaths are due to preventable and treatable conditions.

While insecurity persists in the eastern provinces, only 0.4 percent of all deaths across DR Congo were attributed directly to violence. As with previous IRC studies in DR Congo, the majority of deaths have been due to infectious diseases, malnutrition and neonatal- and pregnancy-related conditions. Increased rates of disease are likely related to the social and economic disturbances caused by conflict, including disruption of health services, poor food security, deterioration of infrastructure and population displacement. Children, who are particularly susceptible to these easily preventable and treatable conditions, accounted for 47 percent of deaths, even though they constituted only 19 percent of the total population.

4. Recovery from conflict is a slow and protracted process.

The persistent elevation of mortality more than four years after the official end of the 1998–2002 war provides further evidence that recovery from conflict can take many years, especially when superimposed on decades of political and socioeconomic decline. These data are consistent with those from other conflict-impacted states. Sustained and measurable improvements in key indicators such as mortality will require committed national and international engagement for many years.

The IRC survey overlaps only partially with the period since December 2006, during which there has been an escalation of violence in North Kivu province, resulting in the displacement of more than 400,000 persons. Recent political and humanitarian gains are in jeopardy and further escalation of the conflict could potentially destabilize the region beyond DR Congo's own borders. Steadfast international commitment to secure recent gains, prevent further deterioration and scale up assistance to other regions of the country is as necessary now in DR Congo as at any other recent period.

ACRONYMS AND ABBREVIATIONS

| | |
|-----------------|---|
| CI | Confidence interval |
| CMR | Crude mortality rate |
| deff | Design effect |
| DR Congo | Democratic Republic of Congo |
| ICC | Intra-class correlation |
| IRC | International Rescue Committee |
| MOH | Ministry of Health |
| MONUC | Mission des Nations Unies en République Démocratique du Congo (United Nations Mission in the Democratic republic of Congo) |
| U5MR | Under-5 mortality rate |
| WHO/EPI | World Health Organization Expanded Program on Immunization |



INTRODUCTION

The persisting humanitarian crisis in the Democratic Republic of Congo (DR Congo) is among the most complex, deadly and prolonged ever documented. The wars of 1996 and 1998 resulted in massive disruption to the social, political and economic fabric of the country. The second war officially ended in December 2002 but has since given way to several smaller conflicts in the five eastern provinces that continue to exact an enormous toll on the lives and livelihoods of the Congolese people.

Between 2000 and 2004, the International Rescue Committee (IRC) conducted a series of four mortality surveys to evaluate the humanitarian impact of conflict in DR Congo.^{1,2,3,4,5} The first two surveys (2000 and 2001) were confined to the five eastern provinces; the latter two (2002 and 2004) were nationwide, covering all 11 provinces. In aggregate, these studies estimated that 3.9 million excess deaths had occurred between 1998 and 2004, arguably making DR Congo the deadliest humanitarian crisis since World War II. Less than 10 percent of deaths were directly attributable to violence. The vast majority of Congolese died from the indirect public health effects of conflict, including higher rates of infectious diseases, increased prevalence of malnutrition and complications arising from neonatal- and pregnancy-related conditions.

The most recent survey in 2004 found a national crude mortality rate (CMR) of 2.1 deaths per 1,000 population per month—a rate 40 percent above the accepted baseline rate for sub-Saharan Africa at that time (1.5).⁶ Mortality was again highest in the volatile eastern provinces, where the CMR averaged an alarming 2.9 deaths per 1,000 population per month.

Recent progress on political, security and humanitarian fronts has offered hope that DR Congo may eventually break free of its unremitting cycle of conflict and crisis. DR Congo's first democratically elected president took power in a relatively peaceful transition in January 2007 following successful nationwide elections. A more forceful international peacekeeping force has led to fewer major clashes among the disparate armed forces and militias. And significant increases in humanitarian funding have provided relief agencies with more scope to respond to the enormous needs.

In spite of these encouraging developments, DR Congo still faces formidable challenges on its road to recovery and development. To evaluate the prevailing humanitarian situation, IRC conducted a nationwide mortality survey between May and July 2007. The specific aims of the study were to estimate national and regional mortality rates; to evaluate mortality trends through comparisons with recent historical data; and to estimate the number of deaths in excess of the sub-Saharan baseline occurring throughout DR Congo. The survey overlaps only partially with the period since December 2006, during which there has been an escalation of violence in North Kivu province and the displacement of over 400,000 persons.

METHODS

Sampling strategy

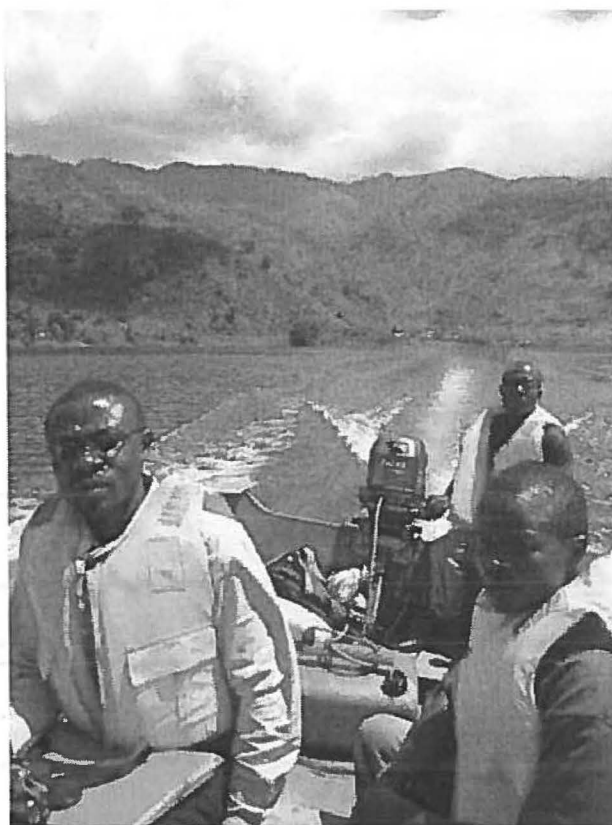
We employed the same study design used in our 2004 nationwide survey. DR Congo was divided into two strata along the 2001 military frontline: an *East* stratum of territory formerly held by rebel groups and a *West* stratum of territory formerly held by government forces. We surveyed each stratum using a three-stage, household-based cluster sampling technique.

Sample size was calculated to detect a difference between *East* and *West*, assuming the *West* had reverted to the sub-Saharan baseline rate for 2006 (1.4 deaths per 1,000 population per month)⁷ and the *East* had reduced to the 2003–04 survey result for the *West* (1.8).⁵ We used design effects from the 2004 IRC survey for the *East* (5.3) and *West* (3.4) in our calculations to determine sample size. We considered it important to detect a difference in mortality in these strata because their populations continue to experience different security and health conditions and contexts. We used Optimal Design for Multi-level and Longitudinal Research version 1.77 to then determine the optimal number of health zones, clusters per health zone and households per cluster, following a consideration of the survey budget, logistical issues and the intra-class correlations (ICC) and average household sizes from our 2004 survey. In the *East*, the ICC at the health zone level was 0.51 and the average household size was 7.2. These figures were 0.18 and 5.2 respectively in the *West*. Ethical approval for the study was provided by the Ethics Committee of the School of Public Health, Kinshasa University.

In the first stage, four *East* health zones surveyed by the IRC on at least three prior occasions (Kalemie, Kalima, Katana and Kisangani-Ville) were purposely selected to allow for historical comparisons. These were excluded from the sampling frame. A single health zone in the *West* was excluded because it contained a military base and access was not granted by the Congolese government. From the remaining population, 15 health zones were randomly selected from 261 western zones and 16 health zones were randomly selected from 248 eastern zones for study. Probability of selection was proportional to population size using 2006 data from the Congolese Ministry of Health (MOH).⁸ Total population for DR Congo was estimated at 69.9 million (*East* stratum 32.6 million; *West* stratum 37.3 million; inaccessible = 44,000).

In the second stage, clusters were assigned to the smallest population units within each health zone (villages or avenues). Twenty clusters were selected for each health zone, with a probability of selection proportional to population size. Where populations were unknown, the relative size of smallest units was crudely weighted using estimates of local leaders.

In the third stage, 20 households in each cluster were surveyed. A household was defined as a group of persons who eat and sleep together. The type of sampling used at household level depended upon the size and geographical distribution of the village or avenue. For well ordered units (grid pattern or along a single road)



and/or small units (<100 houses), systematic random sampling was used: all households in the cluster were counted (N), a sampling interval (x) was calculated by dividing N by the number of households required in the sample (20), and the starting household was selected by choosing a random number between 1 and x. The sampling interval was then added to this random number to select the next household and the process repeated until completion of the cluster. For widely distributed and/or larger units (>100 houses), households were selected according to the standard World Health Organization Expanded Program on Immunization (WHO/EPI) cluster sampling random walk and proximity method.⁹ Interviewers walked in a randomly chosen direction from the center of the unit to its edge, counting the number of houses (n) along the route. The first household surveyed was selected by randomly choosing a number between 1 and n. Subsequent households were selected by proximity until the cluster was finished.

Neighbors were asked to assist in tracing the occupants of empty households. If occupants could not be found or if they refused to participate, or if no household member over 16 years of age was home, that household was skipped and the next nearest visited. We recorded the number of households replaced and the reasons for replacement. Logistical, security and time constraints prevented revisiting empty households.

Household data collection

The survey questionnaire was standardized and consisted of the same three questions used in the 2002 and 2004 surveys. It was back-translated into French and the four most common local languages (Lingala, Kikongo, Tshiluba and Swahili). The purpose of the study was explained to all heads of households and oral consent obtained. Wherever possible, the questionnaire was conducted with a senior female member of the household, as previous experience had indicated that they provided more rapid and accurate information concerning household members, births and deaths.

The current household census method was used¹⁰ to limit field time in remote and potentially insecure sites. The age and sex of persons sleeping in the household on the night preceding the interview was documented. All pregnancies, births or deaths occurring in the household during the recall period (Jan. 1, 2006 to April 30, 2007) were recorded. Decedents needed to have resided with the interviewed family at the time of their death or else normally slept in the interviewed household if they died in a health care facility. Age, sex, and date and cause of death were recorded for each decedent. We used a pre-defined list for cause of death with the option of specifying the cause if it did not meet any of our classifications. No independent confirmation of death or verbal autopsy was conducted.

Interviewers were experienced local nursing staff drawn from IRC programs and health zone personnel assigned to the survey by Ministry of Health offices. All spoke French and the local language(s). IRC's local staff members had extensive experience in the conduct of similar surveys. The interviewers received standardized training that included field exercises. Data collection in all health zones was supervised by a senior IRC staff member or Burnet Institute consultant. Whenever possible, data entry was done in the field after each day of surveying: we used personal digital assistants with Pocket PC Creations ver. 4.0. All data were double-entered.

Statistical analysis

EpiData 3.0 was used to cross-check duplicate entries and errors were compared against original paper questionnaires. STATA 9.2 was used for analysis. Data were weighted according to the probability of selecting each individual in the sample. Mortality rates have been expressed as deaths per 1,000 population per month using the equations listed in Table 1. No adjustment is made for live births in the denominator for the under-five mortality rate because we assumed that the total number of children born during the recall period was equal to the number of children turning five during the recall period. Rate ratios were estimated using Poisson regression. We accounted for the survey design in the calculation of all rates and rate ratios.

As with our survey in 2004, we analysed two subdivisions within the *East* stratum reflecting areas with ongoing unrest as investigated in the 2002 IRC survey (designated *East 2002*) and areas with minimal current security concerns (called *Transition East*). The western division investigated this year is termed *West*. However, the western Congo investigated in the 2002 IRC survey also included the *Transition East* and so, for the purposes of this report has been called *West 2002*. Figures 1 and 2 illustrate the stratification of DR Congo and the location of the selected health zones.

To estimate total excess mortality for the period covered by the survey, we subtracted the average crude mortality rate for sub-Saharan Africa from the CMR we measured for each stratum. We then applied these rates to the median population of 10 separate population estimates for DR Congo (59.9 million),^{5,11,12,13,14,15,16,17,18} We did so since no official census has been conducted for over 20 years, a broad range of population figures has been reported and the MOH population estimates were the highest of the 10 available. Population sizes reported prior to 2006 were assumed to have a per annum growth rate of 2.5 percent¹⁷ to estimate the population for the study period (range 56.8 million–69.9 million).

Table 1: Summary of key equations

| | | | |
|----------------------------------|--|---|---------------------------------------|
| Crude mortality rate (CMR) | $\frac{\text{Number of deaths in the sample}}{(\text{Number living in sample} + \frac{1}{2} \text{ deaths in the sample} - \frac{1}{2} \text{ live births in the sample})^\wedge}$ | x | $\frac{1000}{\text{Recall period}^*}$ |
| Under-five mortality rate (U5MR) | $\frac{\text{Number of deaths among those < 5 years of age in the sample}}{(\text{Number living < 5 years of age} + \frac{1}{2} \text{ deaths among those < 5 years})^\wedge}$ | x | $\frac{1000}{\text{Recall period}^*}$ |

* Recall period is 16 months

^ The denominator is an estimate of the sample population at the midpoint of the recall period

Figure 1: Stratification of DR Congo for the 2007 survey

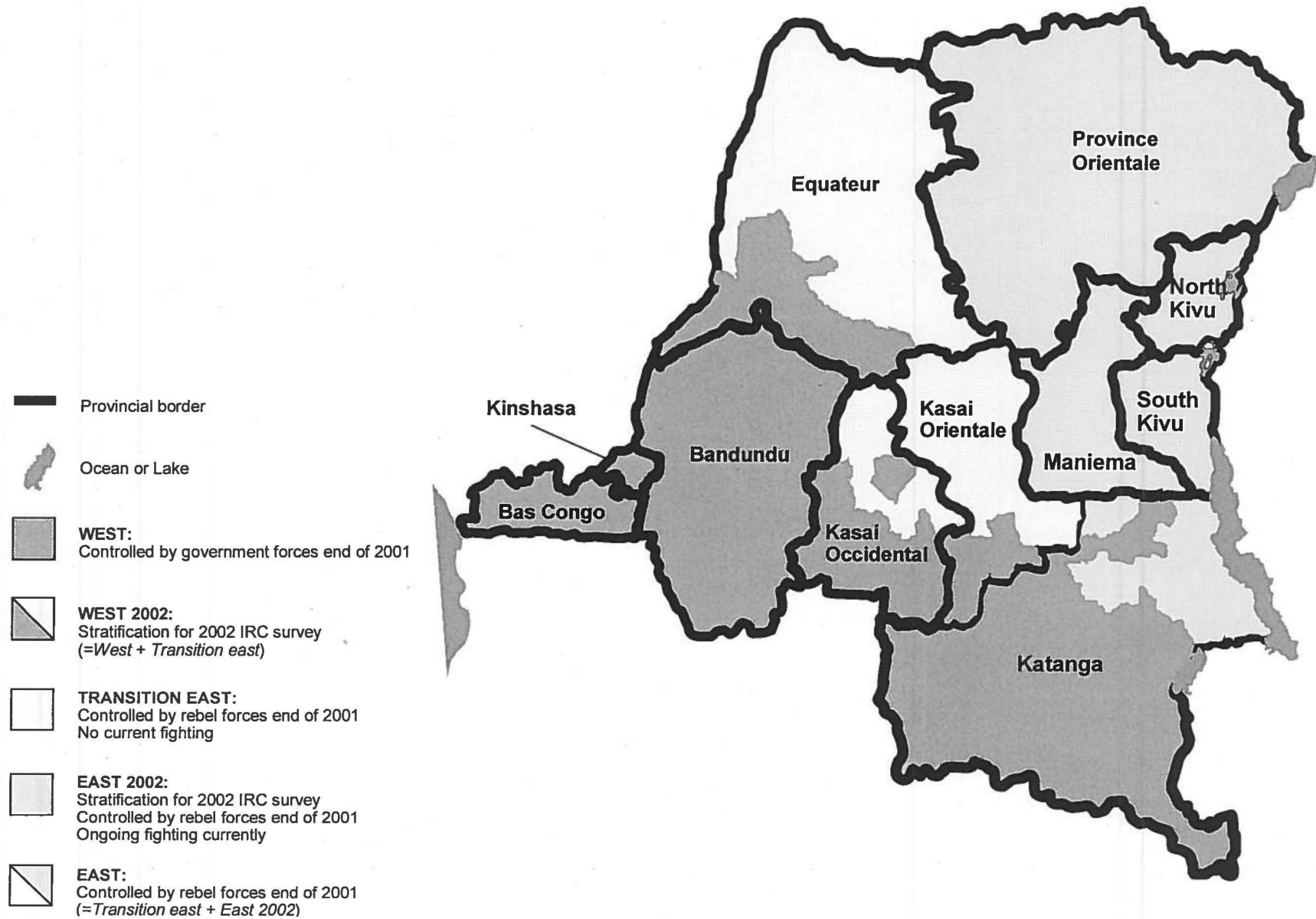
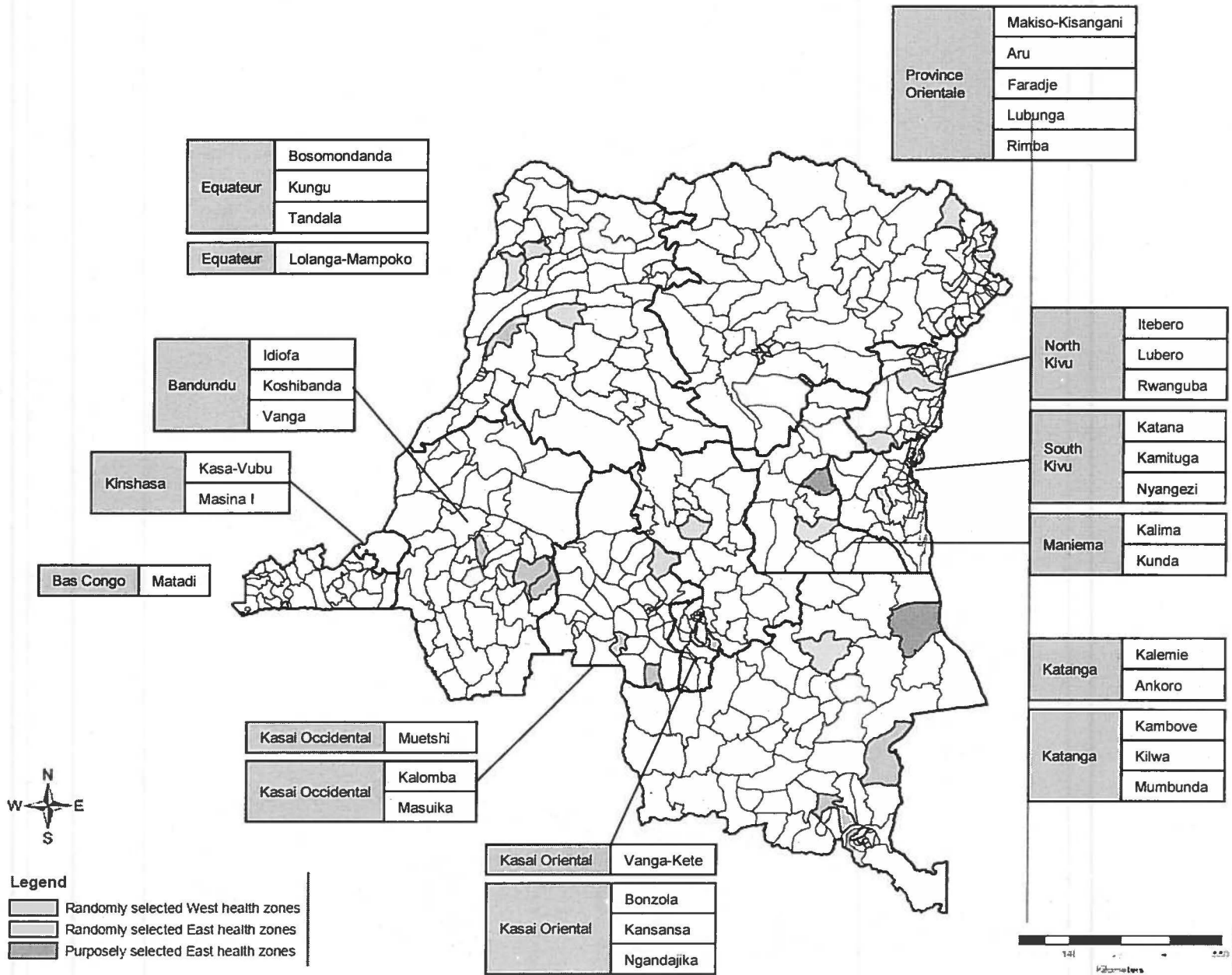


Figure 2: Location of health zones selected for the 2007 survey



RESULTS

In the *East*, about half of the population of Itebero health zone (44,004) could not be surveyed because of security concerns and were excluded from selection. Two selected clusters could not be accessed and were replaced with alternate randomly selected sites. One of these was a military camp in Rwanguba zone where permission to survey was refused. The other was a remote village in Lubero that could not be reached in the time allocated for the survey. Respondents from 14,000 households were interviewed: we counted 51,205 people in 8,000 households in the *East* and 34,260 people in 6,000 households in the *West* for a total population of 85,465 people. The average household size was 6.4 in the *East* and 5.7 in the *West*. For both strata, 47 percent of the sample was male and 53 percent female. Of the total 700 clusters visited, 112 (16 percent) were sampled using systematic random sampling and 588 (84 percent) by the WHO/EPI proximity method. Few households declined to participate in the survey: 58 (0.7 percent) in the *East* and 50 (0.8 percent) in the *West*. However, empty households or households where no family member over 16 years of age could be found were more common: 2,300 (22 percent) in the *East* and 1,838 (23 percent) in the *West*.

From January 2006 to April 2007, the CMR for the country was 2.2 deaths per 1,000 population per month. This rate is 57 percent higher than the reported baseline for sub-Saharan Africa (1.4)⁷ and over 80 percent greater than the UNICEF estimate for DR Congo prior to the commencement of war in 1998 (1.2)¹⁹. The CMR in 16 of 35 health zones (46 percent) exceeded the sub-Saharan regional norm. Five of these zones were in the *West* (33 percent of western zones) and 11 in the *East* (55 percent of eastern zones).

The CMR for the *East* was significantly higher than for the *West* (rate ratio=1.2, 95 percent CI 1.2-1.4; Table 2). The under-five mortality rate, however, was not different between the strata (rate ratio=1.1, 95 percent CI 1.0-1.3, $p=0.12$; Table 2). The fact that the point estimates of the under-five mortality rates (U5MR) show the same trend as the CMRs across all subdivisions suggests that we may have failed to detect an actual difference in the U5MRs in the *East* and *West* because our study was not specifically designed to measure this indicator. Three eastern zones—Ankoro, Kalemie and Kunda—and one western zone—Ngandanjika—had death rates that, at minimum, surpassed the emergency threshold of 0.9 deaths per 10,000 per day²⁰ (or 2.7 deaths per 1,000 per month) for the entire 16 months (range = 2.8 to 8.2).

The five principal causes of death in the *East* and *West* were fever/malaria, diarrhea, respiratory infections, tuberculosis and neonatal conditions, together accounting for over 55 percent of deaths (Table 3). Measles appears to be a significant public health threat in eastern DR Congo. This preventable infection was reported to have caused 9.9 percent of deaths in children under five years of age in this stratum and 15.1 percent (95 percent CI 8.9-24.6) of all deaths in Ankoro health zone in northern Katanga. Three years earlier, a wave of measles affected the region to the immediate south of Ankoro²¹ and there are recent reports of recurring outbreaks of infectious diseases in northern Katanga.²²

Young children are especially vulnerable to communicable diseases and malnutrition: 47.2 percent of all deaths were in children under five, who make up 19.4 percent of the sample population. The relative risk of dying for children under five years compared with people aged five or over was 3.5, 95 percent CI 3.2-3.8.

Deaths from violence accounted for just 0.4 percent of deaths nationally, including 0.6 percent of all mortality reported in the *East* and 0.3 percent in the *West*. Two of three deaths in the *West* appeared to be associated with the crackdown on opposition supporters in Kinshasa and Bas-Congo during March 2007. One was a boy of nine, the other a boy of 12. Of 11 deaths in the *East*, seven were in North Kivu. Perpetrators were identified in nine instances and included police, Mai Mai, Forces Démocratiques de Libération du Rwanda and the Congolese national army. There was only one violent death of a female; she was shot by police in Itebero province, North Kivu.

Unlike the last IRC survey in 2004, health zones reporting a death from violence did not have a higher crude mortality rate than those without violent deaths. Violent deaths now seem to be isolated events, no longer reliably indicative of zone-wide insecurity or health conditions. In fact, the risk of death from violence has declined by almost 30 percent in the unstable eastern provinces since the 2004 IRC survey (relative risk ratio=0.7, 95 percent CI 0.6–0.9) and the proportion of all mortality attributable to violence has declined from 1.5 percent to 0.6 percent.

Despite these positive trends, the crude mortality rate in the *East* stratum has not changed significantly since 2004 (Table 2). Similarly, there has been no change for the *West* stratum or the national CMR. The *East 2002* division, which comprises the five most unstable provinces, had a small significant decrease in CMR (relative risk ratio=0.96, 95 percent CI 0.93–1.00, p=0.026), continuing the downward trend in mortality across all four surveys since 2000 (Table 2). In contrast, the CMR for the *Transition East* was significantly higher for this survey than the last (relative risk ratio=1.10, 95 percent CI 1.04–1.17, p=0.001).

Mortality data in the four eastern zones purposely selected show different trends over time (Table 4). Kalima and Katana had significant reductions in CMR since 2004. The situation has been calm in Kisangani since our last survey and this zone experienced a further nonsignificant reduction in CMR and USMR from the peak rates observed during the intense conflict of 2002. Mortality rates in Kalemie, on the other hand, have not changed. This means that the crude and under-five mortality rates in Kalemie have been above the emergency threshold for at least 32 months since 2003. Two other zones were selected randomly in both 2004 and 2007. Rwanguba in North Kivu province, which has experienced increased violence and displacement since December 2006, had a statistically significant increase in CMR. Bosomondanda in Equateur province was unchanged. Table 5 lists the CMR and USMR for all zones surveyed in 2007.

We compared the crude mortality rates from this survey to the regional baseline and used the median of 10 reported national population figures to estimate that 727,000 excess deaths occurred across all of DR Congo between January 2006 and April 2007. If the lower confidence interval for each rate is used and the total population of DR Congo is taken as the lower 2006 MONUC figure of 56,828,595,¹⁵ a minimum estimate of 522,000 excess deaths is calculated. A maximum reasonable estimate of 1.05 million assumes that the upper confidence interval for each rate is valid and the country population is as reported by the Congolese MOH.

Similarly, we used the median of the 10 reported national population figures and the average of the crude mortality rates reported in our 2004 and 2007 surveys to estimate the excess death toll during May 2004 to December 2005, a period not covered by any IRC survey. Assuming the regional baseline was 1.5 deaths per 1,000 per month, we estimate that about 735,000 excess deaths occurred across all of DR Congo during this time. Figure 3 illustrates the excess death toll calculated during each survey and the cumulative total during the war and into the post-war period.

Table 2: Mortality rates for each stratum and subdivision of DR Congo over time

| Rate | Year | National | <i>East</i> ^ | <i>Transition East</i> | <i>West</i> | <i>East 2002</i> ^ | <i>West 2002</i> |
|----------------------------|-----------|---------------|---------------|------------------------|---------------|--------------------|------------------|
| Crude mortality rate* | 1999-2001 | . | . | . | . | 5.4 | . |
| | 2002 | 2.4 | . | . | . | 3.5 (2.2-4.9) | 2.0 (1.5-2.6) |
| | 2003-04 | 2.1 (1.6-2.6) | 2.4 (2.2-2.7) | 1.5 (1.3-1.7) | 1.8 (1.7-2.0) | 2.9 (2.6-3.2) | 1.8 (1.6-1.9) |
| | 2006-07 | 2.2 (2.1-2.3) | 2.4 (2.3-2.6) | 2.1 (1.8-2.3) | 2.0 (1.8-2.1) | 2.6 (2.4-2.7) | 2.0 (1.9-2.1) |
| Under-five mortality rate* | 1999-2001 | . | . | . | . | Range 4.8-24.5 | . |
| | 2002 | . | . | . | . | 9.0 (4.0-14.0) | 4.4 (3.2-5.7) |
| | 2003-04 | 4.5 (3.6-5.4) | 4.9 (4.4-5.4) | 3.1 (2.7-3.6) | 4.3 (3.8-4.8) | 5.9 (5.3-6.6) | 4.1 (3.7-4.5) |
| | 2006-07 | 5.0 (4.6-5.3) | 5.2 (4.8-5.7) | 4.2 (3.5-4.9) | 4.7 (4.3-5.1) | 5.7 (5.1-6.3) | 4.6 (4.2-5.0) |

* Mortality rates are expressed as deaths per 1,000 per month (95 percent confidence intervals).

^ Reported rates for *East* and *East 2002* include the four purposely selected zones. Rates were not different whether these zones were included or excluded.

2006-07 design effects for CMR: *East*=2.2, *West*=1.4

2006-07 design effects for U5MR: *East*=2.2; *West*=1.3

2006-07 intra-class correlations: *East*=0.48 (zone), 0.09 (cluster); *West*=0.33 (zone), 0.03 (cluster)

Table 3: Deaths in *East* and *West* DR Congo by age and sex

| <i>EAST</i> | Total reported (weighted %) | | 5yrs and older | | | | Young children | |
|---------------------------------------|--------------------------------|---------------|----------------|---------------|------------|---------------|----------------|---------------|
| | | | Male | | Female | | 0-4yrs | |
| Fever / malaria | 498 | 26.3% | 116 | 21.0% | 83 | 18.2% | 299 | 34.2% |
| Other / unknown | 395 | 21.4% | 187 | 34.2% | 144 | 31.1% | 64 | 7.9% |
| Diarrhea | 174 | 9.1% | 59 | 10.3% | 35 | 6.6% | 80 | 9.7% |
| Acute respiratory-tract infections | 136 | 7.5% | 37 | 6.7% | 35 | 7.5% | 64 | 8.1% |
| Neonatal death | 142 | 7.1% | N/A | N/A | N/A | N/A | 142 | 15.5% |
| Tuberculosis | 129 | 6.6% | 69 | 11.5% | 54 | 11.4% | 6 | 0.7% |
| Measles | 115 | 5.5% | 11 | 1.7% | 10 | 2.1% | 94 | 9.9% |
| Malnutrition | 75 | 4.0% | 11 | 2.1% | 10 | 2.3% | 54 | 6.3% |
| Anemia | 71 | 3.2% | 8 | 1.4% | 11 | 2.4% | 52 | 4.8% |
| Meningitis | 55 | 2.8% | 18 | 3.2% | 15 | 3.1% | 22 | 2.3% |
| Accident / injury | 45 | 2.4% | 30 | 5.2% | 11 | 2.5% | 4 | 0.6% |
| Maternal | 42 | 2.3% | N/A | N/A | 42 | 9.1% | N/A | N/A |
| AIDS | 27 | 1.2% | 9 | 1.1% | 18 | 3.5% | 0 | 0 |
| Violence | 11 | 0.6% | 10 | 1.8% | 1 | 0.2% | 0 | 0 |
| Total | 1915 | 100.0% | 565 | 100.0% | 469 | 100.0% | 881 | 100.0% |

| <i>WEST</i> | | | | | | | | |
|---------------------------------------|------------|---------------|------------|---------------|------------|---------------|------------|---------------|
| Fever / malaria | 268 | 27.7% | 51 | 19.5% | 47 | 21.2% | 170 | 35.0% |
| Other / unknown | 232 | 22.8% | 111 | 39.9% | 80 | 34.1% | 41 | 8.5% |
| Diarrhea | 86 | 8.9% | 14 | 5.3% | 10 | 4.6% | 62 | 12.8% |
| Tuberculosis | 68 | 6.8% | 37 | 13.4% | 23 | 10.5% | 8 | 1.6% |
| Neonatal death | 62 | 6.5% | N/A | N/A | N/A | N/A | 61 | 12.9% |
| Acute respiratory-tract infections | 55 | 5.5% | 11 | 4.2% | 11 | 4.6% | 33 | 6.6% |
| Anemia | 41 | 4.3% | 5 | 2.1% | 1 | 0.4% | 35 | 7.2% |
| Malnutrition | 41 | 4.3% | 8 | 2.9% | 10 | 5.3% | 23 | 4.5% |
| Accident / injury | 35 | 3.4% | 22 | 8.1% | 6 | 2.5% | 7 | 1.3% |
| Meningitis | 30 | 3.2% | 6 | 2.1% | 2 | 0.9% | 22 | 4.7% |
| Measles | 29 | 2.9% | 1 | 0.4% | 3 | 1.6% | 25 | 4.8% |
| Maternal death | 26 | 2.8% | N/A | N/A | 26 | 12.7% | N/A | N/A |
| AIDS | 8 | 0.8% | 4 | 1.4% | 4 | 1.6% | 0 | 0 |
| Violence | 3 | 0.3% | 2 | 0.6% | 0 | 0 | 1 | 0.2% |
| Total | 984 | 100.0% | 272 | 100.0% | 223 | 100.0% | 488 | 100.0% |

All percentages are weighted proportions.

N/A = not applicable

Table 4: Comparison of 2006-07 survey findings for individual health zones with IRC surveys from previous years

| Health Zone | Mortality rate* | Duration of recall period for survey | | | | | |
|-----------------|-----------------|--------------------------------------|--------------|------------------|---------------|------------------|---------------------------|
| | | 1998-99 | 1999-2000 | 2000-01 | 2002 | Jan. 03-April 04 | Jan. 06-April 07 |
| Kalemie | CMR | Not surveyed | Not surveyed | 10.8 (9.5-12.1) | 4.2 (2.8-5.6) | 4.0 (3.4-4.5) | 3.6 (2.9-4.2) [deff=1.2] |
| | U5MR | Not surveyed | Not surveyed | 23.8 (19.8-27.8) | 14.9 | 9.8 (8.1-11.8) | 8.9 (6.9-10.9) [deff=1.0] |
| Kalima | CMR | Not surveyed | Not surveyed | 7.5 (6.3-8.7) | 3 (2.2-3.9) | 4.1 (3.3-5.1) | 2.1 (1.5-2.7)^ [deff=1.8] |
| | U5MR | Not surveyed | Not surveyed | 17.1 (13.2-21.) | 8.9 | 8.4 (6.4-11.0) | 5.2 (3.1-7.3) [deff=1.9] |
| Katana | CMR | 3.8 | 3.0 | 4.9 (3.8-6.0) | 1.9 | 2.5 (2.0-3.3) | 1.5 (0.9-2.0)^ [deff=1.8] |
| | U5MR | 10.1 | 6.9 | 12.9 (9.3-16.5) | 2.9 | 5.8 (4.6-7.4) | 4.5 (2.1-6.9) [deff=2.1] |
| Kisangani-Ville | CMR | Not surveyed | 2.9 | Not surveyed | 6.2 | 1.4 (1.1-1.7) | 1.0 (0.7-1.4) [deff=1.3] |
| | U5MR | Not surveyed | 4.8 | Not surveyed | 10.4 | 2.2 (1.6-3.0) | 1.6 (0.6-2.5) [deff=1.1] |
| Bosomondanda# | CMR | Not surveyed | Not surveyed | Not surveyed | Not surveyed | 1.2 (0.9-1.5) | 1.0 (0.7-1.3) [deff=1.0] |
| | U5MR | Not surveyed | Not surveyed | Not surveyed | Not surveyed | 2.2 (1.6-2.9) | 2.6 (1.6-3.5) [deff=1.0] |
| Rwanguba# | CMR | Not surveyed | Not surveyed | Not surveyed | Not surveyed | 1.3 (0.9-1.7) | 2.2 (1.4-2.9)^ [deff=2.1] |
| | U5MR | Not surveyed | Not surveyed | Not surveyed | Not surveyed | 3.8 (2.6-4.9) | 4.5 (2.6-6.4) [deff=1.5] |

* Mortality rates expressed as deaths per 1,000 per month (95 percent confidence intervals quoted if available).

Bosmonodanda and Rwanguba were both randomly selected in 2003-04 and 2006-07.

^ CMRs for 2006-07 are significantly different from 2003-04: Kalima rate ratio=0.8, $p < 0.000$; Katana rate ratio=0.8, $p = .001$; Rwanguba IRR=1.2, $p = .002$.

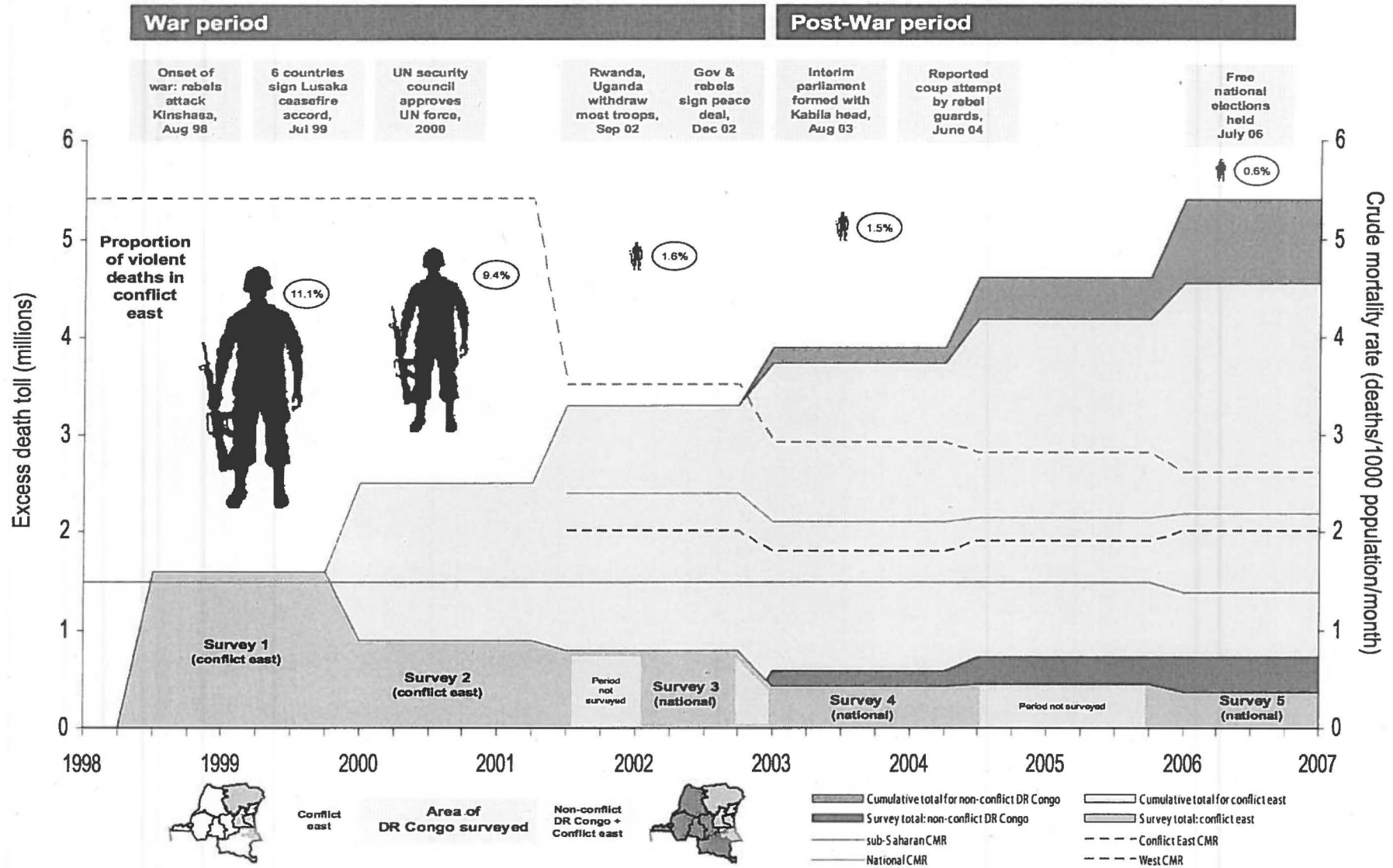
Table 5: CMRs and U5MRs for individual health zones, 2006-07

| Stratum | Province | Zone | CMR* | 95% CI | | U5MR* | 95% CI | |
|-----------------|------------------|--------------------------|------|--------|-----|-------|--------|------|
| West | Equateur | Lolanga Mampoko | 0.9 | 0.6 | 1.2 | 1.9 | 1.2 | 2.7 |
| | Katanga | Mumbunda | 1.0 | 0.6 | 1.3 | 2.1 | 1.1 | 3.1 |
| | Kasai Orientale | Bonzola | 1.0 | 0.7 | 1.3 | 2.2 | 1.3 | 3.1 |
| | Kinshasa | Kasa-vubu | 1.1 | 0.8 | 1.4 | 1.9 | 0.7 | 3.2 |
| | Kinshasa | Masina 1 | 1.3 | 1.0 | 1.6 | 2.5 | 1.3 | 3.7 |
| | Bas Congo | Matadi | 1.5 | 1.1 | 1.8 | 3.1 | 2.2 | 4.0 |
| | Katanga | Kambove | 1.5 | 1.0 | 2.1 | 5.7 | 4.1 | 7.3 |
| | Kasai Occidental | Kalomba | 1.6 | 0.8 | 2.4 | 3.8 | 2.1 | 5.5 |
| | Bandundu | Koshibanda | 1.7 | 1.4 | 2.0 | 3.9 | 2.5 | 5.3 |
| | Kasai Occidental | Masuika | 1.8 | 1.3 | 2.3 | 4.4 | 2.8 | 6.0 |
| | Bandundu | Idiofa | 2.8 | 2.1 | 3.5 | 6.7 | 3.4 | 10.0 |
| | Bandundu | Vanga | 3.0 | 2.5 | 3.6 | 7.1 | 5.4 | 8.7 |
| | Katanga | Kilwa | 3.1 | 2.3 | 3.9 | 6.8 | 4.3 | 9.2 |
| | Kasai Orientale | Kasansa | 3.4 | 2.7 | 4.1 | 7.7 | 5.7 | 9.7 |
| | Kasai Orientale | Ngandanjika [^] | 3.6 | 2.8 | 4.5 | 8.1 | 5.8 | 10.5 |
| Transition East | Equateur | Bosomondanda | 1.0 | 0.7 | 1.3 | 2.6 | 1.6 | 3.5 |
| | Equateur | Tandala | 1.8 | 1.3 | 2.2 | 4.4 | 2.9 | 5.8 |
| | Equateur | Kungu | 2.0 | 1.5 | 2.6 | 3.0 | 1.9 | 4.1 |
| | Kasai Orientale | Vanga-kete | 2.5 | 1.8 | 3.2 | 4.9 | 3.1 | 6.7 |
| | Kasai Occidental | Muetshi | 2.9 | 1.9 | 4.0 | 5.9 | 3.4 | 8.4 |
| East 2002 | Nord Kivu | Lubero | 0.8 | 0.5 | 1.2 | 1.8 | 0.5 | 3.1 |
| | Prov Orientale | Makiso Kisangani | 1.0 | 0.7 | 1.4 | 1.6 | 0.6 | 2.5 |
| | Sud Kivu | Katana | 1.5 | 0.9 | 2.0 | 4.5 | 2.1 | 6.9 |
| | Prov Orientale | Aru | 1.6 | 1.1 | 2.0 | 4.2 | 2.7 | 5.7 |
| | Sud Kivu | Kamituga | 1.7 | 1.3 | 2.2 | 4.3 | 2.4 | 6.1 |
| | Prov Orientale | Faradje | 1.8 | 1.1 | 2.4 | 2.5 | 1.0 | 3.9 |
| | Nord Kivu | Itebero | 1.8 | 1.4 | 2.2 | 3.8 | 2.5 | 5.1 |
| | Maniema | Kalima | 2.1 | 1.5 | 2.7 | 5.2 | 3.1 | 7.3 |
| | Nord Kivu | Rwanguba | 2.2 | 1.4 | 2.9 | 4.5 | 2.6 | 6.4 |
| | Prov Orientale | Lubunga | 2.2 | 1.5 | 2.9 | 4.5 | 2.7 | 6.3 |
| | Sud Kivu | Nyangezi | 2.4 | 1.5 | 3.2 | 5.5 | 3.0 | 8.0 |
| | Prov Orientale | Rimba | 2.8 | 2.0 | 3.6 | 5.9 | 3.2 | 8.6 |
| | Katanga | Kalemie [^] | 3.6 | 2.9 | 4.2 | 8.9 | 6.9 | 10.9 |
| | Maniema | Kunda [^] | 4.1 | 3.2 | 5.0 | 7.0 | 5.1 | 8.9 |
| | Katanga | Ankoro [^] | 7.1 | 6.0 | 8.2 | 16.6 | 13.1 | 20.2 |

* Mortality rates expressed as deaths per 1,000 per month.

[^] Mortality rates statistically significantly above the emergency threshold of 2.7 deaths per 1,000 population per month.

Figure 3: Trends in excess deaths, CMRs and deaths from violence in DR Congo, 1998-2007



DISCUSSION

Mortality rates

The crude mortality rate in DR Congo remains well above the accepted norm for sub-Saharan Africa in 2005. In fact, while the death rate in sub-Saharan Africa has reportedly declined slightly since 2004⁷, there has been no reduction in the national crude mortality rate over the same period in DR Congo. As with our previous studies, most deaths have been attributed to the so-called indirect consequences of conflict, especially increased rates of infectious diseases and malnutrition. Children continue to bear a disproportionate burden of the humanitarian crisis in DR Congo, accounting for almost half of all deaths.

As previously documented, mortality rates remain significantly higher in the *East* than in the *West*. Nonetheless, we found rates that exceeded important international benchmarks on both sides of the former frontline. Ngandanjika health zone of Kasai Orientale province in the *West* recorded a CMR above the accepted emergency threshold of 0.9 deaths per 10,000 per day (2.7 deaths per 1,000 per month).²⁰ In the *East*, northern Katanga, known as "Congo's forgotten crisis,"²³ is of particular concern: Ankoro health zone surpassed the threshold for a severe emergency of 2.0 deaths per 10,000 per day (6.0 deaths per 1,000 per month).²⁴ And Kalemie has had death rates above the emergency threshold for every period measured by IRC back to 2000.

While the national CMR has remained unchanged since 2004, the CMR in the unstable *East 2002* region has decreased since the last survey. In fact, the level of decline may be greater than we have been able to demonstrate. That is because our 2007 survey was the first of the five studies where health zones in the *East* were not excluded from the sampling frame due to insecurity.¹⁻⁵ In comparison, we left out 23.6 percent of the total population in the *East* during our 2004 survey (5.4 million of an estimated 22.9 million people). Mortality rates at that time were considered to be conservative because we found a strong association between insecurity and all-cause mortality.⁵

This small decline in mortality in the *East 2002* has occurred during a period when there has been a more robust international peacekeeping effort in this region of the country. MONUC, the U.N. peacekeeping force in DR Congo, has been credited with improving civilian protection²⁵ and reducing the number of major attacks in the eastern provinces. When considered in light of the documented decline in violent deaths in the current survey and the demonstrated association between insecurity and all-cause mortality from our 2004 study, it would be reasonable to infer that this improved security situation has contributed to the decline in CMR in *East 2002*. Ironically, it is these small but measurable gains that are now being threatened by the recent escalation of violence in North Kivu province.

Surprisingly, the *Transition East* recorded significantly increased mortality rates since the last survey. In fact, the sustained elevation in the national CMR can be attributed to increased mortality in this region, plus a nonsignificant elevation of mortality in the *West*—the two regions that have been largely free of conflict since 2002. While this increase in CMR was unexpected, we believe that our data reflect the true circumstances in this region from January 2006 to April 2007. We sampled four *Transition East* zones in 2004 and five in 2007. Although these are theoretically representative of the entire population of the *Transition East*, by chance we may have chosen zones with lower mortality rates in 2004 or higher rates in 2007. If mortality rates vary widely across zones in the area, we may not have sampled enough zones to accurately estimate the average mortality in the *Transition East*. However, our results are similar to other surveys and consistent with recent events that have impacted the lives and livelihoods of people in the region. We found the CMRs in four of the five zones studied in 2007 were well above the sub-Saharan norm. Similarly, four studies by other agencies in Kasai Orientale in 2004 found an average mortality rate of 2.0 per 1,000 per month.¹⁸ In addition, more

recent surveys in two different areas in Equateur in 2006 indicated an emergency situation based on crude mortality, under-five mortality and the prevalence of acute malnutrition.¹⁸ Major problems with food security due to poor agricultural yields and insect infestations, together with regional floods, have added to a complex humanitarian situation in this part of DR Congo.^{26,27,28}

Comparisons with other countries

Given that there are few comprehensive, longitudinal examinations of the “natural history” of mortality rates for countries through war and into the early recovery period, it is difficult to make confident projections about what should be expected with respect to mortality trends in DR Congo. Direct comparisons with other wars have limitations because of DR Congo’s size and complexity. Its current circumstances cannot simply be described as either an emergency or development situation, or as a conflict or post-conflict scenario, as all of these phases can be observed to be occurring in different regions of the country. Nonetheless, the decade-long civil war in Sierra Leone which displaced half the country’s 4.5 million people may offer a relevant comparison. Three years after the end of conflict in 2002, the average crude mortality rate in four rural districts—representing about a third of the population—was almost four times higher than the sub-Saharan baseline.²⁹ In Angola, while the post-conflict period was generally associated with a steady decline in mortality, some provinces still documented mortality rates above the emergency threshold two years after the end of the war.³⁰ Similarly, data from Liberia and South Sudan demonstrate that sustained increases in mortality are not uncommon even years after official peace processes and successful political transitions.³¹ In addition, a retrospective study of 51 countries demonstrated that civil wars greatly increase the risk of death and disability for years after the end of conflict.³² Finally, studies from other disciplines, including economics, have demonstrated that recovery from civil wars takes many years and requires sustained international engagement including aid, trade, legal assistance and military interventions.³³

On the one hand, DR Congo’s experience of sustained increases in mortality is therefore neither unusual compared to other conflicts nor out of keeping with its own history of conflict superimposed on decades of socioeconomic and political decline. In fact, the “crisis of neglect” has been pervasive, affecting all regions of the country.²³ Today, Congolese in the western regions brave rates of poverty that reportedly are comparable to the eastern provinces; for example, there is 80 percent unemployment in Kinshasa and Bas-Congo provinces,³⁴ and 75 percent of residents in the capital lack money to meet basic daily needs.³⁵ Improvements in health indicators in DR Congo are further constrained by the lowest per capita health expenditures for any country in the world.³⁶ One must have reasonable expectations about the rate of recovery and the need for ongoing international assistance for a nation that ranks 168th (out of 177 countries) on the Human Development Index³⁷ and seventh (out of 177 countries) on the Failed States Index.³⁸

On the other hand, it would be inappropriate to dismiss such sustained elevations of mortality four years after the official end of the war as inevitable. For example,



a reduction in mortality was achieved in the *East 2002* since 2004, although its CMR is still 85 percent higher than the regional norm. This is the section of the country that has received the bulk of international peacekeeping support and humanitarian assistance, but at a level that is reported to be out of proportion to the documented need.^{39,40} Arguably a more robust engagement by the Congolese government, peacekeepers and international agencies would have contributed to even greater reductions in mortality in this area.

Excess death toll estimates

During the period covered by this most recent survey, we estimate that approximately 727,000 Congolese died in excess of the expected total, when compared with the average regional rate. This figure is higher than the total excess mortality reported in our last survey for two reasons: the baseline mortality rate for sub-Saharan Africa has decreased and our estimates for crude mortality in the *West* and the *Transition East* have increased since 2003-04. These higher point estimates were applied to the two-thirds of the Congolese population living in these regions. Despite this, 50 percent of the excess mortality occurred among the remaining third of the population in the five most insecure provinces in the *East*.

In 2002, IRC reported that 3.3 million Congolese in the insecure *East* had died in excess of regional norms during the war.⁴ For the post-war period, January 2003 to April 2007, we estimate that an additional 2.1 million excess deaths have occurred across the whole country: 1.3 million in the five eastern provinces and 0.8 million in the *West* and *Transition East*. These estimates include the period for which we have no data, May 2004 to December 2005 (the assumptions for this period are described in the results section). We now estimate the excess death toll in DR Congo since 1998 to be 5.4 million, of which 4.6 million occurred in the five insecure eastern provinces.

Survey Limitations

As noted, this survey is the first IRC survey in DR Congo where zones were not omitted from the sampling frame in advance, due to insecurity. Except for one small, militarized zone in the *West*, all health zones were eligible for selection. Nonetheless, as with all surveys in conflict settings, our results could have underestimated mortality because of survival bias,⁴¹ underreporting of infant deaths,^{42,43} and exclusions of segments of the population from the survey. Specifically, large areas in one zone in North Kivu became unsafe to visit after surveying began, and a military camp and a remote village could not be accessed.

Based on our findings, fever/malaria is the No. 1 killer in DR Congo, and our inclusion of two wet seasons in the recall period could overestimate mortality rates. However, this should not influence comparisons between our 2004 and 2007 surveys because recall periods for both surveys covered exactly the same months. Cause of death data were as reported by interviewees and must be interpreted with care. Deaths due to trauma (violent and accidental) and measles, and deaths during the neonatal period, are likely to be accurate, although the latter may be underreported. Our cause of death data should only be used in a general sense to alert planners to possible health priorities, and should be followed by more accurate local assessments to determine cause-specific mortality rates.

The number of empty households was high in both strata and is a clear limitation. This problem has occurred in previous surveys: 18 percent of households in the *East* and 23 percent in the *West* were vacant at the time of interview in 2002.³ A limited assessment during that survey found that mortality was 43 percent higher in empty households than in households where occupants were home at the time of the initial survey. We do not know if this pattern holds true in DR Congo today. Ideally, surveys should return to empty households at a later date and not simply replace them with a neighboring household. In this context (and more generally), daytime household sampling runs the risk of excluding many families, as adults are often away from the home. We tried to minimize these exclusions by surveying in the early morning or late afternoon and avoiding

public holidays and Sundays in Christian communities. Insecurity, limited resources and time restricted our options for minimizing replacement (e.g. surveying during the evenings).

Inaccuracies in external data used for selection of zones, rate comparisons and estimates of excess mortality might have introduced other forms of bias. As with previous studies, we have erred on the conservative side in our use of external sources, especially for estimates of excess mortality where we used the average CMR for sub-Saharan Africa (1.4) as a baseline rate rather than the reported pre-war CMR of 1.2¹⁹. Pre-war data for key demographic and health indicators is limited for DR Congo, with U.N. agencies the main source of information. UNICEF's documented estimate for CMR prior to the 1996 war was 1.2 deaths per 1,000 per month;¹⁹ by 1998, the year that the most recent war started, at least two sources reported that the rate was 1.25.^{44,45} We acknowledge the limitations of such data, including reservations concerning its validity and ability to capture regional differences in a country as vast as DR Congo. Nonetheless, we are aware of no more authoritative sources or estimates. We believe that it is important to estimate aggregate excess mortality in conflict zones in spite of the methodological challenges. For these reasons, our use of the average CMR for sub-Saharan Africa as a baseline rate in our calculation has resulted in a conservative estimate of excess deaths, but one that allows us to compare mortality in DR Congo with the norm for the region.

CONCLUSION

Elevations in mortality across the DR Congo indicate that the country remains in the midst of a major humanitarian crisis. The only region to record an improvement in the CMR since 2004 was *East 2002*, where declines in violent deaths and all-cause mortality coincided with a more determined international peacekeeping effort. Ironically, these measurable gains are now being threatened by the escalation of violence in North Kivu province. Our findings provide further evidence that recovery from conflict is a protracted process in fragile states such as DR Congo, especially when it is superimposed on decades of socioeconomic stagnation and decline. When considered in light of the renewed fighting in North Kivu, these results indicate how delicate progress can be in complex humanitarian settings. Sustained, measurable improvements in mortality and health will require years of unwavering commitment from the Congolese government and tenacious engagement from the international community on a range of humanitarian, military and political issues. It will also require a determination to intervene rapidly and effectively when new emergencies arise. Without such an approach, improvements in mortality and other key public health indicators will be impossible to achieve and sustain.

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REFERENCES

(Endnotes)

- 1 Roberts L. Mortality in eastern DRC: results from five mortality surveys. New York: International Rescue Committee, 2000.
- 2 Roberts L, Belyadoumi F, Cobey L, et al. Mortality in the eastern Democratic Republic of Congo: results from 11 mortality surveys. New York: International Rescue Committee, 2001.
- 3 Roberts L, Ngoy P, Mone C, et al. Mortality in the Democratic Republic of Congo : results from a nationwide survey. New York: International Rescue Committee, 2002.
- 4 Roberts L, Zantop M. Elevated mortality associated with armed conflict–Democratic Republic of Congo, 2002. *MMWR Morb Mort Wkly Report* 2003; 52: 469-71.
- 5 Coghlan B, Brennan RJ, Ngoy P, et al. Mortality in the Democratic Republic of Congo : a nationwide survey. *Lancet* 2006; 367: 44-51.
- 6 UNICEF. State of the World's Children Report 2005. New York: UNICEF, 2004.
- 7 UNICEF. State of the World's Children Report 2007. New York: UNICEF, 2006.
- 8 Ministry of Health, Democratic Republic of Congo. Direction d'Etude et de Planification. <http://www.minisanterdc.cd/leministere/diretudeetplanif.htm> (Accessed April 2007)
- 9 World Health Organization, Expanded Programme of Immunization. Training for midlevel managers: the EPI coverage survey WHO/EPI/MLM/91.10 Geneva: WHO, 1991.
- 10 Checchi F, Roberts L. Interpreting and using mortality data in humanitarian emergencies: a primer for non-epidemiologists. Humanitarian Practice Network; Network Paper No. 52. London: Overseas Development Institute, Sept. 2005.
- 11 U.S. Department of State. Background note: Democratic Republic of Congo. <http://www.state.gov/r/pa/ei/bgn/2823.htm> (Accessed Nov. 1, 2007).
- 12 Democratic Republic of Congo Mission to the United States. People. <http://www.un.int/drcongo/People.htm> (Accessed Nov. 1, 2007).
- 13 U.N. Development Programme. Human Development Reports: Democratic Republic of Congo. http://hdrstats.undp.org/countries/data_sheets/cty_ds_COD.html (Accessed Nov. 1, 2007).
- 14 World Bank. Democratic Republic of Congo: Data and Statistics. <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/CONGODEMOCRATICEXTN/O,,menuPK:349492~pagePK:141132~piPK:141109~theSitePK:349466,00.html> (Accessed November 1, 2007)
- 15 MONUC. Key indicators: population. <http://www.monuc.org/news.aspx?newsID=11434> (Accessed Nov. 1, 2007)
- 16 Central Intelligence Agency. CIA Factbook. <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html> (Accessed Nov. 1, 2007).
- 17 World Health Organization. World Health Report. Geneva: WHO, 2006
- 18 Tschoegl E, Degomme O, Guha-Sapir D. The Democratic Republic of Congo: a brief analysis of anthropometric surveys from 2000-2006. Centre for Epidemiology of Disasters. Jan. 8, 2007.
- 19 UNICEF. State of the World's Children Report 1998. Oxford, Oxford University Press, 1998.
- 20 The Sphere Project. Minimum standards in health services, in The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response. Oxford: Oxfam Publishing, 2004.
- 21 Medecins Sans Frontieres. MSF opens new emergency operations in Katanga region of the Democratic Republic of Congo. MSF-USA press release. March 6, 2003. <http://www.doctorswithoutborders.org/pr/2003/03-06-2003.cfm> (Accessed Oct. 2, 2007)
- 22 Medecins Sans Frontieres. The humanitarian situation in the Democratic Republic of Congo. United Nations Security Council Meeting. Jan 24, 2006. <http://www.msf.org.au/features/drc/arria.250106.shtml> (Accessed Oct. 2, 2007).

MORTALITY IN THE DEMOCRATIC REPUBLIC OF CONGO: AN ONGOING CRISIS

- 23 International Crisis Group. Katanga: The Congo's Forgotten Crisis. Africa Report No.103. Brussels. Jan. 9, 2006 <http://www.crisisgroup.org/home/index.cfm?id=3861&l=1> (Accessed Oct. 25, 2007).
- 24 UNHCR. Handbook for Emergencies, 2nd Edition. Geneva: UNHCR, 2000.
- 25 United Nations. Humanitarian Action Plan 2007: Democratic Republic of Congo. <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1504> (Accessed Oct. 25, 2007).
- 26 Integrated Regional Information Networks. DRC: UN decries insecurity, malnutrition in Kasai Orientale. U.N. Office for the Coordination of Humanitarian Affairs. May 11, 2007. <http://www.irinnews.org/report.aspx?reportid=54346>
- 27 International Federation of Red Cross and Red Crescent Societies. Central Africa: Floods and landslides DREF Bulletin No. MDR62002. Jan. 9, 2007. <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6XAKQE?OpenDocument> (Accessed Sept. 30, 2007)
- 28 U.N. Office for the Coordination of Humanitarian Affairs. Humanitarian Crisis Watch: Democratic Republic of Congo. UNOCHA. September 2006. <http://vspot.vday.org/documents/2007/spotlight/HumanitarianImpactofElections.pdf> (Accessed Sept. 30, 2007)
- 29 Medecins Sans Frontieres. Access to healthcare in post-war Sierra Leone. Summary of a 2005 survey in four districts: Kambia, Tonkolili, Bombali, Bo. MSF-Holland and MSF-Belgium. January 2006. http://artszondergrenzen.nl/usermedia/files/Sierra_Leone_survey_2006_summary.pdf (Accessed Oct. 2, 2007)
- 30 Sapir DG, Gomez VT. Angola: The human impact of war: a data review of field surveys in Angola between 1999 and 2005. Centre for Research on the Epidemiology of Disasters, Catholic University of Louvain; June 2006.
- 31 Centre for the Research on the Epidemiology of Disasters. Complex Emergency Database (CE-DAT). <http://www.cedat.be/CEDAT/search/advsearch.php> (Accessed Oct. 25, 2007).
- 32 Ghobarah HA, Huth P, Russett. The post-war public health effects of civil conflict. *Soc Sci Med* 2004;59:869-884
- 33 Collier P. *The Bottom Billion*. Oxford: Oxford University Press, 2007.
- 34 Stearns JK. Congo's peace: miracle or mirage? *Current History*. April 23, 2007. <http://www.crisisgroup.org/home/index.cfm?id=4799&l=1> (Accessed Sept. 4, 2007)
- 35 International Crisis Group. Congo: Consolidating the Peace. Africa Report No. 128. Brussels. July 5, 2007.
- 36 U.N. Development Programme. World Development Report 2006. http://hdr.undp.org/hdr2006/pdfs/report/HDR_2006_Tables.pdf (Accessed Oct. 24, 2007)
- 37 UNDP. 2007/2008 Human Development Index Rankings. <http://hdr.undp.org/en/statistics> (Accessed Dec. 28, 2007).
- 38 Fund for Peace. Failed States Index Scores 2007. http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=229&Itemid=366com.lifli.iblog.NewWindow (Accessed Dec. 28, 2007).
- 39 Brennan R, Husarska A. Inside Congo, an unspeakable toll. *Washington Post*, July 16, 2006, page B3.
- 40 Prendergast J, Thomas-Jensen C. Averting the nightmare scenario in eastern Congo. *Enough Strategy Paper #7*. Sept. 2007.
- 41 Spiegel PB, Salama P. War and mortality in Kosovo, 1998-1999: an epidemiological testimony. *Lancet* 2000, 355:2204-2209.
- 42 Taylor WR, Chahnazarian A, Weinman J, et al. Mortality and use of health services surveys in rural Zaire. *International Journal of Epidemiology* 1993; Vol 22, suppl. 1, pp S15-19.
- 43 Becker SR, Diop F, Thornton JN. Infant and child mortality in two counties of Liberia: results of a survey in 1988 and trends since 1984. *International Journal of Epidemiology* 1993; 22, suppl. 1, pp S56-63.
- 44 UNICEF. *State of the World's Children Report 2000*. New York: UNICEF, 2000.
- 45 Central Intelligence Agency. *World Factbook 1998*. Country listing for Democratic Republic of Congo. <http://www.umsl.edu/services/govdocs/wofact98/61.htm> (Accessed Jan. 8, 2008).

ANNEX 2.17

La Documentation française, 1998-2003: *seven countries at war on the soil of the Democratic Republic of the Congo (DRC)*, 8 December 2004

La Documentation française, 1998-2003: seven countries at war on the soil of the Democratic Republic of the Congo (DRC), 8 December 2004

[Translation]

Summary

Introduction

An enduring conflict: 40 years of clashes

The Rwandan genocide of 1994

The First Congo War, 1996-1997

1998-2003: seven countries at war on the soil of the Democratic Republic of the Congo (DRC)

The plundering of natural resources

2003-2004: democratic transition and ongoing violence

Timeline

Glossary

The forces involved

Map of Africa

Map of the Great Lakes

Selected books, journals and reports



An African war on an unprecedented scale

Since 1998, the conflict has caused more than three million victims. Seven African countries are involved: the Democratic Republic of the Congo (DRC), Zimbabwe, Angola and Namibia on one side; Rwanda, Uganda and Burundi on the other.

The forces involved

When the Second Congo War broke out, Kivu was once again the scene of the opening hostilities in an extremely complex conflict, marked by the fragmentation of the Congolese, Rwandan, Ugandan and Burundian rebel groups concentrated in the eastern DRC, whose alliances and rivalries were determined by their ethnic group and immediate interests, by the involvement of African countries allied with L-D Kabila, by alliances and misalliances between the warring

factions on all sides (both Congolese and foreign), and by the high economic stakes for the DRC and its neighbours.

In July 1998, L-D Kabila dismissed his Tutsi ministers and ordered the Rwandan troops that had been stationed in the DRC since 1997 to leave the country, marking the end of the alliance with his former brothers in arms.

On 2 August 1998, Banyamulenge soldiers in Kivu, disillusioned with the new régime, mutinied again, this time against Kabila, whom they had brought to power in May 1997.

The rebellion was supported by Rwanda, Uganda and, to a lesser degree, Burundi, which took advantage of the discontent amongst the Congolese Tutsis of Rwandan origin to achieve their own ends.

The rebellion soon degenerated into an African war on an unprecedented scale.

Seven African countries rushed to join the fighting and two coalitions clashed on Congolese soil:

- on one side, Kabila's government troops, the Interahamwe Rwandan militia and the former Rwandan Armed Forces (ex-FAR), and the Mai-Mai Congolese tribal militia, supported by Angola, Namibia, Zimbabwe and Chad, although Chad soon withdrew;
- on the other, rival Congolese rebel factions, supported interchangeably, depending on their own interests, by Rwanda, Uganda and Burundi.

As early as August 1998, fierce fighting had spread from Kivu province and stretched from the north-east to the south-east of the DRC. The rebels of the Congolese Rally for Democracy (RCD) took Kisangani, the country's third largest city, but failed in their attempt to enter Kinshasa. Battle lines hardened, engendering the country's incipient partition: North and South Kivu and parts of Maniema, Katanga and Orientale province fell under the military, political and administrative control of the RCD supported by Rwanda and Uganda; the west of the country remained under the control of the government of L-D Kabila, with military backing from his allies.

Following the creation of a new rebel movement in Equateur province, the Ugandan-backed Congo Liberation Movement (MLC), and the split of the RCD into two factions, the rebels consolidated the country's partition, sharing the north, east and south-east of the DRC, while the Government was left with control only of the western half.

Despite the beginning of the peace process, marked by the Ceasefire Agreement, which was signed in July 1999 in Lusaka by the seven countries involved together with the rebels of the MLC and the two RCDs, the fighting continued and the political and military imbroglio became even more complex with the reversal of the alliance between Rwanda and Uganda. The conquest of Kisangani, the capital of Orientale province and an important diamond trading centre, became both the symbol and the focus of their violent clashes on three occasions: August 1999, May-June 2000 and June 2002.

Thanks to the intervention of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and to the bilateral agreements between RCD-Rwanda and RCD-Uganda, the foreign troops officially withdrew from Congolese territory at the end of 2002, formally putting an end to the war in the region.

However, despite this the fighting did not stop, and the nature of the conflict changed. Rwanda and Uganda were determined to maintain control over the DRC's natural wealth and, under the guise of securing their borders against the rebels (including Hutu armed groups) coming

from the DRC, they continued to clash through proxy Congolese militia, which they armed to further their own interests, while stoking inter-ethnic divisions. The focus of the conflict thus became the DRC's tumultuous relations with its Rwandan and Ugandan neighbours. The violence persisted between the rebels supported by Rwanda and Uganda despite the conflict having officially ended, with the same deadly consequences for the population, particularly in Ituri and Kivu, and the same destabilizing effect for the African Great Lakes region.

The intervention of the United Nations in the Democratic Republic of the Congo: MONUC

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was constituted on 30 November 1999 to supervise the implementation of the Ceasefire Agreement, which had been signed on 10 July 1999 in Lusaka (Zambia) by the seven States involved in the conflict. In November 2004, almost 17,000 MONUC peacekeepers were deployed in eastern DRC. Between 1 July 2003 and 30 June 2004, MONUC was allocated a budget of US\$608.23 million, more than any other peacekeeping mission in the world.

- In resolution 1279 of 30 November 1999, the Security Council decided that personnel authorized under previous resolutions would constitute MONUC (the United Nations Organization Mission in the Democratic Republic of the Congo).
- In resolution 1399 of 19 March 2002, the Security Council condemned the resumption of fighting in the Moliro pocket and reminded RCD-Goma and all other parties that they must comply with their obligations with regard to the Ceasefire Agreement, the disengagement plan and relevant resolutions of the Security Council.
- In resolution 1493 of 28 July 2003, the Security Council increased MONUC's military strength to 10,800 and gave it a new mandate, authorizing it to use force in Ituri and North and South Kivu to protect civilians and secure a humanitarian corridor for the humanitarian agencies. It decided to impose an embargo on the supply of arms and any other material or assistance to armed groups operating in North and South Kivu and Ituri.
- In resolution 1596 of 18 April 2005, the Security Council extended the arms embargo to the whole of the Democratic Republic of the Congo.



MONUC soldiers in Bunia, 2003.

The population, victims of plundering

People died not only as a result of acts of war but also as a result of the consequences of the illegal plundering of natural resources: food insecurity due to the destruction of crops; diseases exacerbated by the collapse of the healthcare system.

The Interim report on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC, which was published on 22 May 2002 by the Panel of Experts mandated by the United Nations Security Council, drew particular attention to the humanitarian consequences of the plundering of resources.

“One of the consequences is the destruction of crop and grazing fields in rural areas, halting food production and increasing pressure on existing food resources . . .

[45.] A variety of sources report that local populations, including children, are being conscripted and used as forced labour in the extraction of resources by some military forces in different regions . . .

[46.] In some areas, entire communities have been forcibly displaced by armed forces so that they can take control of resource-rich zones or the access roads for those zones . . . Other serious human rights violations, including killings, sexual assaults and abuse of power for economic gain, have been reported as directly linked to [these] military forces’ control of resource extraction sites or their presence in the vicinity of such sites.

.....

[48.] Almost no revenues are allocated for public services such as utilities, health services and schools. Infrastructures and services are quasi-inexistent . . . With . . . food production plummeting in rural areas, malnutrition rates are rising to very high levels, especially in areas where economic exploitation is most intensive.

[49.] Large numbers of conflict-related deaths are adding to an even greater number of deaths from malnutrition and disease, resulting in extremely elevated mortality rates for all ages. Infants and children have been particularly affected. Mortality rates surveyed in conflict areas in the eastern Democratic Republic of the Congo are among the highest recorded in the world.”



Food distribution centre in the DRC.

A weapon of war: sexual violence against women

Since 1998, tens of thousands of Congolese women and girls have suffered — and more continue to suffer — sexual abuse as a result of the conflict, according to estimates made by international humanitarian organizations in 2004.

Despite the official withdrawal of foreign troops from Congolese territory at the end of 2002 and the implementation of the transition process, armed groups clash every day in eastern DRC sporadically terrorizing the population. Sexual violence against women continues unabated and unpunished, compounded by the spread of HIV/AIDS and the lack of access to medical care, due to the destruction of medical facilities.

“Sexual violence has been used as a weapon of war by most of the forces involved in this conflict . . .

In some cases soldiers and combatants raped women and girls as part of a . . . general attack in which they killed and injured civilians and pillaged and destroyed their property. They did this to terrorize communities into accepting their control or to punish them for real or supposed aid to opposing forces, particularly if they themselves had recently been attacked by these forces. In cases where there was no larger attack, individuals or small groups of soldiers and combatants also raped women and girls whom they found in the fields, in the forest, along the roads, or in their homes . . .

In many cases, combatants abducted women and girls and took them to their bases in the forest where they forced them to provide sexual services and domestic labor, sometimes for periods of more than a year. Among the hundreds of thousands displaced by the war were many women who sought safety for themselves and their families in towns. Instead of finding security, some were raped by soldiers from nearby military camps or by government officials.

Some rapists aggravated their crimes by other acts of extraordinary brutality, shooting victims in the vagina or mutilating them with knives or razor blades. Some attacked girls as young as five years of age or elderly women as old as eighty. Some killed their victims outright while others left them to die of their injuries . . .

[R]ape and other sexual crimes are not just carried out by armed factions but also increasingly by police and others in positions of authority and power, and by opportunistic common criminals and bandits, taking advantage of the **prevailing climate of impunity** and the culture of violence against women and girls.”

Source: Human Rights Watch, *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, June 2002.

Violence against women was on the agenda of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, which was held in November 2004.

Child soldiers

“A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and

for forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.” [Cape Town Principles, 1997.]

“The conflict has been marked by the widespread use of children as combatants by all parties. The DRC is currently one of the countries of the world with the largest number of child soldiers. During their training they are usually subjected to violence, and in some camps children have died in appalling conditions. They may be forced to attempt to locate enemy troops or to act as personal bodyguards to their commanders, or may be exploited by soldiers for sex. Both boys and girls are also forced to carry supplies, water, food and munitions, or to act as cooks. They are often sent to the front to fight. On the frontline the children are repeatedly forced to commit abuses, including murder and rape, against civilians and enemy soldiers. Some have been made to kill their own families, while others have been made to engage in cannibalistic or sexual acts with the corpses of enemies killed in battle. They are threatened, and are often given drugs and alcohol to cloud their emotions and enable them to carry out these crimes.”

Source: Amnesty International, *Democratic Republic of Congo: Children at War*, September 2003, AI Index: AFR 62/034/2003. *[This particular paragraph does not form part of the English version of the report and has been translated by the Registry.]*



Demobilized child soldiers in the DRC.

Last updated: 08/12/2004

ANNEX 2.18

**Human Rights Watch, *Democratic Republic of the Congo: Confronting Impunity*,
Human Rights Watch Briefing Paper, January 2004**



Democratic Republic of the Congo: Confronting Impunity

Human Rights Watch Briefing Paper, January 2004

I. Introduction

Human Rights Watch strongly believes that accountability for serious past crimes is the foundation for post-conflict reconstruction based on the rule of law and respect for human rights. Impunity for atrocities committed in the past sends the message that such crimes may be tolerated in the future. Peace and justice should be seen as complementary, not contradictory, objectives.

The initiative led by the European Commission (EC) to undertake a mission of national and international experts to carry out an Organizational Audit of the Democratic Republic of the Congo (DRC) justice system is greatly welcomed. The results of this mission will be critically important in determining both national and international support for the justice sector. It will also lay the groundwork to end impunity for serious past crimes as part of the political transition of the country.

This Briefing Paper is not intended to be a comprehensive assessment of the obstacles facing the national justice system in the DRC. Rather, it looks at the challenges in addressing impunity for the horrific crimes that have been committed in the DRC since 1996. The Briefing Paper discusses several aspects of disarray in the national justice system to highlight some of the most significant problems undercutting the capacity of national courts to prosecute serious human rights crimes. It provides several concrete recommendations for initiatives and reforms that would enhance the capacity of national courts to address these crimes. The Briefing Paper makes specific suggestions on how national authorities can work cooperatively with the International Criminal Court (ICC) and other international justice mechanisms to best ensure that justice is done. It also discusses implementing the Truth and Reconciliation Commission (TRC) for the DRC as a valuable way to document serious past crimes given their scope.

II. Transitional Period

In June 2003 a government of national unity was installed in the DRC purportedly ending what has been one of the most deadly wars in the world¹. On paper the country is on the road to peace, but in practice it is far from peaceful. In many parts of eastern DRC, such as Ituri, South Kivu and northern Katanga, the fighting between armed groups continues with widespread human rights crimes including ethnic massacres, sexual violence, and recruitment of child soldiers. Systematic human rights offenses against civilians have been rampant throughout the duration of this five-year war and continue with almost total impunity. Appalling deeds go by without investigation, legal redress, or recompense for the victims. For most Congolese people, the rights set out under international law that ought to protect them from these abuses have no meaning.

The challenges facing the DRC to building a peaceful and democratic society are immense. A critical challenge will be confronting the culture of impunity. The international community has stated on numerous occasions that there will be no impunity for the most serious crimes under international law and that perpetrators will be held accountable. For example, on March 20, 2003, the United Nations Security Council in resolution 1468 emphasized this point and reiterated that all parties claiming a role in the future of the DRC must demonstrate their respect for human rights and international humanitarian law, and end impunity across the entire country². So far there has been little action to back up these words.

Since August 1998 the DRC has been enmeshed in one of Africa's most internationalized wars, directly involving six other countries. The armies of Rwanda, Uganda, and Burundi, together with Congolese rebel groups, were pitted against the government of the DRC supported by Zimbabwe, Angola, and Namibia. Human Rights Watch has documented massive human rights abuses carried out by all parties during the war.

Armed groups have committed war crimes, crimes against humanity, and other violations of international humanitarian and human rights law on a massive scale in the DRC. Assailants have massacred unarmed civilians, sometimes solely on the basis of their ethnicity, committed summary executions, forcibly abducted persons whose whereabouts remain unknown, and arbitrarily arrested and unlawfully detained others, some of whom they subjected to systematic torture. Sexual violence has been a

¹ A report from the International Rescue Committee found that 3.3 million people had died in the DRC since 1998 from direct and indirect violence, making this the most deadly war in the world in terms of a civilian death toll since World War II. See International Rescue Committee, "Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey," April 2003.

² U.N. Security Council Resolution 1468, March 20, 2003.

particularly devastating feature and has been used as a weapon of war by most of the armed forces. International aid organizations recently estimated that as many as 10,000 women and girls may have been raped by combatants. All groups have recruited children, some as young as seven years old, for military service, subjecting the children to the risks and trauma of military operations.

In April 2003 the warring parties finally agreed to share power and signed the All Inclusive Agreement on the Transitional Government, meant to settle interim political arrangements while the country moves toward elections. This agreement and the subsequent swearing in of the Government of National Unity (GNU) is a significant step forward, but the transition is fragile. Parts of the east of the country remain in conflict and most of the former rebel groups appear to be preserving their military options should the transition process fail³. As one civil society group said to Human Rights Watch researchers, "Everything is on paper, there is very little that is tangible. We see this period as the beginning of the end of our suffering."⁴

In this uncertain environment, questions of justice are critical. A number of those appointed to government positions have been accused of involvement in serious human rights abuses. Yet, respect for human rights and the rule of law are essential to establishing a durable peace and long term human development. If there is no justice, local populations may cause further violence by taking matters into their own hands. This has already been witnessed in Ituri, north-eastern Congo, where the culture of impunity has further fuelled the cycle of ethnic violence, allowing opposing groups to believe they are justified in carrying out revenge killings for crimes committed against them. Questions of justice ought to be treated delicately in such a fragile environment. Without a start to the process of justice, peace will remain fragile and risks failure.

III. Truth and Reconciliation Commission

A plan to establish the Truth and Reconciliation Commission for the DRC was a result of the Sun City Accord which set up five ad-hoc commissions in April 2002. In this agreement, the signatories agreed the TRC would consider political, economic, and social crimes committed from 1960 until 2003 in order to establish truth and help bring individuals and communities to reconciliation. The long historical period that the commission is to investigate was reportedly a key requirement for the signature of the RCD-Goma who were left out of the initial agreement in 2002. Reverend Kuye is the president of this Commission. The Commission is supported by eight other members,

³ Human Rights Watch interviews with senior U.N. Organization Mission in the Democratic Republic of the Congo and other U.N. officials, South Africa, October 4-9, 2003.

⁴ Human Rights Watch interviews with civil society groups, Kinshasa, October 4, 2003.

each representing one of the main parties to the peace process⁵.

The laws that will govern the TRC are currently being developed and will need to be passed by parliament and approved by the Counsel of Ministers. There are currently two draft laws being developed. One is a law deposited at the parliament by civil society members organized by a women's network called WOPPA and signed by a group of parliamentarians. This law has broad support and was developed in consultations in Kananga, funded by international donors, with members of all the main rebel groups and civil society⁶. A second law is expected to be presented to the Council of Ministers by Reverend Kuye. His office has sought to harmonize three proposals, including the WOPPA proposal, into a new proposal.

There appear to be a number of key challenges ahead for the establishment of the TRC. There are questions about its composition, its functioning, and the timeframe which it is due to consider. One of the main concerns is the integrity and suitability of the eight members of the Commission,⁷ selected by each of the signatories of the Sun City Accord. Critics claim that a number of those selected have themselves been implicated in human rights abuses. Reverend Kuye, however, claims he has not received any formal complaints against any member of his Commission⁸. Whatever the justification of these allegations, the integrity of the Commission has been questioned and could undermine the whole truth and reconciliation process.

Furthermore, civil society members, the U.N. High Commissioner for Human Rights (UNHCHR), and the U.N. Organization Mission in the Democratic Republic of the Congo (MONUC) have expressed concerns about the draft law being prepared by the president of the Commission. This law has been developed with only minimal consultation and does not include some key safeguards for the integrity of the process. It does not include sexual violence and other gender-based crimes as a violation and also reduces the time frame which was agreed in the Sun City Accord. The UNHCHR is considering disassociating themselves with the TRC process if the current draft law prepared by Reverend Kuye is adopted.

Having two laws before the parliament for their consideration is itself not a problem. In fact, an active and open debate on such a fundamental commission should be encouraged. It is essential, though, that any law adopted should meet the fundamental

⁵ These groups are known as the composant and include the former Kinshasa government, the RCD-G, MLC, RCD-ML, RCD-N, Mai Mai, civil society, and opposition groups.

⁶ Human Rights Watch interview with Ellyse Dimandja, vice president of WOPPA, October 7, 2003.

⁷ Only seven have been selected so far, although the Commission is expected to have eight people.

⁸ Human Rights Watch interview, Reverend Kuye, president of the TRC, Kinshasa, October 7, 2003.

principles of independence, fairness, and transparency. It should also build upon the experience from other countries. Donors need to allow the process of debate to take place and should seek to support the Congolese vision of a TRC so long as the Commission will operate fairly, independently, and transparently.

Until a law is passed, the TRC cannot start to function. Considering that there are many laws that need to be passed, it is doubtful that this law will get the greatest priority. Having a mechanism that can establish a record of the truth and building reconciliation between communities is essential to building a solid foundation for the future in the DRC. It would be a lost opportunity if the TRC were unable to get off the ground.

IV. Breakdown of the National Justice System

The DRC's national justice system is in a state of disarray. It will likely take years to establish a functioning, independent, impartial, and fair judiciary. Yet, in the long term, it is the national justice system that provides the best hope for the protection of human rights and an end to the culture of impunity in the DRC. In the short term, the challenges for rebuilding a national justice system are enormous and will require extraordinary measures in the coming years to end the systematic and widespread abuses of human rights that characterize the DRC.

The DRC's judicial system has had little investment over the past decade. Most of the courts do not function. Its personnel have not been paid for years and magistrates are badly trained and unsupported. Mismanagement or corruption often characterizes cases that are heard, sometimes fueling community grievances and furthering conflict. One of the sparks to the conflict in Ituri between the Hema and the Lendu ethnic groups was a case about land rights where one side believed the other had corrupted the judges in the local magistrates court.⁹

Lack of confidence in the judiciary's administration of justice is widespread. Not a single political crisis of a constitutional nature has been resolved by the judiciary. Politicians and businesses are reluctant to bring their disputes to the courts. The general population similarly lacks confidence in the judiciary. It is estimated that only a very small percentage of disputes end up in courts of law, not because parties to the disputes have better options, but because they are so suspicious of the judiciary that they prefer other means, including the police, security services, the military, or traditional arbitration in rural areas. Victims of human rights abuses are generally reluctant to utilize judicial mechanisms for redress.

⁹ For further information, see Human Rights Watch reports, "Ituri: Covered in Blood: Ethnically Targeted Violence In Northeastern DR Congo," July 2003, and "Uganda in Eastern DRC: Fueling Political and Ethnic Strife," March 2001.

There are recent examples of the crisis of the judicial system leading the population to the dangerous course of self-defense. In the Masisi, Nord-Kivu area, for example, the justice system had failed for many years to resolve the intense land disputes between Hunde and “Banyarwanda” population (Hutu and Tutsi).¹⁰ It was no surprise that the Mai-Mai movement in the Masisi area began in the mid-1990s with its mainly Hunde members citing local ethnic disputes over land in addition to broader political claims as the justification for resorting to organized militias.

Below we discuss certain key deficiencies in the DRC justice system that undermine its capacity to bring justice for serious past crimes. These include lack of independence of the judiciary, training, adequate investigations, protection of fair trial standards and rights of the accused.

a. Lack of independence of the judiciary

Post-independence constitutions of the DRC, including the current transitional constitution, have asserted the principle of separation of powers and recognized three branches of government. But, despite clear references to judicial independence, the constantly growing power of the executive since the mid-1970s has resulted in *de facto* subordination of the judiciary to the executive branch. The judiciary has lost the relative independence it once enjoyed in the late 1960s and the early 1970s.

The democratic reforms of the early 1990s restated the importance of separation of powers and the judiciary showed significant signs of independence. In a celebrated ruling in 1992, for example, the Supreme Court refused to apply the 1967 authoritarian constitution that the president wanted. On August 16, 1993, the president of the Supreme Court and the *procureur général* signed a joint statement declaring void the measures of dismissal and transfer of judges arbitrarily decreed by the prime minister. However, this demonstration of independence did not last long enough for the judiciary to fully recover from the damage during the Mobutu era.

In 1997 President Laurent Kabila came to power with a deep suspicion of anyone associated with the Mobutu regime, especially the judiciary. The function of overseeing

¹⁰ Mararo Bucyalimwe, “Land Conflict in Masisi, Eastern Zaire: The Impact and Aftermath of Belgian Colonial Policy (1920-1989),” (Ph.D. diss., Indiana University, UMI, 1990). The study examined 163 dossiers covering the 1949-1988 period, including forty-one at the Appeals Court of Kivu in Bukavu, fifty at the Tribunal de Grande Instance du Nord-Kivu in Goma, and seventy-two at the Tribunal de Zone de Masisi in Masisi. The author arrives at the following conclusion: “First [these records] show how local justice is expeditious in the sense that the judges give, in most cases, a ruling on the form and not on the content. This is dramatic for the undereducated peasants who do not have money to pay for lawyers’ advice. Second, they show that the 1973 Land Reform is an efficient tool for land expropriation. Third, they reveal all the underhanded practices used by land expropriators to achieve their goals.” (p. 18)

disciplinary measures has been filled by the *Conseil Supérieur de la Magistrature* (CSM). By constitutional mandate, the president of the republic presides over the Council and is assisted by the minister of justice. The chairmanship of these executive officials over the CSM needs to remain only symbolic to avoid undue infringement of the independence of the judiciary. Nevertheless, the minister of justice assumed oversight functions, undermining the CSM's authority and making clear the government's will to exert tight control. In 1998 the minister of justice fired 315 judges and magistrates without even consulting the CSM.

The situation has not changed under the current Government of National Unity. The *Syndicat Autonome des Magistrats de la République Démocratique du Congo* — SYNAMAC, the principal union of magistrates and judges — recently noted, “the judges of our country have been wrongly and unjustly reduced to the rank of simple public functionaries of the state.”¹¹ In their memorandum prepared for the government, SYNAMAC asked for a significant raise in judges' salaries to help ensure their independence from economic, ethnic, and political special interests.

b. Lack of training

The lack of well-trained personnel has always been one of the most serious problems plaguing the Congolese judiciary. At independence in 1960, there was not a single trained Congolese lawyer in practice. The government recruited foreign judges from Africa and Haiti to fill the vacuum left on the bench by the Belgians. It was not until 1962-1963 that the first graduates of Congolese law schools joined the bench. The last figures released by the Ministry of Justice show that as of 1998, there were only 1448 judges and prosecutors in the entire country, with over 70 percent of these concentrated in the cities of Kinshasa, Lubumbashi, Kisangani, and Goma.

The Congolese judicial system is based on a career magistracy where judges and prosecutors are appointed directly from law school without prior experience as lawyers. They enter a hierarchical structure where they depend on their superiors for job assignments and promotion. For this system to work there must be specialized training for judges and a self-regulatory mechanism to oversee discipline and promotion. Such specialized training was provided in the early 1960s through the *Ecole Nationale de Droit et d'Administration*, a judicial college which lasted only a few years. Since that time, there have been no effective training programs for judges and prosecutors.

¹¹ Mémorandum du Syndicat Autonome des Magistrats de la République Démocratique du Congo, Kinshasa, August 25, 2003 (unofficial translation, original in French).

c. Lack of adequate investigative capacity

In the DRC, criminal cases are in general poorly handled. Pre-trial investigation is usually one-sided or in some cases, does not take place at all. Unlike many countries in Francophone Africa and most civil law countries, the investigative functions are not separate from the functions of prosecution. The state prosecutor in the DRC both investigates and prosecutes. For such a system to work, the prosecutor and the defense must be put on an equal footing, at least formally. They both must be able to investigate and have the opportunity to present the results of their investigations. Evidence must be disclosed to each other; no side must be allowed to conduct a trial by ambush.

However, this is not the case in the DRC. There is no mechanism to ensure fairness and independence of the investigation. The prosecutor enjoys large discretionary powers — called the “opportunity of prosecution” (*opportunité de poursuite*) — to decide whether a particular crime warrants investigation. However, neither a *juge d’instruction*, an investigating magistrate in a civil law system, nor rules of disclosure exist to counter-balance the one-sided investigation by the prosecutor. This discretionary power may only be overruled by a complaint filed directly before the court by the victim of the crime.

d. Lack of fair trial standards and rights of the accused

Even though the Congolese justice system has a long way to go to become fully functioning, ordinary tribunals still have a semblance of respect for fair trial and the most basic rights of the accused. However, as exemplified by the *Cour de S[°]reté de l’Etat*, the *Cour d’Ordre Militaire*, and the *Office des Biens Mal Acquis*, successive governments have established and used special judicial or quasi-judicial bodies against politically targeted groups to avoid the application of even these minimum standards of fair trial.

After the fall of Mobutu in 1997, the Kabila government established a Commission of Illegally Gotten Wealth (*Office des Biens Mal Acquis* - OBMA) to investigate economic crimes committed by members of the Mobutu regime. The stated mandate of the Commission was to investigate the origin of the wealth accumulated by the most senior officials of the Mobutu regime, and to bring to trial those suspected of illegal enrichment. But the Commission has acted as a tribunal, administering justice without respect to fair trial standards and ordering the seizure of properties allegedly gotten illegally.

The Kabila government also abolished all previously existing military tribunals and replaced them by a single military court (the *Cour d’Ordre Militaire* - COM). The COM was the result of the deep suspicion with which the Kabila government held anyone who

previously worked in the justice system under Mobutu and the preference of members of the new army to directly handle their arrest and adjudication outside of the courts. During the five years of its existence, the COM was characterized by a total violation of due process and basic guarantees of fair trial, including an accused's right to appeal and to counsel of his choice.

Amid outcry and denunciations from all sectors of the society, the government abolished the COM in early 2003 and replaced it with new military tribunals. Nevertheless, the *Cour de S^oreté de l'Etat*, a special tribunal established in the 1970s to prosecute political offenses, continues to try members of the opposition, journalists, and union leaders without due process.

V. Rebuilding the National Justice System — Possible Ways Forward

The major challenge ahead is how to rebuild the national justice system for the long term while at the same time putting short term measures in place to end the culture of impunity. Both the civilian and the military justice system must be reformed and strengthened in order to be able to deal with the vast number of serious crimes committed. Investigators lack the training and means to properly gather, catalogue, and preserve evidence for use in further investigations and potentially a trial. They often lack the special skills to work with victims and witnesses of crimes such as sexual violence. To build a cadre of judicial personnel — judges, prosecutors, investigating judges, investigating officers, and others — will require training on judicial procedures and human rights. These officials also must receive specific training on the problems of sexual violence and the specific challenges prosecutions of such crimes pose. Below we discuss specific recommendations to address immediate and longer term needs of the DRC justice system.

a. Create a mobile investigative unit to help bring justice for widespread human rights abuses in the short term

In the short term, quick and innovative solutions need to be found to hold to account those responsible for human rights abuses. One way to make progress toward this goal would be to establish a mobile investigative team to enable a quick start of investigations into grave human rights crimes, in particular war crimes and crimes against humanity. Such a team could be composed of national and international staff including magistrates, investigators, prosecutors, forensic experts, and counselors serving as a central investigative body. It could be established by the *procureur général* of the DRC, with a base in Kinshasa, to be deployed, as needed, to sites of reported massacres and trials throughout the DRC. As an investigative entity, the mobile investigative team would be able to gather and preserve evidence crucial for any criminal trial, whether of a national

or international character.

Forming a mobile investigative unit would be a discrete measure that could be undertaken relatively quickly. It would represent a significant step forward in delivering justice for the most serious crimes under international law. The evidence gathered by the mobile investigative unit would be handed over to the national courts, or where the national justice system seems unwilling or unable to prosecute, it could hand over evidence to the ICC. Human Rights Watch recommends that the DRC government immediately establish, and the EC mission fund and train, a mobile investigative team with national and international staff to act as a central investigative body to gather and preserve evidence for future criminal trials.

b. Enhance capacity to investigate and prosecute crimes involving sexual violence and other gender-based crimes and create witness and victim protection programs

Women and girls have been victims of sexual violence and other gender-based crimes, such as rape, sexual assault, mutilation, and forced labor, in the DRC war. An important way to address justice for serious human rights crimes is through the creation and financial support of measures to enable adequate investigation and prosecution of a large number of these crimes. Even with the dire lack of resources in the DRC, maximum efforts also must be made to address the particular needs of victims and witnesses relating to crimes of sexual violence.

In order to render investigations and prosecutions into sexual violence and other gender-based crimes more effective, prosecutors and judges should be trained on how to investigate sexual and other gender-based violence, and trained forensic medical professionals should be hired to assist in investigations. Prosecution of sexual and other gender-based crimes also should be enhanced by employing people with expertise in these types of crimes as judges, magistrates, investigating officers, and other judicial personnel.

Courts must also apply measures to ensure that victims and witnesses are treated with appropriate competence. All judicial staff should be educated on the long-lasting physical and emotional trauma of sexual violence and other gender-based crimes, and be given clear procedures to avoid re-traumatization of the victims, i.e. through minimizing the number of times the survivor has to recount the details of the crime. Courts should take measures to protect the confidentiality of the victims and witnesses, such as holding in camera trials and assisting with relocation where necessary. Counseling should be made available for victims and witnesses. There should be programs to educate victims and witnesses about the nature of the judicial process and its various stages from the

commencement of proceedings and the filing of an indictment through trial.

The situation in the DRC is particularly complicated as the rape law excludes a number of sexual and other gender-based crimes that have frequently occurred in the DRC, for example bodily penetration with an object. Any future law should address sexual violence more comprehensively as an assault against the bodily integrity and sexual autonomy of an individual. With the widespread use of rape by most armed groups in the DRC, it is essential that this law be revised to ensure better protection for civilians. There also needs to be further urgent revision to clarify which acts of sexual violence and other gender-based crimes constitute war crimes and crimes against humanity.

c. Institutional reforms to the justice system

As discussed above, the DRC justice system faces institutional problems relating to lack of independence, poor infrastructure, nonexistent training, inadequate investigations, and failure to protect fair trial standards and rights of the accused. We suggest that the EC mission consult with Congolese lawyers to consider recommending financial support for measures to implement institutional reforms to improve the administration of justice. Specifically, such measures could include adding a *juge d'instruction* to the justice system and amending the code of criminal procedure to grant more rights to the accused during the pre-trial phase to ensure fairness and independence in pre-trial criminal investigations. We also recommend abolishing all the special judicial or quasi-judicial bodies, including the OBMA and the *Cour de S^oreté de l'Etat*, and supporting the creation of a specialized training school for law graduates who want to pursue a career as magistrates or judges. The school would train them in special legal areas, such as criminal investigations for mass slaughter, sexual crimes, etc. The school would also prepare judges for professional specialization. In addition, we suggest initiatives to enable the CSM to regain full control over the management of the career promotion and resources of the judiciary. The budget voted by the parliament for the judiciary should be managed by magistrates themselves through the CSM to avoid the unduly great influence the executive exerts on the judiciary through resource management and career promotion.

VI. International Justice

a. Addressing impunity for crimes committed before July 1, 2002

Since 1996 the DRC has experienced a horrific armed conflict in which impunity for war crimes and crimes against humanity has been, and continues to be, the norm. Attacks against the civilian population, killings, and use of sexual violence continue to be committed in the East. These crimes will not stop as long as those who commit them are not held responsible for their acts. Accountability for those responsible for serious

crimes is essential if the DRC and the region are to make a transition to a durable peace.

The Security Council has, on numerous occasions, expressed great concern about violence in the DRC, and stressed the need for a transitional period built on a system of accountability. After the promulgation of the Transitional Constitution at the announcement of the formation of the GNU, the Security Council: “Strongly [condemned] the acts of violence systematically perpetrated against civilians, including the massacres, as well as other atrocities and violations of international humanitarian law and human rights, in particular, sexual violence against women and girls,” and stressed “the need to bring to justice those responsible, including those at the command level.”¹²

The Council in the same resolution encouraged the secretary-general to assist the transitional authorities of the DRC “in order to put an end to impunity.” But due to its current state of disarray, the national justice system is unable, even with massive help, to thoroughly investigate and prosecute the gravest crimes committed during the seven-year war and put an end to impunity. While the DRC’s ratification of the Rome Statute, the founding treaty of the ICC, allows the ICC to try crimes committed after July 1, 2002, there is no mechanism competent to address past crimes perpetrated in the DRC since 1996.

The Congolese GNU has called several times on the United Nations to help set up an international tribunal. President Kabila recently repeated this request in his speech at the General Assembly on September 25, 2003. There are also different forms of justice mechanisms short of an international tribunal that can be pursued. A Group of Experts, including international and Congolese experts, should be established through the United Nations to conduct an in-depth study of possible justice mechanisms to investigate and prosecute crimes against humanity and war crimes committed prior to the entry into force of the ICC Statute. The appointment of such a Commission would demonstrate that the international community is willing to match its words about putting an end to impunity with concrete action. The Commission’s conclusions would help the secretary-general make recommendations to the Security Council on “Öways to help the transitional government in the Democratic Republic of the Congo address the issue of impunity.”¹³

b. ICC implementing legislation

The Congolese government and parliament should create a legal and institutional

¹² U.N. Security Council Resolution 1493 (2003), July 28, 2003.

¹³ U.N. Security Council Resolution 1468 (2003), March 20, 2003.

framework for the prosecution of war crimes and crimes against humanity, including sexual violence, committed during the two wars in the DRC. Current laws are insufficient and in part unsuitable to guide the process of transition and the delivery of justice. Under the current penal code, crimes against humanity, war crimes, and genocide are not punishable offenses. The definition of war crimes and crimes against humanity in the Military Penal Code falls short of the elements of these crimes under both the Rome Statute and the Geneva Conventions, to which the DRC is a party.

A key piece of this legal framework will be the implementing legislation for the ICC. The DRC has signed (on September 8, 2000) and ratified (on April 11, 2002) the Rome Statute. The *Project de Loi de Mise en Oeuvre du Statut de la Cour Pénale Internationale* was drafted in July 2003 by the *Commission Permanente de Réforme du Droit Congolais* at the request of the minister of justice and following a year-long drafting process that involved the participation of magistrates, law professors, members of national and provincial bar associations, and the NGO community.

The minister of justice is now reviewing this important piece of legislation before it is sent to the transitional parliament. It is important that it be sent to transitional parliament without further delay as its adoption will be a major step towards establishing justice in the DRC. The draft law provides a comprehensive definition of war crimes, crimes against humanity, and genocide consistent with the Rome Statute. It spells out the way in which the DRC government and judicial authorities will work with the ICC to prosecute such crimes. It provides for important safeguards of fair trial and respect for the rights of the accused for all crimes under Congolese law, as guaranteed by the transitional constitution, that are lacking in the current code of criminal procedure. It also expands the jurisdiction of civilian tribunals to members of the armed forces when accused of crimes against humanity or war crimes. This is of a particular importance to assert the primacy of the civilian justice system and create a coherent and unified jurisprudence.

VII. Recommendations

To the Government of National Unity:

- Encourage an open and active debate on the TRC in parliament and allow broad consultation on the staffing and the composition of the TRC to ensure meaningful involvement of civil society. Ensure that the law includes guarantees for fair, independent, and transparent operations by the TRC.
- Urgently adopt the ICC implementing law codifying crimes against humanity and war crimes into Congolese domestic legislation and permitting cooperation

with the ICC.

- Refer the most serious crimes against humanity and war crimes to the Office of the Prosecutor of the ICC to ensure that justice is done while the national justice system is being rebuilt.
- Revise the law on rape to address sexual violence more comprehensively, define where sexual violence and other gender-based crimes are a war crime or crime against humanity, and ensure greater protection measures for victims and witnesses.

To the European Commission Justice Mission:

- Recommend the creation of a mobile investigative team to enable a quick start to investigations and preservation of evidence of grave human rights crimes to help bring justice for widespread abuses in the short term.
- Emphasize the importance of an investigation by the ICC Prosecutor into crimes against humanity and war crimes in the DRC.
- Propose special measures and financial support for investigation and prosecution of sexual crimes committed against women and girls, including protection and support for witnesses and special training for judicial staff.
- Consult with Congolese lawyers on longer term measures to implement institutional reforms to improve the administration of justice, including a specialized training school for magistrates and judges.

To the International Community and the United Nations:

- Establish a mixed Group of Experts appointed by the U.N. secretary-general to recommend possible justice mechanisms to investigate and prosecute war crimes and crimes against humanity committed during the war prior to the entry into force of the ICC Statute.

ANNEX 2.19

André Lambert and Louis Lohlé-Tart, *La surmortalité au Congo (RDC) durant les troubles de 1998-2004: une estimation des décès en surnombre, scientifiquement fondée à partir des méthodes de la démographie*

[Annex not translated]

ANNEX 2.20

**Amnesty International, *Ituri: a need for protection, a thirst for justice*,
21 October 2003 (AI Index No. AFR62/032/2003)**

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Democratic Republic of Congo

Ituri: a need for protection, a thirst for justice

Introduction: a need for protection, a thirst for justice

Between July 2002 and the beginning of 2003, the conflict in Ituri has claimed the lives of over 5,000 people¹. Between May and September 2003 over 1,000 more were killed, most of them civilians, particularly children and women, caught up in an atmosphere of growing ethnic tension and the violently articulated aspirations of disparate armed groups, many of whom are backed by regional powers.

Hundreds of thousands of others have fled persecution in a desperate search for safer locations. Compelled by “warlords” to abandon their animals and land, tens of thousands of Iturians have no alternative to a precarious life as refugees or as internally displaced persons confined to camps holding only those fortunate enough to have escaped the killings and mutilations. Although it is difficult to establish precise numbers, many others have vanished into the forest. There, lacking humanitarian aid, they are vulnerable to raids by a large variety of ethnic militia who are driven by motivations weak compared to the scale of their killings.

Hundreds of social, educational and medical facilities have been destroyed, and scores of villages pillaged, burned and razed to the ground. Prosperous villages like Bogoro, Fataki and Kaseyni now resemble ghost towns, where the only things of importance that remain are the memories of the people who fell in inter-community clashes and mass killings. The price that has been paid by the civilian population, particularly women, is very high.² Used by armed groups often operating along ethnic lines for economic and political reasons, the Ituri conflict has become a constant threat to the peace process and is the Achilles heel in the search for the new political order which the international community so fervently desires and supports.

Terrible crimes are still continuing and the violence being perpetrated is increasingly cruel and gratuitous, indeed often incomprehensibly savage. The more the leaders of armed groups manipulate the population and fan the flames of ethnic hatred, the more regional powers, like Rwanda and Uganda are indirectly supporting

¹ Statistics from the ICC Prosecutor’s office derived from complaints received, 16 July 2003.

² Since 1999, the conflict in Ituri has left over 50,000 dead and hundreds of thousands of people have been displaced. The International Rescue Committee estimates that 3.5 million people have already died in the Congolese conflict since 1998.

these killings and contributing to the deterioration of the situation. During the few months of this sudden escalation in violence, the outside world has become aware of the human drama which is being played out in Ituri, hidden away as it had been from cameras. Aside from the situation in Bunia, nearly all the territories that make up the district, which is rich in natural resources, are being left empty as violence becomes a daily reality. The violence is now so widespread and safe havens so scarce that the flows of migrants no longer have any precise destination to flee to. Even the sites where the displaced from Bunia are located, which are still attracting waves of new arrivals, offer less and less security to their occupants. Many observers are still wondering whether the conflict is still one of rival factions fighting to further their own economic interests, and those of their sponsors, or whether it has become a deliberate attempt by the leaders of the armed groups to wipe out civilian populations with the aim of “ethnic cleansing”³.

Given that it was proving impossible to ensure the protection of vulnerable segments of the population, a heightened international response became essential. The lobbying of many international NGOs, including Amnesty International,⁴ has contributed to the stepping-up of the international community’s engagement in Ituri.

The “Artemis” Force⁵ dispatched by the European Union, under French command, and with a United Nations mandate, was deployed in early June 2003 in Bunia, the main town of Ituri. This followed the burning of the town by armed groups after the sudden withdrawal of Ugandan occupation forces on 6 May 2003. Made up predominantly of French soldiers, with a few troops from other European Union countries and South Africa, this force had a mandate which was limited in time and space: “[t]o protect the airport and bring security to Bunia until 1 September 2003”. Tailor-made for the French⁶, this mandate was restricted to the town of Bunia, where inter-ethnic clashes, basically between the Hema and Lendu, two minority communities in Ituri, had escalated significantly. The mandate of the Artemis troops

³ A concern voiced by an Alur intellectual in July 2003 in Beni. The Alur are the main ethnic group in Ituri.

⁴ On 20 May 2003, Amnesty International, in conjunction with Human Rights Watch, took a key step when it called for an international force to be deployed to protect the civilian populations in Ituri from the mass human rights violations and ensure the effective performance of humanitarian work. For further details see *AI Index: AFR 62/015/2003*.

⁵ In this document we will refer to this force variously as the FMIU, the Multinational Force or “French troops”.

⁶ French army military experts very openly have expressed their unwillingness to see French troops engaged in this region, stating that none of the essential conditions for such an operation to succeed had been met. With the bitter memory of Operation Turquoise, which resulted in fiasco in Rwanda during the 1994 genocide, France dragged its heels and laid down many conditions for acceptance.

has now expired, though security has not been fully restored to the population of Ituri. Flash points have mushroomed and the Ituri Brigade, the new force of the *Mission de l'Organisation des Nations Unies au Congo* (MONUC), United Nations Mission in the Democratic Republic of Congo (DRC), which has taken over from the French, has still to overcome the lack of confidence felt towards it by the local population.

This report is the result of a series of investigative missions carried out by Amnesty International in July 2003 in the Ituri region, particularly in Bunia, in regions of North Kivu (Beni, Oicha, Erengeti, Boikene, Mangangu and Nyaleke), which have been affected in different ways by the Ituri crisis, and finally in the border areas between Uganda and DRC, particularly in the villages of Bundibugyo, Rwebisengo, Karugutu, Ntoroko and Fort Portal around Lake Albert in Uganda.

It reveals serious human rights abuses committed in the context of the conflict since March 2003, continuing insecurity, despite the action of the Emergency Interim Multinational Force and in part because of the ineffectiveness of MONUC.

It also expresses serious concerns on the part of Amnesty International over the continuation of these abuses and the challenges which the Ituri Brigade, with its strengthened mandate, must face. The report also details the need for political dialogue and both national and international legal processes, which are vital to punish the crimes which have been committed.

The report concludes with a series of recommendations to the armed groups, the DRC transitional government, MONUC, the international community and regional powers (Uganda and Rwanda), and underlines, in particular, the civilian population's urgent need for protection and their thirst for justice.

I- Chronicle of a mass slaughter foretold

A-The origins of instability in Ituri

Ever since the beginning of the second war in the DRC in August 1998, fighting for control over the Ituri region has been one of the main sources of instability in the east, which was occupied very early on by armed groups opposed to the central government in Kinshasa. A victim of the ambiguous regional policy of Uganda, which is concerned about its own interests in the DRC, the district of Ituri has suffered acutely from this instability. Control of the district has moved successively from the hands of the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy, to the *Rassemblement congolais pour la démocratie – Mouvement de libération* (RCD-ML), Congolese Rally for Democracy – Liberation Movement, to the *Front pour la libération du Congo* (FLC), Front for the Liberation of Congo back to the RCD-ML, to the *Union des patriotes congolais* (UPC), Union of Congolese Patriots, and to the *Front pour l'intégration et la paix en Ituri* (FIPI), Front for Integration and Peace in Ituri. The Ugandan government has always pursued an active “divide and rule” policy in the region, supporting different groups at the same time. Currently, the district is governed by an interim administration made up of all the region’s ethnic, political and military groups. Lacking in real power, it is under the vigilant eye of the Ituri Brigade, which has a United Nations (UN) mandate to ensure protection and security for the civilian population and the conduct of humanitarian work.

However, the battle in recent months for control of Bunia clearly reflects its economic and strategic importance in eastern DRC. With its strong natural resource potential yet undermined by the inter-ethnic conflict that local leaders and regional powers are stoking, Ituri today is the fly in the ointment of the peace process which has led to the establishment of the DRC’s national transitional government.

While the rest of the country slowly returns to peace, Ituri is sinking into a violence which only the protagonists understand. The message being transmitted to national and international public opinion by the Congolese is one of a peace dynamic in Kinshasa and of a war logic in Bunia. With regard to Bunia, it is clear that the international community must work to restore peace and respect for human rights. These are goals which all the region needs but which instability, political confusion and the mushrooming of armed groups used by Uganda, are rendering increasingly difficult to achieve.

B – The capture of Ituri by the Uganda People’s Defence Forces (UPDF) on 6 March 2003

Since August 2002, Bunia and a large sweep of Ituri district had been under the control of the UPC. Assisted by the UPDF, UPC forces put the governor, Mulondo Lopondo, who was appointed by Mbusa Nyamwisi of the RCD-ML, to flight. The RCD-ML lost Ituri and regrouped in North Kivu at Beni, which its commanders made the group’s headquarters.

In December 2002, Thomas Lubanga’s UPC, which had been Uganda’s ally until then, officially announced a new alliance with the RCD-Goma in order to tighten relations with Rwanda. During a period when bilateral relations between Rwanda and Uganda were at their most tense, Uganda did not appreciate such a rapprochement which it saw as compromising Uganda’s internal security. Mediation by the British government, notably Clare Short⁷, to achieve a rapprochement between the two Heads of State, proved fruitless.

Not only did Uganda feel reason for reproaching Rwanda for supporting UPDF officers, particularly Colonel Mende and Samson Kyakabale, who had broken away and taken refuge in Kigali, but also, and in particular, the Ugandan government linked the so-called anti-government activities of Kizza Besigye,⁸ with the establishment of a rebel movement known as the People’s Redemption Army (PRA). This movement is reportedly based in the north of Ituri, precisely in the village where Thomas Lubanga, the UPC’s leader, was born and is apparently led by Colonel Edison Muzoora, another UPDF officer, who defected and fled to Kigali. The Ugandan government has constantly underlined the fact that the regrouping of these “rebel” forces poses a serious security problem to the Ugandan State.

⁷ The former International Development Secretary. She resigned in June 2003 from the administration of Tony Blair to be replaced by Baroness Valerie Amos. Great Britain is providing political, military and particularly economic support to Rwanda and Uganda, two countries, however, which are involved in the Congolese conflict, and are presumed to be responsible for many human rights violations committed there.

⁸ A former Ugandan Presidential candidate who was defeated and took exile in South Africa and the US on the grounds of persecution and political harassment. He is married to the Honourable Winnie Byanyima, who is a member of the Ugandan National Assembly and a leading member of the moderate opposition to the Museveni government, which inflicted overwhelming defeat on the candidate from the President’s movement in the constituency of the town of Mbarara during the parliamentary elections of 2001. Besigye and Winnie both went underground with the NRA (National Resistance Army) rebellion which brought Museveni to power in 1986. Since then, relations between the couple and the Museveni government have deteriorated. Winnie is the current leader of “Reform Agenda”, a political current opposed to the Museveni government, which the latter accuses of complicity with the rebel groups attempting to destabilise the country.

Moreover, the dissident attitude of Chief Kahwa, the UPC's former Defence Minister, who went over to Uganda, revealed what are claimed to be close links between the UPC and the PRA, and, above all, the military support provided to the UPC by its Rwandan ally. In order to counter the growing hegemony of the UPC over Bunia and part of Ituri, Uganda in January 2003 supported the setting up of FIPI⁹, an initially political platform comprising political groupings from all the ethnic communities in Ituri, whose main coordinator was Chief Kahwa.

Tensions between Uganda and its former UPC allies were at a peak in early March 2003. On 5 March, the UPDF officially returned to Ituri, invoking internal security and sovereignty issues. Apart from this official justification, Uganda was also concerned about medium- and long-term economic issues. Insecurity in the Ituri region is placing real constraints on cross border trade between the two countries. The economic exploitation which developed during the conflict – and which a panel of UN experts has accused Uganda of profiting from – was threatened by a UPC which was growing less and less malleable and cooperative. In addition, the discovery of oil in the basin of Lake Albert in Southern Ituri boosted Ugandan interests in the region. For Uganda, the oil extraction required a greater security than that which the UPC could guarantee.

The UPDF took control of the town of Bunia after fighting which claimed many civilian victims. Ugandan troops were also deployed in the area of Jugu in Mahagi and Aru. During this occupation, which was unanimously condemned by the international community, security in Bunia improved significantly. Despite general criticism of the return to Ituri by Ugandan forces, the civilians to whom Amnesty International spoke in Bunia, even in the refugee camps, and the community of humanitarian agencies viewed it as positive in terms of humanitarian action in the region. They all saw it as a stimulus to peace in Bunia, which suffered greatly during the seven-month reign of the UPC. Many considered the occupation a flagrant violation of international law, but at the same time, a situation in which civilians could be better protected. This was because the Ugandan occupants had, to some

⁹ The FIPI platform was made up of so-called political parties such as Floribert Njabu's FNI, a predominantly Lendu party, Chief Khawa's PUSIC, a predominantly Hema party, most of members of which are from the South (who have split from the UPC of Thomas Lubanga, who is a Gegere Hema from the North), the FPDC of honourable Unen Chan, a party dominated by Alurs and Lugbaras. For additional information on the FIPI, see the report entitled: "*Our brothers who are helping them to kill us*"; AI Index: AFR 62/010/2003, April 2003.

extent, been able to significantly curb the reprisals which their Lendu and Ngiti allies reportedly committed against Hemas.

This political and military upheaval occurred in a political context which had been transformed. The armed factions from Ituri who supported the UPDF in this victory are made up of members of all the different ethnic groups in the district. Even if the Lendu and Ngiti fighters were more numerous, the UPDF had also benefited from support by a sector of the Hema community, particularly those from the south, most of whom are from the area of Irumu, and of whom Chief Khawa had proclaimed himself spokesman.

From mid-April to early May, the UPC militia made several unsuccessful attempts to re-take the town of Bunia. The desire to re-conquer the town offered a foretaste of the situation to come when the stabilising Ugandan force withdrew without any credible, effective alternative solution to protect the civilian population.

C – The UPDF’s withdrawal unleashes a spiral of violence

The sudden, rapid withdrawal of Ugandan troops from all the positions it had been occupying in Ituri was carried out in some confusion. It was clear that a disorderly retreat without a clear alternative solution would create an enormous security risk for the entire district, particularly Bunia, where the UPC had tried on numerous occasions to regain their previous positions. All observers feared this vacuum. MONUC was also aware of it, but had taken no precautions to mitigate its effects.

Uganda had come under enormous pressure to withdraw its troops. The international community’s repeated insistence on the need for a rapid, unconditional withdrawal from Ituri evidently angered the Ugandan authorities. According to a humanitarian aid official in Bunia, MONUC was speaking with a forked tongue on Uganda: “[t]here was an official, public insistence that the UPDF had to leave the Congo. But, unofficially, the thinking was the opposite”¹⁰.

In Ugandan government circles, “it was clear to people that withdrawal had to take place, but not at MONUC’s pace. We had to withdraw immediately and show that Uganda’s presence is essential to peace-keeping in Ituri. It was a reluctant withdrawal as a reprisal for United Nations harassment”¹¹. The logistics were not even in place to carry out an orderly, planned withdrawal. However, the Ugandan

¹⁰ Amnesty International interview, Bunia, July 2003.

¹¹ Amnesty International interview, Kampala, 29 July 2003.

authorities brought forward their departure. The UPDF's 83rd battalion was the last to officially leave the Congo. The soldiers from this battalion "*marched for almost three weeks from Mongwalu to Bunia, then to Mahagi and finally to the border between the Congo and Uganda*"¹².

Deliberate spreading of rumours

Several days before the official withdrawal of troops from Bunia, rumours were circulating in the town concerning the imminent chaos which this hasty departure would cause. These rumours circulated in the working class areas of Bunia and were deliberately kept alive and spread by senior officers in the Ugandan army, including and in particular, Brigadier General Kale Kaihura, Commander in Chief of Operations in Ituri.

General Kale Kaihura, who had led the military operations in March which led to the defeat of the UPC, publicly stated on Radio Candip¹³, that "there will be chaos" once the UPDF withdraws. Well-founded information gathered by Amnesty International shows that arms and munitions were distributed by the UPDF to the Congolese factions which were fighting before the final withdrawal. A humanitarian aid officer based in Bunia, who has closely followed all the recent developments in the conflict, revealed to Amnesty International:

*"The troops withdrew but the weapons were left behind to do the dirty work and create the chaos announced by Kale Kaihura. Those of us who had been closely following the situation for months knew that the Ugandans were hurrying to leave to make Bunia uninhabitable. They achieved their objective. Of course, MONUC also failed to carry out its responsibilities."*¹⁴

On 13 April 2003, talks under the aegis of the *Commission de Pacification de l'Ituri* (CPI), Ituri Pacification Commission, designed to lead to the adoption of an interim peace mechanism for Ituri, focused at length on the manner of the withdrawal of Ugandan troops. At the meeting general concern was already voiced about the risk of a power vacuum which could create lasting security issues. Regarding this withdrawal, which the international community was pressing for, "*the desire was expressed that it be gradual. The delegates regretted that the sending of a neutral*

¹²*The New Vision*, Tuesday 20 May 2003.

¹³ A local radio station in Mudzi Pela, a Hema-dominated town and stronghold of Thomas Lubanga and the UPC.

¹⁴ AI interview, Bunia, July 2003

force to Ituri had not yet come to fruition, and agreed that Ituri should not act as a base and haven for dissident groups desiring to destabilise Uganda”¹⁵. Uganda, which took part in the entire CPI conference, endorsed this principle.

The Ugandan authorities took the UN Security Council by surprise. On 6 May Ugandan troops withdrew from almost all the positions that they held in Bunia, in contravention of the principle of a progressive withdrawal to which they had committed themselves during the meetings of the CPI.

This hasty departure rapidly created widespread panic in Bunia and the surrounding area, and triggered a mass exodus of civilians towards Uganda. Two important flows were observed following UPDF soldiers as they marched home. One is estimated to have been made up of over 18,000 non-Hema civilians who left the region stretching from Aru to Mahagi on a long, often dangerous march to Paidha and the surrounding area in Nebbi district on the Northern rim of Lake Albert in Uganda. The other comprised thousands of others, mainly Hema, who had left Bunia, Kaseyni and Tchomia also marching for days and nights with Ugandan troops to take refuge on the Southern, Ugandan shores of Lake Albert, and in Budibugyo district and especially in the villages of Ntoroko, Rwebisengo, Kanara and Karugutu. The Ugandan government estimates that over 120,000¹⁶ Congolese refugees arrived in the country as a result of the escalation of violence which followed the withdrawal of the UPDF.

Senior officers in the Ugandan army did not take pity on the thousands of civilians who suddenly found themselves vulnerable. Following the withdrawal, the UPDF expressed satisfaction: *“I am happy to be returning home after fulfilling our mission there”*, said Colonel Mawa Muhindo, a UPDF officer and Commander of the Mahagi military sector. *“The PRA can no longer attack us now. We seriously neutralised them”¹⁷.*

Many Ugandan officers stated that it was now up to the Congolese to ensure their own security and for the UN to support them. But they would also have been aware that that could not be easily achieved and that a return to violence was inevitable.

¹⁵ Final report of the Ituri Peace Commission, Bunia, 4-14 April 2003.

¹⁶ *The New Vision*, Tuesday 20 May 2003.

¹⁷ *The New Vision*, Tuesday 20 May 2003.

II – Chaos: the return of the UPC and the ineffectiveness of MONUC

A- The return of the UPC and mass human rights abuses

Killings committed by Ngiti and Lendu fighters

The chaos so widely predicted by Ugandan officers and feared by observers and vulnerable civilians swiftly spread throughout Bunia and Ituri. Scarcely had the Ugandans departed when reprisals recommenced. The UPDF withdrawal left behind in the town it had conquered the Lendu combatants with whom it had allied to take it.

The period from 6-12 May was particularly deadly for civilians living in the working-class areas of Bunia. Over a hundred people were massacred, mostly by Lendu and Ngiti soldiers, who were now the only masters in Bunia. The predominantly Hema areas, such as Mudzipela to the North of the town, were a particular target for reprisals. Civilians were massacred, either shot or knifed. Homes belonging to Hemas were targeted, ransacked and burned. A further population movement was triggered. Vulnerable civilians fled towards the airport where Uruguayan MONUC soldiers were camped. Thousands of people took refuge there during two days of violence. Humanitarian organizations were also targeted. The medical centres of the humanitarian agency Medair were shut down. Invoking the war effort, Ngiti militia confiscated vehicles belonging to *Cooperazione Internazionale*, an Italian humanitarian organization present in Bunia. *Action Agro Allemande*, a German agency active in Bunia and Ituri, was also ransacked several times. This violence and the mass violations were predominantly carried out by Lendu combatants and Ngiti elements associated with them.

This violence – reprisals against Hemas – was exacerbated by the UPC counter-offensive to retake the town. The fighting lasted six days, with enormous humanitarian consequences. According to an officer of the UN Office for the Coordination of Humanitarian Affairs (OCHA): “*We are experiencing one crisis after another... They are just using sticking plasters to stem the haemorrhage. But there is no proper care*”¹⁸.

On 12 May Bunia was taken once again by Lendu soldiers, triggering a nightmare for the non-Hema civilians. Systematic raids were carried out in the residential areas and non-Hemas were executed. Personal belongings, furniture and

¹⁸ Amnesty International interview with an OCHA officer, Bunia, July 2003.

property suspected of belonging to non-Hemas were destroyed, burned or simply extorted from them.

“It’s an eye for an eye and a tooth for a tooth. But this has gone beyond simple revenge. The Lendus kill one Hema, the Hemas kill two and so on...”, commented a MONUC military observer.

Members of religious orders not spared during the inter-ethnic killings

Raphael Ngona Bogo, a Hema Catholic priest, was killed in the Catholic parish of Mudzi Maria in Mudzi Pela area after arriving from Drodro to act as a witness to the massacres that had occurred there. He was killed in cold blood trying to leave his room following intense fighting. Apparently he was targeted because of his support for the UPC. He was buried twice. On the day of his first burial, fighting suddenly broke out and the crowd of faithful, who had gathered for the ceremony, took flight, abandoning his body.

A week after this assassination, two other priests were killed in Nyakasenza. One of them, Aime Ngona, who was suspected of being pro-UPC, had called his fellow priests a few minutes before he died. He informed them that they had been attacked and that they would all be killed if no one intervened. Father Jan Mole, then Superior of the White Fathers, immediately alerted MONUC, which did not react in time. He was killed a few minutes later. However, he only lived one kilometre from MONUC. When Father Mole finally arrived in Nyakasenza the priest was dead and the Cultural Centre’s patio was crowded with Hema civilians sheltering for their lives. Inside, in the parish hall, 18 bodies were found. The Lendu soldiers, who were seen to commit these killings, gave the order to MONUC that the bodies should not be removed. MONUC silently complied. The roads around the parish were also strewn with corpses.

Mass killings of fleeing civilians

The UPC’s return to Bunia, which was encouraged by this weakness of MONUC, was accompanied by grave human rights abuses. Reprisals became a management tool and non-Hemas were particularly targeted in the attacks. Moreover, apart from the Lendus and Ngitis, who are still traditional enemies, revenge also focused on the Nandes, from North Kivu, who were associated rightly or wrongly with Mbusa Nyamwisi and, more broadly on those in Ituri known as “Jajambos”¹⁹.

¹⁹ A term used by the Hema to describe those who are not from Ituri, foreigners. The term *Bakuyakuya* is also used locally to describe them.

In the working-class areas, where ethnic inter-mixing and mixed households were a fact of life, calls to people to kill their enemies replaced years of peaceful co-existence. The exodus of non-Hemas from Bunia began. Tens of thousands of civilians fleeing Sayo, Bigo and Mudzi Pela, after escaping summary execution, headed towards Erengeti and Oicha in North Kivu. In their path were many UPC militia checkpoints guarding almost all of the main exits from the town of Bunia. Dozens of people were killed as they tried to escape. Medical sources have reported that several wounded persons died on the operating table, due to either a lack of skilled staff or basic supplies. Many of the perpetrators of these crimes were child soldiers under the influence of drugs who were wandering the streets of Bunia and surrounding area. Those who managed to escape returned to Erengeti and Oicha in makeshift sites allocated to them. In July 2003 tens of thousands of people, many of them widows and unaccompanied children, were still there.

Henriette Vihamba²⁰, is a 50-year old woman, who had been living in the Sukisa area of Bunia, and who has found refuge with her four children in Erengeti. On 12 May 2003, her husband and young brother had their throats slit. During her eight-day march through the forest to reach North Kivu, Henriette witnessed absolute horrors:

“On the fifth day, our marching companions stopped at a checkpoint. I had taken flight with my children. They were all tired. The young boy had diarrhoea. The militia knifed three of my companions to death and cut them up in pieces. I saw them take out their hearts and eat them (...) I will never return to Bunia”.

Butoa Maga was living in the Ngezi area of Bunia. She is a Muboa²¹ from Buta, outside the Ituri region. Her husband was kidnapped and tortured to death by Hema militia. *“On 13 May, at three o’clock in the morning, they knocked at our door. They had what they called a top-secret list, stating that even non-Hema children born today had to be killed. My husband was tortured in front of my children. Then, we were ordered to walk in file towards an unknown destination. I was able to hide in the bush during the march. My three children disappeared. I decided to flee to Erengeti. I found one of them along the way and the other two had been killed”.*

On 12 May, at about two o’clock in the morning, UPC militia entered the Salongo area of Bunia. They were moving from door to door, knocking and forcing

²⁰ Her name has been changed to protect her. The names of victims who have acted as witnesses have been changed.

²¹ The word Muboa refers to an ethnic group found in the Eastern Province, and particularly in the Buta region and surrounding area. Buta is in the Bas-Uele district, one of the districts, like Ituri,

the occupants to open up. Kavura, a young woman of 35, confided to Amnesty International that her house had also been visited during that operation. The militia were separating the Hema from the others. The non-Hema from the borough were grouped together and bound without distinction by their hands and feet. Any person voicing objections was beaten up. Kavura and all her family found themselves in this group. Lined up one in front of the other, the group of some fifty people, many of them women and children, was escorted to Bakwanga, a neighbouring village about 10 kilometres from Bunia. Kavura was able to break away from the line, when the guard was not looking, and hid close by. A few minutes later, she heard lengthy gunfire. Kavura remained in her hiding place until five o'clock in the morning. After killing all of their prisoners, the militia fled. Grace, a five-year old girl, miraculously survived the massacre, with gunshot wounds to her head and chest. She lost all her relatives. Her wounds were rotting when Amnesty International found her at Oicha. She had problems speaking.

The hell of Bunia

From 7 May onwards fighting between the UPC and Lendu and Ngiti combatants for control of Bunia was very violent. According to a member of the political staff of MONUC which Amnesty International met in Bunia:

"We had the impression that the soldiers were not fighting each other, but rather the civilian population. Missiles were launched haphazardly, without any thought to civilians. What is this war in which out of thirty people killed only two are military personnel? These people no longer respect the basic rules of warfare. This is a war against civilians and it is always the same!"²²

Ambushes were not only laid for those attempting to flee the town. Thousands of people who did not have time to leave the town were forced to take shelter in buildings being used by MONUC in Bunia. It was the only place in the town where people felt safe. In the midst of the violence, the UPC stepped up its incitement of ethnic hatred. Leaflets, statements broadcast on Radio Candip and door to door messages were used. Many people were victims of this incitement to hatred. Some were even reportedly kidnapped and killed as they sought protection within the MONUC buildings.

Safari, a Bira shopkeeper, who we found in a refugee camp in the grounds of MONUC's headquarters, gave this account:

²² Amnesty International interview, Bunia, July 2003.

“The 6 to the 13 of May were days when we saw the kind of cruelty we could never have imagined. For days threats had been sent out to us saying that Lendus and those not from Bunia must leave or be killed. On the 7th, late at night, successive waves of young Hemas surrounded all the houses in Bigo. The inhabitants were divided into different ethnic groups. The Hemas were separated from the rest. After this selection, lines were formed and those who were considered non-Hemas were killed. I did not have the strength to cry for my family. I saw neighbours die. It was horrible. And, yet we had done nothing. I have never done anything to a Hema!”²³.

Safari saw his wife and three children decapitated in front of him. He was saved after feigning death in a pile of bodies of people who had been shot and sometimes then finished off with knives. Around forty people were reportedly killed in this mass killing. Total anarchy reigned in the town of Bunia. While the UPC was settling scores with the non-Hema population, Lendu fighters were also carrying out massacres as they fled towards Kpandroma and North Kivu.

On 16 May 2003, after a week of battles which had gone the UPC’s way, a new cease-fire agreement and Ituri peace process were signed in Tanzania. Unfortunately, however, it has not been respected, by any of the signatories.

B – The targeting of women: the cruel weapon of rape

Although the violence was indiscriminate, it affected women most. Vulnerable, they are the most targeted group of people and are subject to abuse and rape, which sometimes results in their death. Rape has been widely used as a weapon of war. Lacking reliable statistics and witness statements, women’s organizations in Bunia estimate that dozens, if not hundreds, of rapes were carried out during these events.

The victims are chosen not for reasons of age or vulnerability but very often because they belong to an ethnic group involved in the conflict. Combatants from the different ethnic groups have all used rape against women, either to humiliate them or punish them for belonging to an enemy ethnic group, to break up a family, split the community or out of cruelty, believing that their crimes will go unpunished.

Therefore, rapes are carried out with complete impunity, and the rights of victims are trampled a second time when there is no intervention, as can be seen in the statement by Yvette, a 17-year old Alur girl whose family lives in Bunia:

²³ Amnesty International interview, Bunia, July 2003.

“In mid-May 2003, when the fighting started again and my father was working in the mines in Mongbwalu, about 15 UPC militia forced their way into the house, searching for my father, because of his so-called connections with the Lendus. When they found me, they grabbed me and took me to a camp by the road leading to the central market in Bunia. I was beaten with sticks and raped repeatedly by several militias all night. In the early hours of the morning, I was released and managed to return home. My mother took me to hospital where I stayed for about a month, because I was seriously wounded during the rapes”²⁴. *Since that day, Yvette has seen some of the militia who raped her walking freely and calmly around the town.*

“Very soon I was too frightened to leave the house and I didn’t feel safe in my area. It was then that my family decided to move to the airport camp”, concluded Yvette.

The case of Tatiana Ume and her sisters

Tatiana Ume is a 17 year-old teenager who is married with a little two-year old boy. She was living with her family in the Logo 200 area of Bunia. She is neither a Hema nor a Lendu. However, her story is a clear reflection of the hell of hundreds of women in this conflict. Ume’s mother is Nande²⁵ and her father Muboa.

On 10 May, following the withdrawal of the Ugandan military, the Hema UPC militia systematically combed Area 200 searching for non-Hemas. The news spread around the neighbourhood. Ume and what remained of her family decided to flee, after the killing of her husband and two-year old son, with machetes a few days before. On the evening of the 10th, a large crowd of thousands of inhabitants from the outlying areas of Bunia was leaving the town heading for North Kivu. Ume, who was then eight and a half months pregnant, followed this wave of fleeing civilians. She was accompanied by her mother and two of her sisters, Chantal (aged 14) and Yvette (12). She was following a column of close to 100 people without knowing exactly where it was going. After six days walking, the convoy that she and her family were following reached a checkpoint set up by Hema UPC militia.

Her mother’s throat was cut for failing to pay the \$US100.00 ransom demanded by the militia. She died immediately. Her sister Chantal was shot in the head for bursting into tears at her mother’s killing, and her twelve-year old sister was dragged off before her eyes into a nearby clearing where she was raped by a group of five armed militia. “I have not had any news of her since, because I was ordered to depart

²⁴ Amnesty International interview, Bunia, July 2003.

²⁵ An ethnic group from North Kivu.

immediately if I did not want to suffer the same fate. Many people were raped and killed at that check point”.

Completely exhausted, Ume continued her forced march alone for six more days. On the seventh day, she went into labour and gave birth to a little girl in the bush, at the village of Gogo, at a place called Machine, with the help of unknown women, who were companions on the march. She lost a lot of blood and had to continue her long walk the next day with her new baby. She finally arrived in Oicha where she registered as a displaced person. Two days before our interview, her little girl, aged two weeks, had died of anaemia and bronchitis. Now she feels: *“today my life means nothing. My sisters were raped and killed. I have no more relations, I have no children, I have no parents, I have nothing. I only ask God to take away my life so I can find peace. I am good for nothing”*.

In many African societies, there is a taboo about discussing rape in public. The situation in Ituri is the same. Sexual violence is rarely reported, and the victims bear the physical and psychological scars of the attack and its consequences, including a deep sense of shame and isolation. Most women from Ituri chose to remain silent about the experience and even their own families do not help them overcome the ordeal. As a result, many do not receive any medical attention and develop sexually transmissible diseases and other problems that will remain with them for the rest of their lives.

Many of the female victims found by Amnesty International who do decide to speak about their situation, are faced with the reluctance of the family - who views a public admission as a loss of honour – and, above all, a lack of support structures to register their experiences. In fact, the CPI is often not regarded as efficient or reliable, and the absence of police and of a judicial structure can make their step seem futile.

Despite an awareness-raising programme by non-governmental organisations (NGOs) in Bunia about the need to seek medical attention as swiftly as possible, and the medical support afforded by *Médecins Sans Frontières*, many women continue to suffer in silence and isolation, deprived of any support from their families or the community.

The *Forum des Mères de l’Ituri* (FOMI), Mothers’ Forum of Ituri,²⁶ in conjunction with partner associations, is trying to set up support structures for dozens

²⁶ A platform of women’s associations dealing with women’s issues in the Ituri conflict and development in general.

of female victims, but uncertainty about the immediate future and the recurrence of violence make it impossible to undertake long-term action.

The rapes must be the subject of specific investigation and the perpetrators, who are in some cases walking about completely free must be made to answer before the law for their actions. This is a challenge which the CPI and the transitional government must take up to show their commitment to these women.

C – MONUC: victim of a weak mandate or a lax attitude?

“MONUC did what it could”: a member of MONUC’s security personnel.

The rare eye witnesses of this widespread violence have pointed to the great complexity of the situation and that the humanitarian action by MONUC, OCHA, Medair, *Action Agro Allemande* and *Médecins sans frontières* had greatly assisted them. Atenyi is a young Hema, who drives a taxi motorbike. He is a refugee at the airport camp whose three children and brother were killed by Lendu fighters in Sayo, a neighbourhood of Bunia. Atenyi is sure that he would not have been saved if his attackers had not taken flight when MONUC was alerted.

But MONUC has been generally incapable of ensuring the protection of many others. MONUC’s inability to protect civilian populations and the rapid withdrawal of Ugandan troops were the two key factors which plunged Ituri into an unprecedented cycle of violence in May 2003.

712 Uruguayan soldiers had been present in Bunia since April 2003. This number is insignificant compared to the Ugandan forces which withdrew. In Bunia and the surrounding area, the UPDF had massed over 2,000²⁷ equipped soldiers who knew the region well. MONUC was unable to quell the violence. Its troops were incapable of overcoming the vacuum left by the Ugandan army. It was not deployed in sensitive, strategic points in the town. No deterrent operation was undertaken. MONUC did not react powerfully and efficiently to the violence which was used to target, in particular, civilian groups purely because of their ethnicity.

²⁷ The total number of Ugandan troops deployed in Ituri in March 2003 was 5,200, according to independent sources.

Hamstrung by a weak mandate, and often lacking personnel, equipment and the necessary international political support, MONUC's performance fell short of what was needed in terms of civilian protection. On occasions it did not intervene when civilians were being massacred, even outside its own doors. When, in mid-May, the UPC broadcast on the radio threats against civilians in the refugee camps in Bunia, MONUC rightly denounced this flagrant violation of the UN Security Council resolutions that had assigned it a specific mandate, under Chapter VII of the United Nations Charter, to protect civilians facing the imminent threat of physical violence. But, in practice, MONUC was consistently seen to be reluctant to implement this essential aspect of its mandate, with disastrous consequences for the civilian population.

It was difficult, without a doubt, for MONUC to impose peace in a war context such as that of Ituri, with a mandate under Chapter VI of the United Nations Charter. However, Amnesty International is still certain that many deaths could have been avoided, and even the forced displacement of tens of thousands of civilians, if MONUC had intervened effectively prior to and following the withdrawal of Ugandan troops from Bunia on 6 May, using dissuasion and the fine details of its mandate at that time, which did allow it to protect highly threatened civilian groups.

MONUC could not have been unaware that new ethnic killings were going to occur if it did not take swift, decisive action: the fact that it did not do so proves both its ineffectiveness and the lack of political will on the part of the United Nations Security Council to tackle the human rights crisis in Eastern DRC.

D – The weakening of the CPI

These events weakened the CPI. Made up of political, military, economic and social forces active in Ituri, as well as representatives of the grass roots communities in Ituri, the CPI originated in the 6 September 2002 Luanda agreements, signed by the governments of the DRC and Uganda, on the withdrawal of Ugandan troops from the Congo. This agreement also made provision, *inter alia*, for a political process at the end of the crisis in Ituri, a scheme to secure the area's borders²⁸.

From 4-14 April 2003 a conference of the CPI was held in Bunia under the aegis of the United Nations, represented by MONUC, and with the political support of Uganda, which sent a delegation. As a result of the CPI conference, an "*interim*

²⁸ The CPI meeting was held in Bunia from 4 to 14 April 2003, under the auspices of the UN, represented by MONUC and with the political support of Uganda, which also sent a delegation.

peacekeeping mechanism and interim Ituri administration”²⁹ were set up. This arrangement involves five structures: a special 32-member Assembly; an interim five-member executive; a conflict prevention and verification commission; an armed groups’ agreements committee and an interim human rights unit³⁰.

The holding of the CPI conference was a success for MONUC which seemed to relaunch the difficult political dialogue in Ituri. For the time being, however, the executive bodies of the CPI, rightly recognised by the international community as the only representative political and administrative institutions in Ituri, have been practically stillborn. These newly created bodies did not have time to get up and running before the May confrontations occurred.

The UPC, just like the other armed groups, took part in the CPI talks. But its attitude towards this body was ambivalent, echoing its rejection of an inclusive political dialogue. Moreover, the UPC’s leaders have always viewed the CPI as an imposition by Uganda and Kinshasa, “*designed to hold back their movement and undermine them in their action.*”³¹

The support for the CPI from Uganda can be considered controversial in that the UPDF seems to have used the forum to draw a veil on its occupation and to leave behind some sort of political structure in Ituri.

It is quite natural, then, that the UPC’s arrival back in Bunia in May 2003, following the withdrawal of the Ugandans, created a nightmare for the members of the interim executive body, the interim parliament and all non-Hemas involved in these structures. But the UPC was also rejecting the CPI for economic reasons. The executive’s mandate lays down that it must financially manage and administer the entire region of Ituri.

The UPC and other armed groups, therefore, would feel threatened that financial management of the areas they control might be transferred from them to the CPI. Opposition to the CPI for ostensibly political reasons was actually a question of the survival or disappearance of the armed groups. Like several other members of the CPI, Emmanuel Lehu, co-ordinator of the executive body and Petronille Vaweka, Chairman of the Interim Assembly, have barely survived threats and violence. They fled the killings and sheltered for months in MONUC’s office buildings. In a context

²⁹ Final report of the Ituri Peace Commission.

³⁰ Final report of the Ituri Peace Commission.

³¹ Amnesty International interview with an UPC intellectual, Kampala, July 2003.

of extreme violence, Mr Lekhu had to remain in an adjoining location with his family and two-day old daughter when they were obliged to flee their homes. Thomas Lubanga set up a parallel administration to run the town of Bunia and Ituri bypassing the structures that had been democratically recognised. The *Force Multinationale Interiminaire d'Urgence* (FMIU), Emergency Interim Multinational Force, while there, re-established the authority of this structure which is important to Ituri. However, the UPC has always continued to undermine it. By attacking the elected CPI authorities and weakening its bodies, the UPC is attacking the entire Ituri peace-keeping process.

III – The Emergency Interim Multinational Force: a necessary, but not sufficient international response

The escalation of violence in Ituri, particularly in Bunia, revealed to the world the fragility of the situation there and the risk of a power vacuum which could trigger new violence. MONUC did not have the “legal”³² means to impose peace. The interim CPI administration considered that it had been made to look ridiculous by the leaders of the armed groups, and the Kinshasa government could not impose its authority in Ituri. The only ones laying down the law were the armed militia.

This context of total anarchy, combined with the spectre of genocide in Rwanda, had finally pushed the United Nations Secretary General into considering an urgent alternative for Ituri: the decision to entrust a peace-keeping operation in Bunia to an international force independent from MONUC. France was approached to head it. Although there was a real emergency, French military circles deemed the operation risky and extremely unlikely to succeed. The assessment document published on the matter already stated: “*the Bunia operation is a high risk one in political and military terms. It is sensitive and complex*”³³.

Following difficult debates among the French army’s Heads of Staff, France accepted to lead this force in the name of the European Union, with a number of demands that the international community soon accepted, with the passing of Resolution 1484, which gave the new force a stronger mandate, but one which was limited in time and space. The main concern was “*to make the airport safe and protect Bunia until 1 September 2003*”³⁴. The force was called the *Force*

³² It was still operating under Chapter Six of the United Nations Charter, and could not use force to impose peace at a distance from its buildings.

³³ *The Guardian*, Tuesday 10 June 2003.

³⁴ A summary of the Multinational Force’s mandate by Colonel Dubois, spokesperson for the force in Bunia.

Multinationale Interimmaire d'Urgence (FMIU), Emergency Interim Multinational Force and the code name for the operation was "Artemis". It has operated in a volatile and unpredictable context, and has proved extremely useful but insufficient.

A- The positive impact of Operation Artemis

The first detachment of the French-led multinational force, comprising some 100 hundred soldiers from the marine infantry regiment, arrived in Bunia on 6 June 2003. The operation concluded 45 days later. The first goal of the multinational force was to make Bunia airport safe. An information campaign was then launched to explain that the armed groups had to be quartered and Bunia had to be a town "with no visible arms". The multinational force decreed that the armed groups' troops must be quartered – as the basis for stabilising the situation in Bunia – as laid down in the peace accords.

Following signs of discontent from the armed militia, particularly the UPC, most of the conditions demanded by "Artemis" were accepted by the different warring parties and the principle of quartering their troops proved effective. The UPC militia was quartered in Miala, Mandro, Rwampara, Chari and Centrale, places mainly held by Thomas Lubanga. The Lendu combatants were billeted in Lippy and Zumbe. The leaders of the armed groups were authorised to remain in Bunia with 30 guards, five of whom were authorised to carry arms. The French Head of Staff considered that *"confining the militia leaders to the town of Bunia was a strategy designed to control them better"*.

One of the immediate results of these measures was an end to fighting in the centre of the town. The population was able slowly to return to their activities, and freedom of movement was observed in several parts of the town, although it did not exist throughout the town. This must have led several observers to rapidly conclude that Bunia had been made safe. Javier Solana, the European Union's Foreign Policy Commissioner, stated that, as part of its mandate, the force would endeavour to protect displaced people, contribute to the safety of the civilian population and of UN and humanitarian agencies' personnel, and make the airport safe. Of these objectives, only those referring to the airport and the UN members of staff were fully achieved.

B – Bunia: persistent insecurity

Pockets of insecurity despite the “Bunia – weapon-free” operation

“When we arrived in Bunia, there was a weapon practically every 10 metres in the town. The militia were moving around and terrorising the civilian population”³⁵

It was necessary to remove all visible weapons from the town and ensure the free movement of goods and people. This decision was a strong signal by the multinational force that it was determined to protect civilians and make Bunia a place where people could still live in safety. The area of action under the force’s control, running from MONUC headquarters to the airport, was largely stabilised and made safe. Reconnaissance missions were organized, even outside Bunia, by the multinational force, and this assisted, to a large extent, in revealing even more to the international community the extent of the humanitarian disaster and mass human rights violations which were still being carried out in other areas of Ituri.

Despite the “Bunia: weapon-free” operation, arms were still hidden in houses belonging to UPC supporters. Attacks by armed elements against the civilian population and the force continued.

Violence also took another form. Many pockets of resistance organized around armed UPC elements remained very hostile to the international force which was otherwise accepted by the great majority of the population of Bunia. On 18 August 2003, French troops carrying out a day-time security patrol in the northern areas of the town of Bunia came under fire from elements of the Hema militia. They returned fire, killing three people. This incident, which occurred two weeks before the end of the force’s mandate, illustrates not only the precarious nature of security in Bunia and the surrounding area, but also, and in particular, the major challenge faced by the new force which has taken over from the FMIU.

An increase in kidnappings, ‘disappearances’ and killings in Bunia

The town of Bunia is literally divided in two along ethnic lines. Trade between Hema and other communities remains practically non-existent. According to a member of the humanitarian aid community, “[t]he north of the town belongs to the Hema and the south to the Lendu.”

³⁵ Amnesty International interview with Colonel Dubois, FMIU spokesperson, Bunia, July 2003.

Since they were prevented from circulating throughout the town with weapons, the UPC militia and Lendu combatants' ability to harm and intimidate people diminished considerably. Frustrated at becoming "members of the public like everyone else", members of the UPC excelled at night-time kidnappings and killings. Not all residential areas are now safe and the population, which is confined to refugee camps, is still too frightened to return home. Despite the night patrols, there has been an increase in kidnappings and disappearances. Between June and September local NGOs recorded almost 100 cases. Many other cases have not come to light and Hemas and Lendus still cannot enter certain districts.

On 4 August 2003, four Nande working as onion sellers in Bunia were kidnapped from their homes by the UPC on Kilomoto Avenue, in the Nguezi area of the town and taken to Miala. They were apparently executed, after being held for a week at a house that had been turned into a detention centre. Fatou, their fellow detainee, was also kidnapped by a group of young Hemas. She was raped and only freed when a ransom was paid. She refused to reveal the sum involved for safety reasons. According to Fatou, several other hostages are still being held in Miala.

C – Lack of security for refugees in the Bunia camps

The inhabitants of Bunia and the surrounding area took refuge in two locations: the MONUC enclosure and the airport camp for the displaced. They were rapidly joined by thousands of displaced persons from the area surrounding Bunia (Fataki, Tchomia, Kasenyi), drawn there by the relative security which seemed to reign in Bunia following the deployment of the French troops comprising the multinational force. The displaced, who are from all the different ethnic groups, tell of the horrors they have endured.

Bujo Zakinga is a 13-year old Hema child who lost his parents in the Mudzi Pela area of Bunia. They were both killed by Lendu militia on 12 May 2003 as the family was attempting to escape from an attack. He knows nothing of the whereabouts of the rest of his family, and is currently living at the airport camp with the family of a schoolmate. He is hoping that security in the different areas of Bunia will improve so that a family can take him in.

The NGOs working in the camp estimated in mid-July that 15,000 displaced people were staying at the camp at Bunia airport³⁶. Most of the refugees there are

³⁶ The camp set up within the enclosure of MONUC's administrative building was dismantled at the end of July and most of its occupants transferred to the airport camp. Others, who still had some finances available, rented houses in the area surrounding the zones patrolled by the FMIU and MONUC's administrative buildings.

Bunia residents who fled the killings in the residential areas or who have been unable to remain at home because of the lack of security - despite the FMIU's presence. In view of the growing numbers of refugees in the camp, MONUC and the NGOs have attempted to encourage the inhabitants of Bunia to return home by distributing food in the residential areas. Although the refugees attend to their affairs during the day, returning to their neighbourhoods and abandoned houses, they prefer to return at night to the camp because the situation outside the centre of the town is always uncertain and many robberies, rapes and disappearances are still regularly reported.

The largest of the refugee camps is located near the airport, between the MSF hospital and a MONUC military camp that houses Uruguayan soldiers. Several NGOs have made a co-ordinated attempt to provide humanitarian assistance to the refugees, but there is no central management in the camp to register the continually growing number of refugees³⁷. Without registration, data on the number of displaced persons and the size of their families are approximate and make it impossible to provide assistance tailored to individuals.

Lack of security is also a fact of life in the camp. The situation facing the refugees in the camp, and the population's refusal to return to their neighbourhoods underlines very clearly the persistent security problem which exists for the civilian population, which is further complicated by a lack of police and legal structures which could curb the continued ethnic violence. Despite regular searches, guns continue to be brought into the camp, and this tends to foster crime. Proper management and stricter, systematic checks are urgently needed to prevent the introduction of weapons, and their use against vulnerable groups. The displacement cycle experienced by the inhabitants of Bunia and their region will only end when the population sees a considerable improvement in security in Ituri. Despite the presence of French troops, the refugee camps are not safe, and are only the lesser of two evils. It is doubtless the least dangerous place in Bunia for thousands of displaced persons who have chosen to make their homes there, or who are still arriving.

³⁷ Management of the airport camp was reportedly handed over to an NGO named Atlas Logistique in September 2003.

IV- The killings continue outside Bunia: the nightmare of refugees and the displaced³⁸

A- The violence moves further inland

The continuation of the killings and the new and more serious wave of slaughter beyond Bunia during and after the French troops' deployment is a strong sign that the international community must invest more in Ituri and that the new Ituri Brigade is facing enormous challenges. It also demonstrates the limited scope of Operation Artemis. But the FMIU's action cannot be judged on the basis of situations which fall outside its remit. According to the humanitarian aid community in Bunia approached by Amnesty International and the heads of the Operation Artemis, as reported by Refugee International, almost 600 people were killed in Ituri, outside Bunia while the Operation Artemis was underway in the town.

7Nizi: 22 July 2003

With no significant international military presence outside Bunia, horrifying killings continued to be perpetrated throughout the district. On 22 July, in the town of Nizi, to the north of Bunia, Lendu and Ngiti militia killed some 22 civilians. Many bullet-riddled bodies had been cut up with knives and machetes and the internal organs and genitals removed. These killings were apparently perpetrated by a new coalition of Lendu combatants of the *Front des Nationalistes Intégrationnistes* (FNI), Nationalist and Integrationist Front, and soldiers of the *Force Armée du Peuple Congolais* (FAPC), Armed Forces of the Congolese People, under Commander Jerome. The two armed groups still enjoy support from Uganda.

Tchomia and Kaseyni

The first attacks in Tchomia go back to 31 May 2003, and were reportedly the work of Lendu combatants. Over 300 people were killed there and dozens of others wounded and taken to hospitals in Budibugyo in Uganda. But on 15 July, while the multinational force was already in Bunia, Lendu militia from Loga and Zombe reportedly attacked Tchomia. The assault lasted approximately ten hours. At least 80 people were killed and dozens of others were wounded and transported to Uganda to receive medical attention, according to the local Red Cross. Eighty per cent of the

³⁸ On Monday 6 October 2003, a massacre by unknown militia took place in Kachele, a small village 100 km from Bunia. At least 23 of the residents were killed, most of them reportedly Hema women, children and old people.

soldiers from the *Parti de l'Unité et la Sauvegarde de l'Intégrité du Congo* (PUSIC), Party for Unity and the Safeguarding of Congo's Territorial Integrity, found there by an inter-agency mission were children. One of them was a young girl called Henriette whose parents had been killed and whose "*pretty flowery dress contrasted with the atrocities and the two Kalachnikovs that she was carrying*"³⁹.

According to humanitarian sources, a fifth of the town was destroyed, houses burned, and the main hospital completely destroyed. Three quarters of the population of Tchomia had left the town. Those who remained were either abandoned children, old people or simply people who did not have the US\$3.00 fare to cross Lake Albert for Uganda. The schools were shut and the situation was the same in Kaseyni, the neighbouring town. The town has had no electricity since February 2003, and the survivors, who are obliged to remain, barely have any more food. These two towns which are close to the border with Uganda are controlled by the PUSIC under Chief Kahwa.

Fataki

In July and early August, the town of Fataki, which is 120 kilometres from Bunia, was subject to a series of attacks against Hema civilians. They were reportedly carried out by groups of Lendu combatants. At least 60 people were killed and over a hundred others wounded.

The attacks caused a mass exodus from the town. Houses were burned and property pillaged to dissuade the fleeing population from returning. The few people who do return to recover what has not been pillaged "*are targeted by sharp shooters lying in wait for them*"⁴⁰.

Dala

On 21 July Hema civilians were attacked by a group of Lendu combatants at Dala, 25 kilometres from Iga Barriere, a village very near Bunia. Over 50 people were killed and dozens of families fled towards the Bunia refugee camps. Most of the people fleeing, who were questioned by Amnesty International, reported summary executions, torture, and rape by the assailants.

Attacks of this type have also been perpetrated in Drodro Largo and Bogoro, leaving dozens of people dead, hundreds of homes burned and clinics razed to the

³⁹ Amnesty International interview, Bunia, July 2003.

⁴⁰ AFP, 14 August 2003.

ground. Aru and Mahagi, controlled by Commander Jerome - who is protected by Uganda - have not been spared. Lendu combatants reportedly committed most of these killings.

The killings, which took place just as the French-led multinational force seemed to be celebrating the return of security in Bunia, are a brutal reminder that peace has not returned to the district and violence has been displaced from the central areas of Bunia to outlying parts of the district. The Ituri Brigade's mandate allows it to guarantee a return to security in these pockets of violence outside Bunia. This is a challenge that the force will have to assume.

B – The nightmare of the refugees at Lake Albert: Ntoroko, Rwebisengo and Karagutu

Since April 2003, tens of thousands of Congolese refugees from the Bunia region have arrived in canoes or on foot fleeing the killings, and have taken up home in the villages adjacent to the banks of Lake Albert. They left behind less fortunate neighbours and friends, many of whom died in the wave of killings in Tchomia, Kasenyi and the villages around Lake Albert.

Many of the refugees are in very precarious situations. Having fled atrocities, they find themselves in a new situation, which is just as vulnerable, where they are not guaranteed even a minimum of security.

“We escaped a brutal death only to rush headlong into slow death. I lost five of my children in the fighting in Tchomia, and I do not want to lose my remaining ones” commented Siwako, the father of a Hema family who Amnesty International found in Ntoroko.

In mid-October 2003, the vast majority of the refugees are still in Ntoroko, Rwebisengo and Karagutu, where their ethnic links with the local Ugandan population are helping them to survive as they await the distribution of humanitarian assistance. No reception camp has been set up for them, although in Ntoroko there is a place available where they can erect rough tents which serve as shelter to many families who are living in very tenuous conditions. There is not even basic medical assistance, food rations or decent housing. Elsewhere, refugees are being housed by the local population, or are using the last of their savings to rent a room.

At the start of the crisis, a two-week supply of food and non-food rations (including medication and “start-up kits”) was handed out by NGOs. Another round of distributions was organized when the Ugandan government took the steps that were

needed to house refugees in the Kyaka II camp⁴¹, around 60km from Lake Albert. This decision was prompted by the fear that the constant in-flow of Congolese refugees into the region could overwhelm the already limited local structures. The Ugandan government also spoke of the need to move the refugees away from the Congolese border to avoid waves of attacks or forcible recruitment by armed groups⁴².

According to the Ugandan legislation, all refugees present in Uganda must be housed in camps approved and itemized by the national authorities. To enable refugees to make their own living in these camps, Uganda has introduced a gradual “provision of assistance” programme⁴³. However Amnesty International recalls that Uganda has ratified the 1951 United Nations Convention on the Status of Refugees and has the obligation to respect the right to freedom of movement guaranteed to refugees under article 26 of this convention.

This programme, which is unique to Uganda and has been praised by the UN High Commission for Refugees (UNHCR), suffers from serious logistical problems and a clear lack of effective communication with the refugees. In fact, most of the refugees we met expressed serious fears about the possibility of being moved to the Kyaka II camp, the reception camp where the Ugandan government, with assistance from the UNHCR, plans to house them. Rosa, a Hema widow and head of a family of six children, expressed vehement reluctance to go to Kyaka II. This is a common opinion among member of the refugee community who Amnesty International met:

“Once in the camp, we will be prevented from going home! In Ntoroko we have neither food nor medicine, but I refuse to go to the camp. I might as well go back to die in Tchomia!”

The reasons given by the refugees for refusing a transfer so categorically were: that families would be broken up and it would be difficult for them to be reunited; the hope that the conflict would not last long; fear of losing their freedom; the stigma

⁴¹ The first official refugee camp to be recognised by the HCR in the region. Previously it was home to Rwandan, Sudanese etc. refugees. According to the refugees, it has a reputation as a place where the living conditions are harsh for refugees, and where these are insufficiently protected.

⁴² OAU Convention on Refugees.

⁴³ Under this programme, anyone with refugee status in Uganda is placed in a camp and given a plot of land to farm to develop her ability to meet her own needs. Food rations are distributed by the World Food Programme (WFP), and are gradually reduced, until relative self-sufficiency is achieved. Those seen as vulnerable (widows who are heads of households, the old and disabled) continue to receive maximum food rations.

attached to going to live in a camp, and, finally, the difficulty they would face as cultivators since most are engaged in fishing and livestock raising.

However, with their lack of food supplies, medical attention and the normal support provided by NGOs, the Congolese refugees living on the banks of Lake Albert have already suffered or witnessed grave rights abuses. Their situation is precarious and they are vulnerable to indirect, yet nevertheless real pressure from the Ugandan government.

The Ugandan law which regulates refugees in the country goes back to 1960⁴⁴, is not relevant to the current refugee problem in Uganda, and the level of protection it affords them is not in accordance with international standards. It is, therefore, essential for the new law to be adopted to ensure real protection and assistance to refugees in Uganda. The Ugandan government must also publish a transparent statement on its policy on the camps and access to humanitarian aid, so that the refugees can have access to the latter⁴⁵.

To date a limited number of refugees has accepted to go to Kyaka II. They have done so either out of choice, or because they are obliged to do so given the impossibility of surviving in the camp without humanitarian assistance. The men and women we met in Ntoroko, Rwebisengo and Karugutu, who are living in precarious reception conditions, can consider themselves “lucky” to have survived the atrocities that brought them from the other side of Lake Albert.

Living in a makeshift shelter on a piece of wasteland made available to Congolese refugees by the town of Ntoroko, Nedi, who is 14 years-old, timidly told Amnesty International how she witnessed the murders of her mother, who was six months pregnant, and her younger sister, by Lendu militia in May 2003 in Tchomia. The three were by the edge of the lake when Lendu militia from Zumbe attacked the town. Nedi was able to hide in a bush, but the militia grabbed her mother and cut her stomach open with a knife, and then threw her body and that of her little six-year old sister into the lake. She was prevented from fleeing by another group of militia who shot at her and wounded her in the hip. She was taken hostage with a group of civilians and taken to the Lendu camp in Zumbe. That was how she escaped death. There she met Esther, a cousin of her own age. The two little girls were held prisoner

⁴⁴ Control of Alien Act, 1960.

⁴⁵ A draft law has been under debate since 1998. The bill has now gone before the Cabinet (prior to submission to Parliament).

at the camp for a month and forced to work for the militia. Nedi and Esther escaped when the militia decided to transfer the hostages to Beni. During the five-day journey, Nedi was beaten several times and raped twice. After their escape, they managed to find Esther's family which had recently arrived in Ntoroko.

Amnesty International is extremely concerned by the attitude of the Ugandan government which seems to be using hunger as a weapon to force refugees who have been traumatised by so much violence to move to a place where they do not feel safe.

C -The precarious living conditions of the displaced in Oicha and Erengeti

The journey by those fleeing Bunia for Oicha and Erengeti was long and dangerous. The displaced told Amnesty International horrible tales of the harsh march that lasted weeks. The Bunia-Erengeti route was full of checkpoints of the UPC militia, who were carrying out rapes, beatings and killings. Many people were wounded, and the long march, as well as the lack of food, drinking water and medical care weakened them even more. When they arrived, the survivors were found in a state of great need and vulnerability.

The precarious security situation and relative or total lack of humanitarian assistance place the displaced in an even more vulnerable position in terms of human rights violations. In most cases, they are in even more precarious conditions than in Bunia. Many of them marched for days and nights to take refuge in Oicha and Erengeti. In fact, theirs is a series of unending flights. While many of the displaced have recently fled the Bunia atrocities, many others have been there since the Mambasa and Nyankunde killings at the end of 2002.

Unlike in Bunia, there is no regular food distribution. It does not meet the needs of the displaced who complain of food being scarce. The last round of distribution had taken place two weeks before Amnesty International's visit in July 2003. During the delegation's stay, no one was able to inform us of the next date for distribution, and no more food was distributed before the delegation left.

This lack of humanitarian assistance for a population already greatly affected by the conflict and which urgently requires medical assistance, drinking water and food, has created a delicate, potentially dangerous situation for the displaced. They are more exposed to potential abuse and exploitation by the local population, which could use the displaced as low cost labour. This situation increases their vulnerability in a context in North Kivu province in which scattered armed militiamen are still out of the control of their commanders.

In July, over 80,000 displaced persons registered in Erengeti, Oicha and a number of small unlisted settlements. This is a number which far exceeds the autochthonous population which fears that it is simply going to disappear. It is also making the logistical situation more difficult to manage, in a context in which co-operation among the different humanitarian players is complicated.

D – The dangerous impact of regional sponsors: Uganda and Rwanda

The complexity of the crisis in Ituri – and the regional challenges of which it is a part – means that regional powers such as Rwanda and, above all, Uganda, have a key role to play in solving it.

Since the UPC's loss of Bunia, and, particularly, the signing up of the RCD-Goma to the peace process, relations between the UPC and Rwanda have diminished considerably. However, local NGOs continue to report the presence of Rwandan military instructors in the UPC army.

Today Uganda⁴⁶ remains the main regional player in the Ituri conflict. Uganda shares a border with the DRC in Ituri and, from this point of view, appears to be a neighbour which is making and breaking "rebellions" in Ituri to suit its interests. The succession of armed groups that have controlled Ituri since the beginning of the crisis clearly shows their degree of dependence on Kampala. What is driving the conflict is not so much the internal interests of the Congolese factions, but more the ambitions and desires of Uganda.

At recent meetings of the armed groups' agreements committee, all the leaders of these groups undertook to de-militarise and confine their troops and endorsed the principle of demobilising child soldiers. That said, many arms transfers are still taking place. On 21 July 2003, an aeroplane chartered by Commander Jerome, which was carrying arms destined for the Mongwalu front⁴⁷, was intercepted in Beni by the RCD-ML, who informed MONUC. Commander Jerome of the FAPC is still being supported by Uganda. Statements by Congolese refugees in Ntoroko indicate that

⁴⁶ On 30 September 2003, the Ugandan army announced that it had sent additional troops to the border with the Democratic Republic of the Congo (DRC) following "reliable reports", it said, of an imminent attack by a rebel Ugandan group.

⁴⁷ Mongwalu is a region rich in gold. It was controlled by the UPC which was reportedly ousted at the end of June by a FNI-FAPC coalition. Fighting there continues.

Chief Kahwa, leader of PUSIC, is frequently visiting the region. Uganda is providing political and military support for his movement.

Amnesty International remains concerned about this situation and is worried that such visits are being used to hold political meetings in the camps; to use psychologically affected refugees, and recruit vulnerable children and adults into the army. Floribert Njabu, the FNI leader, who is suspected of involvement in several killings, including those in Nizi, and Chief Kahwa are both living in Kampala.

The Ugandan government officially demonstrated support for the peace process in Ituri and the DRC when it signed the Lusaka agreements and endorsed the conclusions of the CPI conference. However, by continuing to sponsor the different armed groups still operating in Ituri outside the framework of the peace talks, Uganda remains a dangerous element.

V – The challenges facing the “Ituri Brigade” and the International Community

A- Resolution 1493: imposing peace, protecting the civilian population

On 28 July 2003, the United Nations Security Council extended and stepped up MONUC’s mandate. It was turned from a simple observation mission into a peace building mission in Ituri and the two Kivus. It was also provided with the explicit capacity to use force, where necessary, to protect the civilian population and encourage humanitarian action. The total contingent planned for the Ituri Brigade numbers 5,000 soldiers, compared to the 1,400 who took part in Operation Artemis. Although this number of troops is not yet in proportion to the size of the country or the scale of the challenge, it is larger in number than the multinational force and its intervention capacity far outstrips that of the latter. Making due allowances, this new mandate could be expected to succeed or, in the worst case, to maintain the status quo.

According to an officer from the Bangladeshi battalion of the Ituri Brigade:
“[i]f the civilian populations are threatened, we can protect them. If armed groups

appear, we can challenge them and demand they lay down their arms. If they refuse, we are in a position to respond."⁴⁸

The official reaction of the UPC, stated by its representative in Kampala, is that the movement is waiting to see what impact this new MONUC force will have on the ground. It will have to be judged by its action⁴⁹. The UPC has accused MONUC of conniving with the Kinshasa government. The new force has been in place for less than a month and already there have been very many incidents between it and the UPC.

On 14 September 2003, the Ituri Brigade proceeded to reintroduce the "Bunia: weapon free" operation. As a result of unannounced searches, a large cache of arms and munitions was found buried at the homes of leaders of the UPC. MONUC reported that this arms cache comprised 14 AK 47 machine-guns, six Claymore mines, one rocket launcher and nine rockets, and a stock of munitions of different calibres. They were impounded and many of the movement's senior figures, including Floribert Kissembo and Rafiki, who are the UPC's Chief of Staff and the Head of Information Service respectively, were arrested and detained at the airport military camp. The next day the crowd from Mudzi Pela converged on MONUC armed with clubs, machetes, and sticks calling for them to be freed. The protest was broken up by MONUC's troops shooting into the air. Three people were reportedly killed when the crowd scattered, and several people were wounded. The following day, a MONUC surveillance helicopter fired on a UPC vehicle carrying armed soldiers that was heading towards the town, and three people were killed.

As well as having to deal with the acts of provocation that elements hostile to peace, on all sides, will doubtless carry out to test its resolve, MONUC must show all Congolese and the international community that it is capable of carrying out the job entrusted to it by the UN Security Council, while itself scrupulously respecting international human rights standards. On 4 September, while carrying out an investigation at the site of an incident in which a person in Bankonko was killed, Willy Bengwela, an *Agence nationale de renseignement* (ANR), National Intelligence Service, leader and Special Security Advisor to the Coordinator of the CPI Interim Administration, was arrested by MONUC forces. Mr Bengwela alleged that his hands and feet were tied, that he was manhandled and beaten and that he was held at the airport camp for three days. He reported that at the airport camp he was subject to ill-

⁴⁸ MONUC: A mandate to succeed, Refugee International, Clifford B. & N. Pearson, 16 September 2003.

⁴⁹ *The Monitor*, Wednesday, 3 September 2003.

treatment and that he was freed only after being forced to sign a document stating that he had not been mistreated.

This incident and many others speak of a need for reconnaissance and investigation missions to include soldiers who understand French, and human rights requirements, and who are able to communicate with the population in their own language. A Chapter Seven mandate is most certainly not enough to create security. The challenges to be met by the Brigade are, therefore, enormous, and this new international force will require more than tanks and men to meet them.

In addition to all the difficulties linked to the violence and insecurity in Bunia, the Ituri Brigade will have to overcome the mistrust which exists between it and the population. It must convince people without abusing them, protect them without leaving itself vulnerable and reassure people without weakening or compromising itself.

B – A political settlement is essential to Ituri

“There is no military solution for Ituri. There is only a political solution which needs to be supported, backed up, and even imposed by force”⁵⁰.

Amnesty International notes that a military response to the crisis is needed to protect the civilian population, in the context of a United Nations-mandated international force, which respects human rights. However, this military response must be accompanied by a political process to create a lasting framework for national dialogue and meet the need for justice for the common law crimes that have been committed and for the war crimes and other crimes against humanity. The United Nations Security Council clearly gave this mandate to MONUC in Resolution 1493.

None of the political and military forces at war today in Ituri has signed the Lusaka agreements or the Sun City accords which led to the establishment of the transitional government. The armed groups’ agreements committee set up as one of the CPI bodies has created an appropriate framework for this debate. Amnesty International is convinced that the latest meeting of this committee, in Kinshasa on 16 and 17 August 2003, which was attended by the new transitional leaders, was definitely a step in the right direction.

⁵⁰ Amnesty International interview with Colonel Dubois, Bunia, July 2003.

Amnesty International recognises that there will be no lasting peace in Ituri until a political framework for talks is provided to the warring sides, to allow for a process which takes human rights into account.

C – Rebuilding the police and judiciary in Ituri

In Ituri the fact that the legal system is not operating correctly is negatively impacting on the peace-rebuilding process, and also helping to provide impunity for perpetrators of human rights abuses, that is to say those who are guilty of common law crimes, murder, killings, rape, recruitment of child soldiers and other serious crimes. To be convinced of this it is important to consider the problems created by the inadequacies of the legal structures, the impact of this on the outbreak of inter-ethnic conflict, as well as the problem of impunity.

The lack of a police force and particularly of a judicial police force is detrimental to the protection of rights and freedom in the area. Order has not been re-established, and the obligation to afford protection is left up to the population itself, with all the risks of hasty justice inherent in such situations. There will be no effective justice without effective action by a professional police force. MONUC, through Civpol, is already helping to create the seeds of this force which is needed to strengthen the CPI's authority. "*I represent the Executive in Ituri but without justice or the police I have no teeth*", recognised Emmanuel Lekhu, Coordinator of the CPI's Executive. But the transitional government has also the responsibility to make reforms of this nature, and make Ituri a priority.

The lack of legal structure and infrastructure in Ituri

As is the case throughout the country, the problem with the legal system had already arisen in Ituri even before the outbreak of inter-ethnic conflict in eastern DRC⁵¹. In Ituri, a district inhabited normally by over 4.5 million people, there is only one court, with head offices in Bunia. However, because of the distances involved, it is inaccessible to the vast majority of those to be tried. Traditionally, the population living in areas furthest from Bunia, particularly Aru, Mahagi and Mambasa, has not been able to have its cases heard by a court within a few kilometres of their place of residence. People living in Bunia, or in the towns or villages nearby, were also faced with the problem of the slow turning of the wheels of justice owing, *inter alia*, to a

⁵¹ According to the RDC's administrative and political divisions, Ituri is a district. It forms part of the Eastern Province, whose capital is Kisingani, and comprises five territories. Under the law regarding the organization and powers of the judiciary, current in the RDC, the main town in all districts must have a regional court. This law establishes that all territories must have at least a tribunal de paix. The case of Ituri is a departure from this principle (the same applies elsewhere).

lack of legal personnel⁵² (judges, barristers and public officers); the absence of operating resources; and the lack of motivation on the part of staff owing to the non-payment of salaries. All the legal personnel was scattered and the infrastructure totally destroyed. Even judges and lawyers have taken refuge in the North Kivu camps for displaced persons at Beni Oicha and Erengeti. The slightly luckier have either simply fled to neighbouring countries or headed for Europe.

Apart from written law jurisdiction, in Ituri there are customary law courts at group, community and territorial level, whose disappearance will depend on the effective introduction of peace tribunals. In the past, customary law courts have ruled on cases for which they did not have a remit, owing to the vacuum created by the poor functioning of the legal system. But today, the marked mutual hatred which exists on the part of the ethnic groups makes it absolutely impossible for such justice based on customary law to be effective. The necessary mutual trust does not exist which would make this type of law a practical and useful means of curbing common crime, which has been extremely widespread in the district since the upsurge in the conflict. Yet justice is very necessary for reconciliation.

The impact of justice on inter-ethnic conflict

The inter-ethnic conflict which led to the Ituri drama was sparked in 1998 by a property dispute between a few Lendu cultivators and a number of Hema cattle farmers. One example is the case of the stockbreeder Kodjo Senga⁵³, who clashed with approximately 100 cultivators at a place 25 kilometres from Fataki in Jugu territory.

In this case, as in others, the deficient legal system contributed to the continuation of violence and recourse to private revenge. It is essential that a legal system be set up in Ituri to settle the thousands of cases of property extortion,

⁵² Concerning the number of members of the legal service in particular, there were four judges and four members of the State Counsel for the entire population of Ituri.

⁵³ In order to expand his holding, the cattle breeder had requested incorporation of a neighbouring village inhabited by over 100 people. The law establishes an appropriate procedure for such cases, namely the agreement between the individual working the holding and those with interests in the land concerned. Kodjo Senga, the Hema farmer in question, had reportedly circumvented the law by obtaining a property title but not the agreement of the farmers to remove their land from them. The case went to court (a regional court, and later an appeal) and there was a ruling in favour of the cattle breeder. The outraged farmers decided to use violence to defend their rights. This triggered a wave of violence against Kodjo's property, but also, as a result, against that of other cattle breeders who were associated with the initial cattlebreeder because they were from the same ethnic group.

pillaging and theft, and the great harm done to the civilian population in the context of the conflict.

Impunity for common crimes: a threat to durable peace in Ituri

The first serious inter-ethnic violence occurred in Ituri at a time when the district was under the political control of the RCD, and was, therefore, outside that of the Congolese State. The legal system, as well as most public services, had been weakened, *inter alia*, by their separation from the central hierarchical structures based then as now in Kinshasa. Regarding the legal system, in particular, the situation became delicate when, due to the split in the RCD, it became difficult for those being tried from Ituri to follow the progress of their cases at the Court of Appeal in Kisangani, which was in thrall to RCD-Goma, while Ituri was controlled by RCD-ML. This meant that a number of serious crimes could not be properly prosecuted. Moreover, the rebel leaders' hold over the judiciary meant that the latter was insufficiently independent from the perpetrators of crime, above all in cases where the latter were linked to certain leaders. This already inadequate system has completely deteriorated since the recent developments in the conflict.

During its mission to Ituri, Amnesty International has gathered many witness statements concerning flagrant cases of pillaging, extortion, and armed robbery, followed by murder. In the majority of cases, victims or their relatives recognise and can often identify the perpetrators, who in some cases are walking around in full daylight with their spoils. Houses and all types of property have been seized from their owners, who are either killed or forced into exile. If there are any legal successors, these are silenced by death threats and constant harassment. Several people have suffered destruction of their property by third parties, but no legal action can be considered to allow them to recover what is legally theirs. Such action⁵⁴ is being committed not only by soldiers, but also by civilians, acting with complete impunity, under the protection of the leaders of armed groups, or by bands of uncontrolled robbers.

With rare exceptions, then, no cases have been brought to justice over the violence perpetrated in the context of inter-ethnic conflict. That is creating a general sense of frustration and desire for justice on the part of all communities in Bunia. Without remedies, this situation can only lead to new violence.

⁵⁴ "Justice Plus", a local NGO in Bunia, has recorded several dozen cases of rape and extortion (in some cases followed by murder) of items ranging from the most basic, such as clothing, to property of great value such as houses, land and cattle, etc.

It is necessary to achieve a return to normality for the legal system in order to prevent an escalation in the violence in Ituri⁵⁵. Common crimes must be dealt with by the local legal system and war crimes by the international. The International Criminal Court (ICC) and the transitional government are also responsible for making this a fundamental priority.

D- Zero impunity for war criminals: the ICC and the international legal system

The ICC was set up on 1 July 2002, the date of entry into force of the Rome Statute. Its Prosecutor and the Special Rapporteur on Human Rights in the DRC have both stated that a number of crimes committed in Ituri against the civilian population could fit the remit of the Court. In fact, these actions either by local armed groups acting alone, or by the same groups with direct or indirect support from foreign (Ugandan and Rwandan) armies, do seem to fit the definition of war crimes and crimes against humanity adopted in the Rome Statute, to which the DRC is a signatory.

Since the start of the inter-ethnic conflict in Ituri in June 1999, and despite the atrocities, which have been widely decried, no-one has been prosecuted, found guilty or much less sentenced either as perpetrator or joint perpetrator of serious crimes against the civilian populations. This situation is reinforcing the reign of impunity, and encouraging the leaders of the armed groups, who are calmly continuing to perpetrate odious crimes.

The serious nature of the crimes committed in Ituri, on the one hand, and the deficient operation of the Congolese legal system, on the other, make action by the ICC one of the rare international initiatives which can kick start the fight against impunity and respond to the growing need for justice on the part of the population of the DRC.

Amnesty International is delighted with the ICC Prosecutor's decision to make Ituri a priority case for its tribunal⁵⁶. This position has had a positive psychological effect on public opinion. But it has not yet been translated into any pre-trial

⁵⁵ Congolese lawyers believe that it is necessary to set up tribunaux de paix in Ituri district's five territories and allocate a sufficient number of members of the national legal service. Bunia's regional court must, in turn, have a large number of legal service members to ensure the effective administration of justice.

⁵⁶ As stated by the ICC Prosecutor on 16 July and 9 September 2003.

investigation work. On the ground, different armed groups are stepping up attacks on civilian populations with complete peace of mind, aware of the fact that no legal steps have been instituted against them for their past crimes. Amnesty International believes that action by the international legal system, through the ICC, is the key to kick starting the fight against impunity for war crimes and crimes against humanity, particularly in Ituri, but also, more generally, in the DRC.

However, this must in no way detract from the role the DRC's legal system has to play in fighting impunity. It is essential that the transitional government, with the support of the international community, set up a global programme to rebuild the national legal system, so that the national courts have the resources required to take cognizance of the violations of international human rights law and international humanitarian law.

In view of the need for national dialogue and in order to set up, on an inclusive basis, the transitional institutions envisaged by the Sun City accords, in April 2003, President Joseph Kabila decreed an amnesty for "war acts" and certain crimes committed during the five-year conflict.

It is regrettable that impunity should be sanctioned in the name of national unity. Amnesty International is concerned about the consequences of impunity endorsed through the peace process. It is vital that investigations be opened into the presumed perpetrators of war crimes and crimes against humanity, even if they hold government office, and that they be punished by law, if the legal system finds them guilty.

It is crucial to keep up pressure on the different transitional players, and to draw the international community's attention to the crimes committed in the DRC, particularly in Ituri, in order for the ICC to carry out its work appropriately, honouring the memory of the tens of thousands of known or anonymous victims. Only equitable justice can allow a peace process initiated in the transition to take root with human rights values, for sustainable unity and development.

Conclusions

The laborious, difficult peace process of over five years has led to the establishment of a transitional government in the DRC. This step forward has inspired great hope. Yet the country remains fragile. Today it is at a crossroads where it will either recreate itself or lose its way. The situation in Ituri remains a test for this process, which could go in either direction.

The international community has supported the peace process, and in so doing has demonstrated the importance it places on the well-being of the Congolese people and a return to a society in which fundamental human rights are respected for and by everyone. It has also voiced concern about the need for reconciliation among the Congolese. But it is crucial that justice also be delivered to the millions of known and unknown people who have died in this conflict. The need for unity must take account of the duty to remember and the right to justice necessary to all credible, lasting reconciliation processes.

Amnesty International believes that the transitional process must include a framework for strong and impartial national and international justice so that the culture of impunity cannot bring into question all the new hopes. Amnesty International believes that reconciliation without justice cannot serve the Congolese, and could engender new conflict.

Crimes committed in Ituri should not go unpunished and, if justice is necessary for the victims, it is also essential for the entire Congolese people, which have been affected by so many atrocities. At a time when the transitional government is starting to function, it is urgently necessary for strong signs of a commitment to build a more just society in the DRC. Independent judicial mechanisms, both national and international, must investigate all the war crimes and crimes against humanity and the perpetrators, whoever they may be, must be made to answer for their deeds in law.

From this standpoint, the transitional government must entirely re-build the legal system and co-operate with the ICC, setting up the structures needed for the investigations. If the DRC wishes to respect its international commitments, now is the time for it to do so, and the international community has a duty to support the efforts of the Congolese people in that task.

To this end, Kofi Anan has said “*all States in the region must respect each others’ sovereignty. Support for armed groups and the illegal extraction of the Congo’s resources have to end. A tradition of good neighbourliness must be established as well as respect for and the protection of civilian populations and all citizens. These principles must guide the political action to support the peace process*”.

The fight against impunity, therefore, is the response which the new government and the entire Congolese people must bring to these years of conflict, so

that a culture and society based on fundamental human rights can be reborn. It is an urgent challenge which, above all, must be taken up in Ituri.

Recommendations

Amnesty International insists on the need for concrete measures to halt the abuses to which civilian populations are subject, and for which all players in the conflict, to differing extents and at different levels, could be held responsible. It is essential for all the belligerents seriously, and on the basis of universal principles of international law, to commit themselves to respect human rights, and to promote their application in Ituri. Amnesty International is convinced that only a peace founded on justice and law will be able to give hope back to the millions of persecuted civilians. These recommendations are addressed particularly to the armed groups operating in Ituri, MONUC, the transitional government, the regional governments involved in the conflict, the ICC and the international community.

1 – To the armed groups: the UPC, FNI, PUSIC, FAPC and Lendu and Ngiti combatants

International humanitarian law, in the form of the Geneva Conventions, clearly defines the rules of war to which all combatants must adhere:

Article 3, common to all the Geneva Conventions⁵⁷ establishes the obligation to protect civilians and non-fighting combatants during times of war, and addresses the problem of the responsibility of armed groups towards civilians in times of conflict. Amnesty International reminds the armed groups involved in the conflict in Ituri that they are obliged to protect civilians and urgently calls on them:

- to bring an immediate end to the killing of civilians, to illegal homicide, rape, and other attacks on human rights carried out against civilians and combatants who have ceased to participate in the hostilities;
- to publicly recognise the crimes committed by their forces and to fully and unconditionally collaborate and co-operate with all independent enquiry commissions, including those of the ICC, to reinstate victims rights;

⁵⁷ For further information on the responsibilities of the parties to the conflict, as laid down by the Geneva Conventions, see the above Amnesty International documents on Ituri and economic exploitation in Eastern DRC, *AI Index: AFR 62/010/2003* and *Index AI: AFR 62/006/2003*

- to swiftly end harassment and human rights abuses against personnel from the humanitarian NGOs and human rights activists and ensure that humanitarian organizations can gain safe, unrestricted access to all areas under their control, and in which the Ituri Brigade has not yet been deployed;
- to immediately halt the recruitment of child soldiers and to co-operate with MONUC and other appropriate organizations to continue the process of disarmament, demobilisation and reintegration of these children. They must also immediately and unconditionally confine their forces in the zones accepted with the FMIU;
- to pursue political peace talks in the framework of the armed groups agreements committee foreseen by the Ituri Pacification Commission, publicly committing to safeguard human rights and ensuring that their combatants halt all abuses; and to swiftly give firm instructions to their soldiers, who are continuing to perpetrate crimes, that such action will not be tolerated, and they will be punished by law;
- to recognise and support the activities of the human rights unit foreseen by the ICC as one of its interim bodies, and to make this structure a touchstone of the political process and national and international legal systems which Ituri so greatly needs;
- to fully respect the embargo decreed by United Nations Security Council Resolution 1493 concerning arms transfers to the region, to immediately halt arms purchases and to make weapons stocks available to MONUC for inspection.

2 – To MONUC

Amnesty International is aware of the crucial role that MONUC must play in protecting and respecting the rights of civilian populations in a conflict situation such as that of Ituri. As a result, Amnesty International urges MONUC to:

- fulfil the spirit and letter of its new mandate, not only by rapidly deploying its troops in all sensitive areas of Bunia, but also by stepping up such deployment in the territories beyond Bunia, which are still affected by violence and sometimes inaccessible to security patrols and humanitarian workers;
- have available a sufficient number of liaison officers, human rights personnel and humanitarian affairs officers who speak French and/or Swahili to facilitate communication with the local population and prevent misunderstandings which could degenerate into conflicts and human rights violations;

- train its international military personnel, the civilian police and legal personnel in human rights and the application of laws in the context of conflicts such as that in Ituri;
- step up its support for the political process by following the meetings of the armed groups agreements committee, and forging a context conducive to respect for human rights, and particularly women's and children's rights;
- allow the establishment of independent investigation commissions on all abuses reportedly committed by soldiers from the Ituri Brigade while carrying out their mission and set up, for reasons of justice, internal structures for co-operation with such commissions;
- assist in effectively establishing and training the civilian police force managed by the CPI in Bunia, and gradually throughout Ituri, both to prevent attacks on the physical integrity of unarmed civilians, and the very frequent robberies and extortion of private property. The police must encourage the free movement of goods and people which still exists in Ituri and keep order;
- assist with the urgent reconstruction of the legal system in Ituri, so that an enquiry can be carried out into all human rights violations, and the presumed perpetrators can be brought before the competent courts;
- facilitate the investigation work of the ICC announced by its Prosecutor, by making available to it the information and logistical support it requires, particularly in Ituri.

3 – To the transitional government and the CPI

The transitional government must put in place medium- and long-term mechanisms to permit access to effective justice and greater protection of civilians in Ituri. As part of the demands for transitional justice which Ituri also urgently requires, Amnesty International makes the following recommendations to the transitional government:

On the need for a professional police force in Ituri, the Transitional Government, alongside the CPI should

- set up a civilian police force with the necessary resources and training, in close co-operation with MONUC and the support of the international community, as soon as security conditions permit;

- promote the police's role in applying laws, with a clear distinction between its role and that of the army. Civilian police units responsible for applying the laws must come under civilian control;
- make a clear, public definition of the roles, responsibilities and official powers of the different branches of the police and the security forces;
- ensure that all sectors of the police receive human rights training and instruction on how to carry out their mission without being politically influenced;
- guarantee that all police units' procedures for arrest, investigation and detention are tracked by independent representatives of the legal system

Rape and other forms of gender violence

The DRC government, with material and technical assistance from the United Nations and the International Community, involvement of the CPI and local players, must give priority to caring and supporting victims of sexual violence. In particular, it must:

- investigate cases of rape and violence against women in the context of the conflict in Ituri by all involved parties, so that those alleged to be responsible can be brought to justice;
- set up health and counselling programmes for victims of sexual violence in co-operation with international and Congolese organizations already supporting such programmes, and providing specific assistance to them. If necessary, governments of donor countries and United Nations bodies should facilitate access to medical care abroad for victims;
- establish a legal support programme for victims of sexual violence, and allow them to achieve full legal redress. In particular, measures should be taken to protect the dignity, private lives and psychological well-being of victims bringing cases of sexual violence;
- launch and support public awareness-raising campaigns and training programmes for members of the security forces to eliminate violence against women in the DRC;
- ensure that judges, prosecutors, the police and all staff working in the criminal justice system are trained to deal with victims of sexual violence.

With reference to the ICC and the national judiciary, the Transitional Government should:

- place on the statute books as soon as possible the law implementing the Statute of Rome, as recommended by Amnesty International in its document entitled *International Criminal Court, list of principles to be respected for the effective implementation of the International Criminal Court (AI index: IOR 40/011/00, August 2000)*. This legislation must provide the national courts with the powers necessary to judge the war crime of recruiting and using child soldiers, whenever and wherever they were committed, and not only crimes following July 2002;
- give priority to ensuring that the legal system once again is able to take cognizance of common crimes committed during the conflict, with the assistance of the international community. This is essential to rebuild the social fabric of Ituri, now torn by feelings of vengeance and injustice.

With Reference to Internally Displaced People:

- Encourage the transitional government to respect and implement in practice the provisions of the guiding principles on internal displacement (http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html) with special emphasis on the right to life (principle 10), the right to dignity and physical integrity, including protection against sexual violence (principle 11), the right an adequate standard of living (principle 18 ; water, shelter, healthcare) and the right to medical care (principle 19).

4 – To the Ugandan government and army

- firmly order the UPDF and its allies to respect minimum standards of behaviour regarding human dignity enshrined in international human rights and international humanitarian law. Such instructions should be backed up with basic instruction in international humanitarian law and international human rights commitments;
- ensure that international human rights law and international humanitarian law on the protection of civilians and dignified treatment of those who have laid down their arms are respected at all times;
- inform all members of the UPDF that they have the right and the duty to disobey orders which could lead to human rights violations;
- use its influence with the armed groups it is backing to ensure they allow and facilitate the unfettered distribution of humanitarian assistance in all zones in their control, and ensure and facilitate access to such zones by international human rights and humanitarian organizations;

- assist in investigating as soon as possible and with entire impartiality allegations of abuses of human rights committed in the zones controlled by the UPDF and its allies while its troops were still in Bunia and ensure that those responsible for such abuses are brought to justice. The enquiries and court cases should always respect international standards of justice and capital punishment should never be handed down or carried out;
- facilitate enquiries by international organizations into information concerning human rights violations committed in the DRC, and fully co-operate with them;
- immediately cease – in accordance with UN Security Council Resolution 1493 – movements of military, security and police equipment; arms; personnel and training to armed political groups in the DRC, who are known to have carried out violations of fundamental rights, and desist from providing any related logistical and financial support to such groups;
- bring its influence to bear on the armed groups it is protecting to ensure these cease from recruiting into the armed forces all persons under the age of 18, in accordance with the African Charter of Rights and Welfare of the Child, and co-operate with MONUC and other appropriate organizations to achieve the disarmament, demobilisation and reintegration of child soldiers;
- improve the living conditions of Congolese refugees around Lake Albert by taking concrete measures to protect them against any violations of their rights by:
 - desisting from using humanitarian assistance as a means of putting pressure on refugees to limit their freedom of movement;
 - increasing coordination of humanitarian action between the office of the Prime Minister in charge of refugees, local structures of intervention and NGOs on the ground ;
 - promptly adopting the law governing refugee status which includes protection standards contained in international refugee law in close cooperation and in total transparency with UNHCR and NGOs that have worked on this legislation since 1998.

5 – To the Rwandan government

- immediately desist – as required by UN Security Council Resolution 1493 – from providing military, security and police equipment, arms, personnel and training to armed political groups in the DRC who are known to have carried out abuses of basic rights, and cease all concomitant logistical and financial support to these groups;
- use its influence on the armed groups it is protecting to ensure the cessation of recruitment of all persons under the age of 18 in the armed forces, in accordance with the African Charter on the Rights and Wellbeing of the Child, and co-operate with MONUC and other appropriate bodies to achieve the disarmament, demobilisation and reintegration of child soldiers

6 – To the United Nations and the international community

Amnesty International calls on the United Nations Security Council to continue backing the peace process in the DRC, by supporting legal reform in Ituri, as part of the effort to rebuild the national judiciary, and to participate in mobilising resources required for national reconstruction. Amnesty International recommends that the UN and the wider international community should:

- insist that all parties to the conflict adhere to international humanitarian law in order to ensure the protection of civilian populations and permit and facilitate the unfettered distribution of humanitarian aid;
- set up a structure to follow up the work of the United Nations working group on the extraction of the DRC's natural resources, made up of experienced researchers, to follow up on violations of human rights and international humanitarian law in the DRC, particularly those which have taken place since August 1998, *inter alia* in Ituri, in a context of economic exploitation. Such a follow-up structure should have at its disposal appropriate material and human resources to carry out an exhaustive enquiry and take the necessary measures, particularly in terms of bringing to justice those responsible for abuses. MONUC should be called upon to facilitate and guarantee the safety of the researchers;
- pursue and broaden the enquiries carried out by MONUC and the UN High Commission for Human Rights into allegations of human rights abuses in the region. The results of these enquiries should be made public to satisfy the requirements of the ICC's work;
- demand an obligatory commitment on the part of the governments and armed groups involved in the conflict in Ituri to ensure they co-operate with these enquiries and facilitate them, and they bring to justice the perpetrators of the abuses of basic rights identified in the enquiry;
- bringing to justice those combatants and leaders or commanders shown by the enquiry to have committed, ordered or tolerated human rights abuses - including in their countries or the countries which support them;
- in accordance with Resolution 1493, demand that UN member states prevent the movement of military, security, and police equipment; of arms, personnel and formations which could be used to commit abuses of fundamental rights by all non-government bodies with armed forces in Ituri. Such a curb, particularly with reference to allied logistical and financial support, should be maintained until such time as it can be reasonably shown that such movements will not enable human rights abuses or violations of international humanitarian and human rights law to be carried out;

- support measures designed to bolster justice, reconciliation and the promotion of human rights in Ituri, in particular, by supporting, promoting and protecting the work of independent human rights organizations and activists in the Ituri region.

Finally, **all parties to the conflict** must undertake to fully co-operate with the International Criminal Court's Prosecutor in his preliminary examination of the situation in the DRC and in all subsequent inquiries. If the ICC accusations proceed, these parties should seek to ensure that any person suspected of committing crimes is brought for trial before the ICC.

Rwanda must, as soon as possible, ratify the Statute of Rome and introduce a law bringing it into effect.

Uganda must introduce a law bringing the Statute of Rome into effect.

The governments of the DRC, Rwanda and Uganda should look favourably on any extradition request by the Prosecutor.

Events in Ituri which may interest the ICC

- a) On 9 August 2002, the UPC, supported by the Ugandan army, established itself in Bunia after driving out the *Armee du Peuple Congolais* (APC), Army of the Congolese People, the armed wing of the RCD-ML. The fighting which preceded the defeat of the RCD-ML caused the death of almost 100 civilians. The attack on the APC's headquarters was prepared several days earlier by the UPC and the Ugandan army, despite the fact that several civilians were resident in the neighbourhood.
- b) On 5 September 2002, following clashes between the UPC and the APC supported by Lendu militias, over 1,000 people were killed in Nyakunde (located 45 km from Bunia). Several hundred people were wounded and there was much damage to property – in particular Ituri's foremost clinic, the Evangelical Medical Unit, which was destroyed. The killings and destruction reportedly were largely the work of the APC, the armed wing of the RCD-ML.
- c) Between November and December 2002, several civilians were killed and others wounded by members of the MLC, during clashes between the APC and the *Armee de Liberation du Congo* (ALC), Army for the Liberation of Congo, the armed wing of the MLC. Several reliable sources reported acts of cannibalism by members of this armed group. Over 100 people were killed and several dozen

wounded. This action was part of a deliberate policy by MLC militia against civilians considered, rightly or wrongly, enemy supporters.

- d) Since the beginning of 2003, the violence has continued in Bunia and elsewhere in Ituri, and has caused enormous loss of life and property. There was, for example, the attack on Bogoro on 24 February 2003 (leaving over 100 dead); clashes in Bunia on 6 March 2003 (at least 50 dead) and the attack on Drodro on 3 April 2003 (over 150 dead). All these actions seem to spring from the pursuit of one common objective on the part of the Ugandan army and Lendu militia, namely to drive the UPC out of Bunia and Ituri. The Ugandans' reason was the rapprochement between this group and Rwanda, while what was driving the Lendu groups was a desire to weaken the positions of their traditional enemy.
- e) Following 3 May 2003, the town of Bunia was the scene of great violence carried out in turn by the rival groups, the UPC and the FNI. The toll was over 400 dead, almost 1,000 wounded and the exodus of hundreds of thousands of people. The town was systematically pillaged, and several humanitarian and religious buildings destroyed. The French military estimate that there were 600 deaths, outside Bunia, between June and September 2003.
- f) Recruitment appeals, the recruitment itself and systematic use of child soldiers by all the militia operating in Ituri are a problem which might greatly interest the ICC.

Acronyms used

AAA: *Action Agro Allemande*

ALC: *Armée de Liberation du Congo*, Army for the Liberation of Congo (the armed wing of the MLC)

APC: *Armée du Peuple Congolais*, Army of the Congolese People

ICC: International Criminal Court

CPI: *Commission de Pacification de l'Ituri* Ituri Pacification Commission

FAC: *Forces Armées Congolaises*, Congolese Armed Forces (the DRC government army)

FAPC: *Force Armée du Peuple Congolais*, Armed Forces of the People of Congo

FIPI: *Front pour l'Intégration et la Paix en Ituri*, Ituri Peace and Integration Front

FLC: *Front pour la Libération du Congo*, Front for the Liberation of Congo

FMIU: *Force Multinationale Interimaire d'Urgence*, Emergency Interim Multinational Force

FNI: *Front des Nationalistes Intégrationnistes*, National and Integrationist Front

FPDC: *Front Populaire pour la Démocratie au Congo*, Popular Front for Democracy in Congo

FRPI: *Front de Résistance Populaire de l'Ituri*, Ituri Popular Resistance Front

MLC: *Mouvement pour la Libération du Congo*, Movement for the Liberation of Congo

OCHA: Office of Coordination of Humanitarian Affairs

PRA: People's Redemption Army

PUSIC: *Parti de l'Unité et la Sauvegarde de l'Intégrité de Congo*, Party for Unity and the Safeguarding of Congo's Territorial Integrity

RCD: *Rassemblement Congolais pour la Démocratie*, Congolese Rally for Democracy

RCD – Goma: *Rassemblement Congolais pour la Démocratie - Goma*, Congolese Rally for Democracy - Goma

RCD-ML or RCD-Kis/ML: *Rassemblement Congolais pour la Démocratie - Mouvement de Libération*, Congolese Rally for Democracy – Movement of Liberation

UPC: *Union des Patriotes Congolais*, Union of Congolese Patriots

UPDF: Ugandan People's Defence Force, Ugandan Army