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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 6  
(Annexes 4.8 to 4.14)**

**September 2016**

*[Translation by the Registry]*

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**ANNEX 4.8**

**Individual records from the six-day war**

*[Annex not translated]*

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**ANNEX 4.9**

**Individual records of victims established by the Fonds de solidarité des victimes de guerre de la Province orientale à Kisangani (a non-profit-making association)**

*[Annex not translated]*

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**ANNEX 4.10**

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*[Annex not translated]*

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*[Annex not translated]*

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*[Annex not translated]*

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**ANNEX 4.10D**

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*[Annex not translated]*

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**ANNEX 4.11**

**Communiqué of 2 August 1998 in Lotus Group, *Report of the  
Kisangani Lotus Group*, 15 October 1998, Appendix 3**

**Communiqué of 2 August 1998 in Lotus Group, Report of the  
Kisangani Lotus Group, 15 October 1998, Appendix 3**

*[Translation]*

Men and women of the Congo,

The soldiers of the Congolese Armed Forces,

Having thoroughly apprised themselves of the tragic situation which has prevailed in our country since Mr. L. D. Kabila came to power on 17 May 1997;

Aware of their duty to preserve national unity and guarantee the people's security, by averting the dangers which could arise were Mr. Kabila to remain in power;

Hereby relieve Mr. Kabila of his self-proclaimed duties as the President of the Republic for the following reasons:

- \* he has confiscated the powers of the State and handed them over to his family;
- \* instead of forming a government of national unity, he has set up a government made up of members of his own family, including brothers and cousins, and friends. By way of example, we would cite the following:
  - Laurent-Désiré Kabila, Katangan, President of the Republic;
  - Gaétan Kakudji, cousin of the President, Minister of State responsible for internal affairs;
  - Mutombo Tshibal, Katangan, Secretary-General of the AFDL;
  - Mwenze Kongolo, Katangan, nephew of the President, Minister of Justice;
  - Mova Sakani, Katangan, nephew of the President, Minister of Transport;
  - Uмба Kyamitala, Katangan, Minister of Strategic Areas and Development;
  - Massanga Mulongo, Katangan, Governor of the Central Bank;
  - Lufuma Makanda, Katangan, Delegate Director General of Customs;
  - Maliba Kibassa, Katangan, Minister of Mines;
  - Muleka, Katangan, Director of External Security.

\* Many of the other posts of ambassador and administrators of State enterprises are occupied by people from the President's home territory and the surrounding areas of Manono, Kabalo, and Malemba-Nkulu.

This way of governing cannot in any way be said to promote the national unity which the army is expected to preserve.

\* The Government's inability to organize a genuine national army is reflected in the fact that it has kept up a number of ill-assorted separate forces including former FAZ soldiers, Banyamulenge,



Kadogo and Katangans and that recruitment is haphazardly based on ethnic or even tribal criteria. Mr. Kabila and his family are in the process of taking over the army.

- \* Mr. L. D. Kabila is the President of the Republic and the Minister of Defence.
- \* Mr. Célestin KIFUA, the President's Katangan brother-in-law, is the Chief of Staff of the Army.
- \* Mr. Joseph Kabila, the President's son, is the Deputy Chief of Staff of the Army.
- \* Mr. Kabulo, a Katangan nephew of the President, is the head of the Office for the Military Detection of Subversive Activities (DEMIAP).
- \* Mr. John Numbi and Mr. Eddy Kapende, both Katangan, are advisers to the Chief of Staff of the Army.
- \* For his army, Mr. Kabila recruits only young people from his home region, Manono, and pays them better than any other soldier. The Presidential Guard is made up exclusively of Katangan soldiers in the same way that the late President Mobutu's Presidential Special Division (DSP) was composed solely of Ngbandi.
- \* The country's financial resources are being mismanaged. Public funds are kept at the President's residence instead of the Central Bank.
- \* Public funds are disbursed without any official accounting procedure. Embarrassing witnesses are arbitrarily arrested by the President of the Republic to remove all traces of embezzlement.
- \* Corruption is as widespread as it was under the regime of the late President Mobutu and Mr. Laurent-Désiré Kabila has suspended the democratic process in our country and set up an authoritarian, anti-political regime.

For this purpose we call on Congolese politicians to begin working together immediately to determine the political orientation of our country,

And on the people of Congo and Congolese expatriates to remain calm and go about their business as normal.

Long live peace in the Congo

Long live peace in Africa

Done in Goma on 2 August 1998

For the Congolese Armed Forces

Commander Sylvain BUKI.

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**ANNEX 4.12**

**United Nations General Assembly, Fifty-fourth Session, *Report of the Special Rapporteur on the situation of human rights in the DRC pursuant to General Assembly resolution 53/160 and Commission on Human Rights resolution 1999/56, document A/54/361, 17 September 1999***



## General Assembly

Distr.: General  
17 September 1999  
English  
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### Fifty-fourth session

Agenda item 116 (c)

### Human rights questions: human rights situations and reports of special rapporteurs and representatives

## Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and dependent countries and territories

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón (Chile), pursuant to Assembly resolution 53/160 and Commission on Human Rights resolution 1999/56.

## Report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo pursuant to General Assembly resolution 53/160 and Commission on Human Rights resolution 1999/56

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## **I. Introduction**

### **A. Mandate and activities**

1. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo submits his third report to the General Assembly pursuant to Assembly resolution 53/160 and Commission on Human Rights resolution 1999/56 (see annex I).<sup>1, 2</sup> The report covers incidents that occurred up to 7 September.

2. Two years after suspending cooperation with the Special Rapporteur, the Government of the Democratic Republic of the Congo sent him two invitations. On his first visit, from 16 to 23 February, the Special Rapporteur visited Kinshasa and Lubumbashi. On his second visit, from 27 August to 6 September, he met with President Laurent Désiré Kabila for nearly two hours and also talked with the officials listed in annex II. The Special Rapporteur wishes to stress the excellent cooperation that he received from the Kinshasa Government during his two missions, particularly from the Minister of Human Rights.

3. On both occasions, the Special Rapporteur was also received by officials of the Rassemblement congolais pour la démocratie (RCD), one of the two rebel movements in the country; he made two visits to Goma and one to Bukavu, meeting with the officials listed in annex III, who gave him a good reception.

4. In the two regions into which the conflict has divided the country, the Special Rapporteur met with representatives of various institutions, churches, non-governmental organizations, political parties and movements, which are mentioned in annexes IV and V. He also held consultations in New York (5 to 7 April), Kampala (2 September) and Geneva (7 to 10 September). On 25 May, he participated in a meeting in Brussels with the Special Rapporteur on the situation of human rights in Burundi and the Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda; the meeting was also attended by representatives of the Office of the United Nations High Commissioner for Human Rights, the European Union, the Governments of Belgium and the United States of America, the Organization of African Unity (OAU) and others.

5. He also visited police stations, military compounds, prisons and other places of detention, including protective detention, listed in annex VI. Unfortunately, owing to various obstacles and delays, the Rapporteur was unable to visit in August the detention centres of the Detection of Unpatriotic Activities Police (DEMIAP) and Litho Moboti

Group (GLM) building of the Special Presidential Security Group (GSSP), where a prominent member of the opposition active in the protection of human rights is being held.

6. The Special Rapporteur transmitted to the Government two communications containing allegations of violations of the human rights of 2,375 individuals. He also sent 19 urgent actions on cases regarding 218 individuals. He did not receive a reply to any of these submissions. However, both the Government and RCD sent the Special Rapporteur general reports in response to the issues he had raised in his previous reports and his interviews. For the most part, the responses consisted of denials of the allegations and of accusations against the other side in the war. In any case, it must be acknowledged that the Minister of Human Rights of the Government of the Democratic Republic of the Congo has admitted that there have been excesses and abuses by the security forces, which have resulted in loss of life and harassment of human rights advocates. In one case, the Special Rapporteur issued a press release. During his second visit, he sent President Kabila a letter asking for clemency for 19 persons who had been sentenced to death.

### **B. Joint mission to investigate allegations of massacres**

7. In paragraph 9 (b) of its resolution 1999/56, the Commission on Human Rights requested the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, immediately after the signing of a ceasefire agreement or as soon as security considerations permitted and, where appropriate, in cooperation with the National Commission of Inquiry to investigate human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, especially those in the province of South Kivu and other atrocities as referred to in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31), with a view to bringing to justice those responsible and reporting to the General Assembly at its fifty-fourth session and to the Commission at its fifty-sixth session.

Accordingly, the Special Rapporteur contacted the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances and informed them of the prevailing security conditions. He took up the issue directly with President Kabila, who expressed his willingness to cooperate fully with the joint mission as soon as security conditions permitted. In the opinion of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the security conditions necessary for the conduct of investigations have not been met.

8. Moreover, the National Commission of Inquiry, which was established by the Government in January to investigate these incidents in response to a request from the Security Council in July 1998 (see S/PRST/1998/20), has not been able to carry out its work owing to the fact that most of the alleged incidents took place in rebel-occupied territory or in combat zones. The Special Rapporteur will report on further developments to the Commission on Human Rights at its next session.

### **C. Reprisals against individuals who cooperated with the United Nations**

9. In accordance with Commission on Human Rights resolution 1999/16, the Special Rapporteur briefed the Secretary-General on the situation of Commander Makelele Kabunda, arrested on 20 March while attending the Military Court trial of two colleagues accused of having transmitted a report to the Special Rapporteur in February; on the situation of Bofassa Djema, member of the Executive Committee of the Mouvement populaire pour la République, who was prevented from leaving the country on 23 February, three days after meeting with the Special Rapporteur; and on the situation of Kambaji wa Kambaji, political leader of the Union for Democracy and Social Progress (UDPS) in Kinshasa, who was arrested on 19 July on the charge of having sent information to the Office of the United Nations High Commissioner for Human Rights.

10. The most serious case, however, was the persecution in Goma, where RCD has its headquarters, of five human rights advocates from the non-governmental organizations Grande Vision, CREP-LUCODER, Promotion et appui aux initiatives féminines (PAIF)/North Kivu and Action paysanne pour le reconstruction et le développement (APREDECI), who met with the Special Rapporteur on 21 February. The Rapporteur visited them during his brief trip to Uganda to confirm the facts.

### **D. International human rights agreements and cooperation with the United Nations**

11. The Democratic Republic of the Congo is a party to the international instruments listed in annex VII. The Minister of Human Rights indicated on 10 December 1998 that the Democratic Republic of the Congo would accede to the two additional protocols to the Geneva Conventions of 1949, an announcement that the Special Rapporteur welcomed and reported to the Commission on Human Rights in his presentation of his previous report. Unfortunately, nine months after the announcement, the decision still seems to rest with the President, who is awaiting a report from the Ministry of Defence.

12. The Special Rapporteur welcomes the fact that, with the help of the Human Rights Field Office in the Democratic Republic of the Congo, all the international instruments to which the Democratic Republic of the Congo is a party were published in a special edition on 9 April. According to what the President of the Military Court told the Rapporteur, the Court interprets international law as subordinate to domestic law.

## **II. The armed conflict<sup>3</sup>**

13. On 2 August 1998, war broke out in the Democratic Republic of the Congo, six days after President Kabila's expulsion of his former ally, the Rwandan Patriotic Army (APR), from the country. An unknown party, later known as the Rassemblement congolais pour la démocratie (RCD), attacked the Democratic Republic of the Congo with the support of Rwanda, Uganda and Burundi. Rwanda and Uganda have openly acknowledged their support, while Burundi continues to deny its involvement. In November 1998, another armed group, the Mouvement de libération du Congo (MLC), began to operate. By 31 August 1999, these groups had occupied 60 per cent of the territory.

14. Invoking the inherent right of individual or collective self-defence as set out in Article 51 of the Charter of the United Nations, and as recalled in Security Council resolution 1234 (1999) of 9 April 1999, troops from Angola, Namibia, the Sudan, Chad and Zimbabwe intervened in the conflict in support of the Congolese Armed Forces (FAC). In addition to the national armies, there are at least 17 irregular armed groups (see annex VIII). The presence of so many armies and armed groups can be explained by the fact that various other domestic

and foreign conflicts are taking place in the territory of the Democratic Republic of the Congo (see annex IX).

15. Throughout the country, both within and outside the occupied zone, the war is perceived as foreign aggression. A group of high-ranking religious leaders representing the principal faiths of the Democratic Republic of the Congo (Roman Catholic, Protestant, Kimbanguist, Orthodox, Islamic), headed by Cardinal Eltsou, issued a statement on 23 August demanding the withdrawal of all the foreign troops that had come to plunder the country's wealth.

16. The violence has been extreme, especially in the east. The activities of the foreign-backed rebels have been countered by the terrorism of the Mai-Mai,<sup>4</sup> who are supported by the population, with the commendable exception of human rights advocates who continue to oppose violence of any kind. The health infrastructure has been completely destroyed, and the population has reverted to traditional medicine. On both his visits to the zone, the Rapporteur had the impression that an atmosphere of terror prevailed. The people living in the occupied territory consider the *Interahamwe* to be primarily responsible for the violence followed by the Mai-Mai and "Rwandan soldiers". However, when asked whom they feared most, they first mentioned Rwandan soldiers, then the *Interahamwe* and, finally, the Mai-Mai "who do not kill Congolese".

17. At the end of the first year of the conflict, it was estimated that 6,000 people had lost their lives and that 500 were missing, not to mention the thousands who had been displaced or had sought refuge abroad. As is usually the case, most of the victims have been civilians owing to the reaction of RCD officials and soldiers. When Mai-Mai guerrillas and Rwandan *Interahamwe* militia attack RCD-controlled towns, RCD requests reinforcements for defence. If, on arrival, the reinforcements do not encounter the enemy, they have been known to commit unspeakable massacres of the civilian population. That was, more or less, what occurred in Kasika, Makobola, Kamituga and Buyankiri, incidents that RCD now considers "unfortunate mistakes".<sup>5</sup> The most deplorable actions by the Government and its allies in 1999 were the bombing of the civilian populations of Kisangani in January (at least 17 dead), Goma (between 30 and 65 dead, depending on the source) and Uvira (three dead), and the atrocities committed by Chadian soldiers in Bunga and Gemena.<sup>6</sup>

18. *Peace initiatives.* There is a general feeling throughout the country that "the international community is not doing anything to end the conflict". This has been expressed by President Kabila, the RCD authorities, people living in the territories controlled by the Government or

by RCD civil society and religious leaders. In the opinion of the Special Rapporteur, that sentiment is not entirely genuine and is unfairly critical of a number of African countries, particularly Zambia, the Libyan Arab Jamahiriya and South Africa, which have done their best to promote peace (see annex X). It is the protagonists — the Governments of the Democratic Republic of the Congo, Uganda and Rwanda and the leaders of the RCD and MLC — who have always been intransigent. Many meetings that were called were unsuccessful because the parties concerned did not attend. The Peace Agreement concluded in Sirte, Libyan Arab Jamahiriya, was not signed either by Rwanda nor by RCD, and Uganda later claimed that it was only a letter of intent. In May, Rwanda declared a unilateral ceasefire, which was broken after the bombing of Kisangani.

19. Despite the efforts of the "international community", the Congolese people, who consider themselves under attack by foreign countries, cannot understand certain terms. The Special Rapporteur was asked why the aggressors are called "uninvited countries" or "forces opposed to the Government that are violating national sovereignty and territorial integrity".

20. *Categorization of the conflict.* In paragraph 41 of his report on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/1999/31), the Special Rapporteur categorized the conflict in the Democratic Republic of the Congo as an internal conflict with the participation of foreign armed forces. Various facts make it necessary to review this point. Foreign armies, including those that responded to the appeal by President Kabila to intervene in accordance with Article 51 of the Charter of the United Nations, and those described by the Security Council as "uninvited" countries, have exchanged prisoners in accordance with the provisions of the third Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the presence of prisoners has been detected in territories of the "uninvited" countries; there have been clashes typical of any war between foreign national forces in Congolese territory; and "uninvited" States have signed the Lusaka Ceasefire Agreement, which specifically refers to the mixed nature of the conflict. The Special Rapporteur therefore believes that there is in fact a combination of internal conflicts (RCD against the Kinshasa Government and MLC against Kinshasa) and international conflicts, such as the conflict between Rwanda and Uganda in Congolese territory, clashes between the Rwandan and Ugandan armies and FAC, and clashes between foreign armies in the Democratic Republic of the Congo. In the international conflicts, respect for the

four Geneva Conventions is required, while in the internal conflicts, the provisions of article 3 common to the four Conventions are applicable.

21. *Ceasefire of 10 July.* The ceasefire agreed upon in Lusaka by representatives of the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zimbabwe and Angola (witnessed by representatives of the United Nations, OAU, the Southern African Development Community (SADC) and Zambia) was not signed by the rebel groups of RCD (its two factions) or MLC. The latter signed on 1 August and, on 31 August, RCD had it signed by 50 of its founding members, thereby revealing not unity but deep-seated internal differences.

22. The Ceasefire Agreement contains military and political aspects. The latter will be considered later. The military aspects provide for an immediate ceasefire, the release of hostages within three days (although this concept is unclear, since those whom RCD regard as "hostages" are considered by the Kinshasa Government to be "protected persons"; the word "hostages" is not defined in annex A), a joint military commission, and an international peacekeeping force administered by the United Nations. Prisoners have to be released within 30 days. A "facilitator" and OAU observers are to be selected (Lalli Rachel, an Algerian general, has already been appointed), and armed groups are to be disarmed over a period of between 30 and 120 days (an essential task, but one that is difficult to carry out). The Special Rapporteur notes that the fulfilment of many of the provisions that have been adopted is beyond the control of the parties so that there is a great risk of allegations of a failure. The integrity of the Congolese borders is confirmed. It is important to note that the parties are required to refer all identified cases of genocide to the International Criminal Tribunal for Rwanda, and to hand over those responsible for war crimes and crimes against humanity to the national courts.

23. At the time this report was being completed, it was not possible to assess whether or not the Agreement was being respected.

*Refugees, displaced persons and persons at risk*

24. *Refugees.* The United Republic of Tanzania and Zambia have been the main countries of asylum for Congolese fleeing from the war. Rwandans have also sought asylum in their flight from the Mai-Mai.

25. *Refugees in the Democratic Republic of the Congo.* External conflicts have led to the presence of refugees in the Democratic Republic of the Congo, mainly from Brazzaville, Congo (40,000, although some 7,000 have

returned) and Cabinda, Angola. The Government, in violation of its international obligations, has sometimes deprived them of their liberty (see para. 50).

26. There are some 13,000 Rwandan Bahutu refugees in the Democratic Republic of the Congo, following the voluntary return of 4,750 persons.

27. *Displaced persons.* The war has led to the displacement of about 600,000 persons, many of whom are in hiding in the jungle, particularly those who were not able to reach the United Republic of Tanzania. In February, the Special Rapporteur visited the Kamalondo centre in Lubumbashi, which was sheltering about 382 people.

28. *Persons at risk.* This classification has been given to Tutsi or people who look like Tutsi who live in the area controlled by Kinshasa and fear attacks against them by the civilian population. In order to protect them (which RCD has not accepted, insisting that they are hostages), the Government housed them in January at the Kokolomilitary camp, and then transferred them to facilities provided by the National Social Security Institute (INSS) in Kinshasa. In Lubumbashi, they were sheltered in the former Batika convent and in Kolwezi. The Special Rapporteur visited INSS and Batika, as he reported in his oral presentation to the Commission on Human Rights. The accusation by RCD that the Special Rapporteur has forgotten all about these people is therefore false. Once the visas were obtained, the Government, in conjunction with the African and Western host countries and with the assistance of the International Organization for Migration, made the necessary arrangements for asylum, ensuring that the Congolese were able to return freely. However, other persons in hiding who were being protected by the local population have requested the same opportunity.

### III. Political development

#### A. In Government-controlled territory

29. Essentially, the Kinshasa regime has not changed. The human right to democracy has not been restored, and there is no indication that it will be recognized in the near future. The President continues to exercise full executive powers (which is normal); he also exercises legislative powers (bodies such as the Commission on Institutional Reform or the Committee on the National Debate are only advisory) and has significant powers with respect to the judiciary (E/CN.4/1998/65, paras. 32-37; E/CN.4/1999/31, paras. 16-24). According to the announcements made when



he assumed power, the transition to democracy should have been completed on 17 May. This transition has not yet begun.

30. The new law on political parties, Decree-Law No. 194 of January 1999, was presented as a liberalization of political activities. Although it contains reasonable provisions aimed at preventing the establishment of tribal, regional or family parties, the operation of political parties is ultimately subject to the approval of the Ministry of Justice, which authorizes them and suspends them if there is a risk of a breach of the peace (arts. 15 and 40). The most serious aspect, however, is that since the Decree-Law entered into force, all legally constituted parties have been illegal. No party that had been legally constituted before the promulgation of the new law has registered in accordance with the Decree-Law, and the 10 parties that were interviewed confirmed that none of them will do so. The Special Rapporteur received reports of detentions, searches and other forms of persecution affecting about a dozen parties, which demonstrates that the law has in no way changed the previous situation.<sup>7</sup>

31. The greatest problem is that the Decree-Law on the “national debate” and the Lusaka Peace Agreement envisage the participation of delegates from opinion groups, Congolese political and civil organizations ... without exception, Congolese parties and the political opposition. When asked what parties or groups these would be, the President, the Minister for Information and the Vice-Chairman of the Organizational Committee for the National Debate all gave the same reply: “in order to avoid chaos, they will obviously be parties that comply with the law”. There are no such parties. For the President, “parties are a source of division among the Congolese”.

32. The clearest sign that no one had understood that there would be political liberalization is the previously cited statement issued on 23 August by the principal religious groups, which calls for “freeing the political arena”.

33. The draft of the new constitution has not been the subject of any discussion. On 10 February, the Commission on Institutional Reform submitted its report to the President, and there has been no further talk of a plebiscite. It was to have been discussed in the national debate.

34. Decree-Law No. 213 of 27 March 1999 calls for a national debate to discuss three issues selected, without prior consultation, by the President: legitimacy of power, the draft constitution and Decree-Law No. 194 on parties. An organizational committee appointed by the President is being established, and its report will be submitted to

him, there will be delegates from opinion groups (see para. 31), and exiles and “invited personalities”. The Vice-Chairman of the Organizational Committee said that the latter could include the leaders of disbanded political parties. In the five months that have elapsed, many people have registered to participate, and the Government has selected 181 of them; dates have been set and postponed; venues have been selected and changed; the proposed facilitators referred to earlier have visited the country; and three committees have been established. However, a “national debate” has yet to be held, and only the Organizational Committee is in operation.

35. The Peace Agreement envisages a “national dialogue (inter-Congolese political negotiations)” with the participation of the Congolese parties, namely, the Government of the Democratic Republic of the Congo, RCD, MLC, the political opposition, which the Government understands to be the “legal” parties, and representatives of *les forces vives* of the nation, all with identical status.

36. Furthermore, People’s Power Committees (*Comités de Pouvoir Populaire*) have been established to replace the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), which brought Kabila to the Presidency. Their function is to organize the people and establish policy in all aspects of national life. All inhabitants, at their respective levels (street, neighbourhood, commune, village), are members. At their first Congress, the President defined the Committees as the new democracy. They are financed by the State. The population constitutes a single party and complains that sometimes its members have served as police informants for the arrest of opponents.

37. The army continues to have a very strong influence. According to reliable reports, there are 13 security, military and police forces, apparently all authorized to make arrests. One positive feature is the recent replacement of the former classification between commanders and troops by the establishment of ranks: lieutenant general, brigadier general, colonel, lieutenant colonel, major, force commander and regional commander, which should prove useful in determining responsibility and ending impunity.

## **B. In territory controlled by RCD and MLC**

38. In the territory controlled by RCD, there is no other party except for a small party called the Reformers’ Movement (*Mouvement des réformateurs*). In January, it held a general assembly that established an assembly and

a collegial presidency consisting of eight members, the only way of harmonizing its various civilian and military components. In March, the rift was consolidated when its president, Wamba dia Wamba, who is supported by Uganda, left for Kisangani. In May, supporters of the Rwanda-backed Goma faction clashed with supporters of Kisangani, leaving between three and eight people dead. In Goma, the assembly established in January was dissolved in June.

39. The worst confrontations occurred between 15 and 18 August, when Ugandan soldiers clashed with Rwandan soldiers in Kisangani, which resulted in the death of some 200 soldiers and 30 civilians. The residence of Bishop Laurent Monsengwo, who has been critical of the Rwandan presence in his homeland, was attacked by the Rwandans.

40. In order to deal with the civilian population, most of which is hostile to it, RCD has established "self-defence groups", trained by Rwandan soldiers. These groups have often been accused of arresting or kidnapping individuals. The groups constitute a real paramilitary force, which has even been accused of the death of a priest.

41. Various measures adopted by RCD have increased hostility towards it: the flight of national wealth to Uganda and Rwanda; the introduction of a new flag; the declaration of the "twin towns" of Kigali and the South Kivu region; and, lastly, the formation of a so-called parliament (*baraza*), the members of which were appointed by the Governor of South Kivu.

42. The Special Rapporteur has not been able to obtain information on the political situation in the territory controlled by MLC.

## IV. Situation of human rights

### A. In Government-controlled territory

#### Right to life

43. *Death penalty.* In his oral presentation to the Commission on Human Rights at its fifty-fifth session, the Special Rapporteur said that "in 1999, such sentences (by the Military Court) have not been carried out, which indicates progress with regard to what I stated in the report". That same month, the practice of public executions was resumed and, during the year, a very large number of people — particularly members of the former armed forces of Zaire (former FAZ) or those found guilty of armed robbery, were sentenced to death. Over 100 executions were reported.

44. In a letter to the Secretary-General, the Government declared itself to be abolitionist, just as President Kabila had done in a letter to the Special Rapporteur. In both cases, however, the death penalty was defended both for historical reasons ("it was established by the Belgians in 1940 for 17 crimes") and for practical ones ("the people must have security; we don't have a reliable judiciary; people arrested for serious crimes are always released; we don't have high-security prisons"). The Special Rapporteur does not, of course, share these views, which are the same ones cited by those who are not abolitionist.

45. *Enforced disappearances.* The Special Rapporteur has received information, which he transmitted to the Government, on the disappearances of 14 persons following their arrest, at various times and under various circumstances, including a journalist, a serviceman and four persons of Tutsi origin. Most of these acts have been attributed to the Rapid Intervention Police (PIR), the National Information Agency (ANR) and the Special Presidential Security Group (GSSP).

46. *Arbitrary taking of life through abuse of power protected by impunity.* There have been many reports of attacks resulting in deaths, committed with the intent of taking money, property or vehicles.

47. *Death by torture.* A former colonel and a son of a former public official were among those tortured to death; these cases were reported to the Government.

#### Right to physical and psychological integrity

48. *Torture.* The most frequent cases that have come to light involve former members of FAZ. The forms of torture reported have basically included beating, humiliation (stripping) and asphyxiation. Journalists, political leaders, human rights activists, university professors, a Protestant pastor and even refugees from the Congo have been tortured, and there have been reports of women being raped in detention centres or during raids. The locations most frequently cited are the GLM building, the GSSP office in Kinshasa (which the Special Rapporteur visited in February), national police headquarters and the provincial police inspectorate in Kinshasa. Other places where torture is said to be practised are the National Palace, where the Training Centre for Airborne Troops (CETA) is allegedly based; the offices of which the Special Rapporteur visited in September, and where he met with Congolese refugees from Brazzaville and Cabinda; the barracks of the 50th Army Brigade (camp Kokolo); the *cachots* of the provincial police inspectorate (formerly Circo); and the DEMIAP compound.

### **Right to security of person**

49. While the pillaging that took place during the Mobutu era is certainly no longer common practice, there have been many reports of abuses concerning individuals whose property was robbed by soldiers and public officials. Some homes belonging to former leaders of the deposed regime have not been returned. One person who refused to leave his house, which was not on the list of requisitioned property, was arrested, in order to force him to turn it over to the Presidency.

### **Right to liberty of person**

50. The Special Rapporteur cannot support the President's claim that "there are no political prisoners in the Democratic Republic of the Congo since I have not ordered anyone's arrest". This is clearly one of the least respected rights in the Democratic Republic of the Congo. Political leaders, activists, union leaders, journalists, soldiers, students, traditional chiefs, priests and pastors, attorneys acting in their professional capacity and refugees are constantly being arrested for no apparent reason. Most arrests are made by ANR, the police, GSSP, DEMIAP and PIR. Sometimes the arrests appear to be ordered by the State Security Council. Often, no reason for the arrest is given, nor are the detainees brought promptly before a judge. Cases have been reported where persons have bought their freedom. The reason most often cited is collusion with the rebels, an accusation that is often made against foreigners. Even government ministers, police officers, high public officials, judges and magistrates have been arrested; some of them have been subsequently reinstated in their positions.

51. The Special Rapporteur was surprised at the number of soldiers, most of whom were from Équateur province, who had been deprived of their liberty, some for nearly a year, without a trial. The Special Rapporteur wanted to visit them at DEMIAP; however, despite reports that they had been moved to another detention centre in anticipation of that eventuality, it was not possible to visit the premises of DEMIAP.

52. Positive developments included the release of three prominent members of the political opposition and, seven members of the military in August. In May, 1,600 soldiers were released, although they were reportedly sent to the front.

53. *Prison conditions.* Except for Makala prison in Kinshasa, where the Special Rapporteur noticed improvements during his visit in February, conditions in

the remaining prisons are appalling. At Lodja prison in Kasai Oriental, two thirds of the buildings have no roofs and there is no health care. Inmates suffer from an alarming level of malnutrition and all sorts of epidemics. The Special Rapporteur also visited Kasapa prison in Lubumbashi, where three children between 12 and 18 months of age were with their inmate mothers and were not receiving any assistance whatsoever. In Boma (Likasi), 70 per cent of the inmates suffer from malnutrition, and many have dysentery and other illnesses. They are visited by the International Committee of the Red Cross (ICRC), which provides food, but not by the Office of the United Nations High Commissioner for Human Rights. Visits to the *cachots* of GSSP, ANR and DEMIAP are extremely rare.

54. *Right to enter and leave one's own country.* Many political leaders, journalists and even traditional chiefs have been prevented from leaving the country or even from leaving Kinshasa. Sometimes their passports have been confiscated.

### **Right to due process**

55. *Concerning criminal charges.* The most serious denial of justice takes place in the Military Court. Although both the current and the former President (who was himself a prisoner) maintain that all the provisions of article 14 of the International Covenant on Civil and Political Rights are observed, the Special Rapporteur disagrees. It is not possible to uphold the right to a defence when the trial is held a few hours after the crime. The situation as described in paragraphs 90 and 92 of the Special Rapporteur's report of 8 February 1999 (E/CN.4/1999/31) remains unchanged. Of greatest concern is the frequent imposition of the death penalty. Although the Military Court was established to try only soldiers and persons accused of armed robbery, many members of the opposition have been tried and sentenced to prison.

56. *Impunity.* The human rights violations discussed in this report continue to go unpunished, since no convictions of the perpetrators have been reported.

### **Right to freedom of expression and opinion**

57. On 26 June, the Minister of Justice stated that the Government and security forces would not hesitate to take severe action against any person, especially journalists, who unjustly attacked the head of State or a member of the Government.

58. In fact, it is the security forces that make the arrests, sometimes without instructions from the Government (which should ultimately assume its responsibility). The

Minister of Information has sometimes intervened to have a journalist released. It is true that the Minister of Information has not ordered anyone's arrest. The Special Rapporteur learned of an order signed by the Director of Operations of the State Security Committee, acting on behalf of the Special Security Adviser to the Head of State, instructing Commander Shabani, accompanied by two soldiers, "to bring in the person responsible" for three daily newspapers that he mentions, without giving any legal basis or reasons, as well as a summons, also without any legal basis whatsoever, signed by Commander Étienne Kabundi of GSSP, the reason for which "will be explained when the person in question shows up".

59. The Minister of Information informed the Special Rapporteur that the Government recognized as newspapers only the 50 or so that had legally registered under a law dating from the Mobutu era. The rest are considered "scandal sheets".

60. Concessions for radio frequencies and television channels require authorization from ANR. As part of the terms and conditions, the applicant must agree to treat political news "with impartiality and objectivity". State television has clamped down on all areas that had opened up during the Mobutu era. Private television has a certain degree of autonomy but it is extremely limited by self-censorship. The same is true for radio, which has no room at all for the opposition. There are six private radio stations in Kinshasa, all of which have reported "confirmed irregularities", such as "making a radio transmitter available to BBC Network Africa to broadcast from the draft resolution: Raga SPRL thus took the place of the Congolese State"; or "transmitting Vatican Radio news in full".

61. Many journalists have been arrested, prevented from leaving the country and harassed. One has even disappeared.

#### **Freedom of association**

62. *Non-governmental organizations.* As in the case of political parties, new laws required non-governmental organizations to reorganize themselves, which none has accepted. Regrettably, the Government (with the exception of the Minister for Human Rights), regards non-governmental organizations as a kind of enemy to be fought or, at best, as "political parties" (Kabila to the Special Rapporteur). The Special Rapporteur wishes to state that, contrary to what the President has claimed, non-governmental organizations have proven their professionalism and dedication to the cause of human

rights. The most relevant example took place when a minister known for his hatred of non-governmental organizations was arrested: the non-governmental organizations demanded the minister's release even though the price was the arrest of one of their presidents as a consequence of that action. Some 30 heads of non-governmental organizations have been arrested this year (at least three are still being held), and many have been harassed; their headquarters have been searched, with or without the proper warrants.

63. *Labour organizations.* Their situation is similar to that of non-governmental organizations, and many of their leaders have been arrested.

#### **Freedom of assembly**

64. The exercise of this right has been suppressed. The mere act of an opposition political party carrying the national flag, or jeering at the Head of State, have resulted in many arrests.

#### **Right to a nationality**

65. Nationality legislation under Mobutu, which left thousands of individuals of Rwandan origin stateless and in part caused the rebellion that overthrew him, has not been improved by the new provisions of Decree-Law No. 197 of 29 January 1999, which reiterates the exclusivity of Congolese nationality (art. 1). The peace agreements (para. 16) provide a solution, but it could be resisted by ethnic groups considered indigenous.

#### **Economic, social and cultural rights**

66. These rights have been seriously affected by the war, both because it consumes Government's entire revenue and because the free circulation of goods is prevented by the hostilities. According to reports, 80 per cent of budget allocations are directly or indirectly related to the war. In January, a decree-Law (NE 177) prohibiting all foreign-currency transactions did not succeed in lowering prices; on the contrary, it led to an increase in transport costs. Serious everyday problems in such areas as housing, health and education have not been addressed. The current rate of inflation is extremely high. Civil servants' salaries are very low and have not been paid for several months.

67. *Health.* The Democratic Republic of the Congo accounts for 65 per cent of all tuberculosis cases in Central Africa (54,575 cases). In March, a poliomyelitis epidemic broke out in Équateur province; about 100 people were affected. In Bandundu, six people died of meningitis during a nine-day period in March. Health conditions have been

seriously affected by the war. There is an alarming degree of malnutrition, which affects 80 per cent of the population in some areas. People eat once a day or, in some cases, once every two or three days.

68. *Education.* Because of the war, no measures have been taken to guarantee the exercise of this right. Many parents are not sending their children to school because they cannot afford the school fees.

#### **Situation of women**

69. Like traditional practices, the Civil Code (which follows the Western Napoleonic tradition) has no legal capacity where married women are concerned: in order to conclude legal instruments or contracts, a married woman must obtain her husband's consent, without which those instruments are invalid (art. 217); if a father and mother disagree in matters of parental authority, the father's wishes prevail (art. 317); and a married woman requires her husband's permission to contract civil obligations, without prejudice to her right to petition the courts for annulment of her husband's decision (arts. 448 and 449).

70. Many reports confirm that rape, even that of girls, still occurs in prisons and during military operations. Women seeking to leave the country are subjected to gruelling humiliation.

#### **Situation of children**

71. While the use of children in warfare is less frequent than in the case of RCD, some 6,000 children are in military service. However, this is not the only way in which children's rights have been affected: the war has led to a rise in the school drop-out rate. In May, the Government established the National Children's Council, which, *inter alia*, involves members of the community and school representatives in monitoring the implementation of the Convention on the Rights of the Child. The Council works with non-governmental organizations. It is still too early to evaluate the results of its activities.

72. One initiative that deserves the Special Rapporteur's full support is the organization by the Ministry of Human Rights of a pan-African conference on the demobilization of child soldiers, to be held in November with assistance from the Ministers of Defence, the Interior, Foreign Affairs, and Reconstruction, and with funding from the United Nations Children's Fund (UNICEF). The conference will deal with such issues as disarmament, demobilization and social rehabilitation.

73. *Situation of older persons.* The Special Rapporteur has not been informed of the adoption of any special programmes for older persons during the International Year of Older Persons. Older persons make up 3.5 per cent of the Congolese population and enjoy great respect in Congolese culture and in African culture in general.

### **B. In territory controlled by the Rassemblement congolais pour la démocratie and the Mouvement de libération du Congo**

#### **Right to life**

74. *Death penalty.* Although the death penalty is permitted under the law, it has not been applied since the beginning of the war. The authorities have stated that, "in this part of the country, it was applied only by Kabila". During his two visits, the Special Rapporteur spoke with prisoners who had been sentenced to death, but he was assured that their sentences would not be carried out. In February, he met a 15-year-old youth in Goma who had been sentenced to death; the RCD official responsible for foreign affairs acceded to the Special Rapporteur's request for a commutation of the sentence.

75. *Enforced disappearances.* There have been many reports of the enforced disappearance of detainees, including Congolese and Rwandan Bahutu attempting to leave the territory. The victims include a former Protestant minister and the former Governor of North Kivu.

76. *Death by torture.* Cases have been reported in Luvungi, including the case of one individual who had refused to provide meat to Rwandan soldiers.

77. *Politically motivated murders.* There are reports that, when RCD forces occupy a city or town, they usually kill their opponents. The Special Rapporteur has been informed of the murder of a highly respected priest who had criticized the rebellion; of a haulage contractor working for a church in Uvira; of an individual killed in Bukavu on 24 February; of a young man in Mpenekusu (Shabunda) who died after being castrated; and of many people in Bushaku who were murdered by rebel soldiers for being, or on suspicion of being, members of the opposition.

#### **Right to physical and psychological integrity**

78. *Torture.* RCD soldiers and members of the security forces have been accused of torture. The compound known as Bureau 2 is most often mentioned, but reports stress that there are other, unknown, *cachots*, including one known as *chien méchant* (“vicious dog”). The victims are primarily individuals suspected of being *Interahamwe* or Mai-Mai. There are reports that women in detention centres are often raped, although there were fewer allegations of such cases during the Special Rapporteur’s second visit.

#### **Right to liberty of person**

79. Anyone who expresses opposition to what the people call the “occupation” or “aggression” is arrested. Use of the terms “Rwandan army” or “foreign army” is prohibited. Human rights advocates and journalists are the worst affected. In the Bukavu jail, the Special Rapporteur met with journalists who had exercised on the radio their legitimate right to inform. The accusations tend to confuse any form of political criticism with ethnic hatred and genocide.

80. The jails, including those in the territory governed from Kinshasa, are visited by ICRC, which provides food and health care. Adult and juvenile prisoners are not separated and soldiers are incarcerated together with civilians, a fact which the latter perceive as a serious threat (27 imprisoned soldiers were released the day before the Special Rapporteur’s visit to Bukavu).

#### **Freedom of movement**

81. Two types of violation of the right to freedom of movement are committed against traditional local leaders. First, persons whom the Kinshasa Government have invited to participate in the national debate are forbidden to leave the region. Second, Congolese and Rwandan Bahutu citizens are forcibly deported to Rwanda. Although the RCD authorities deny this accusation, the Special Rapporteur has sufficient grounds for his assertion. The most serious aspect of the problem is that some cases of deportation have gone wholly unnoticed.

#### **Freedom of expression**

82. According to the Chief of the Department of Justice, there are no private radios in Goma, although there are some in Bukavu and Kisangani. There are some privately run newspapers, which are small and do not have a large circulation. Publication of the Goma newspaper *La Croissance plus* was suspended on allegations of

incitement to hatred. In Bukavu, a publication of the *Groupe Jérémie* was also suspended for printing a leaflet dealing with the Day of the African Child. The Special Rapporteur has read the leaflets carefully and found absolutely nothing that could be interpreted as incitement to ethnic hatred. Another publication, *La Clé de Geapo*, has also been suspended. In July, the Governor of South Kivu suspended publication of all privately run newspapers, including newspapers published by non-governmental organizations. As in Kinshasa, all these measures were taken on the basis of legislation enacted during the Mobutu era.

83. On 23 March, the Governor of South Kivu subpoenaed representatives of two radio stations, Radio Maendeleo and Radio Kahuzi, and of the non-governmental organization *Héritiers de la Justice*, in order to make it clear that there were guidelines that must be followed. Later, by order of the Chief of the Department of Information, the Government instructed all newspapers and other publications to “put themselves in order” — an allusion to the political content that it attributed to certain articles. Moreover, Radio Maendeleo (a privately run radio station) was forbidden to broadcast any news and was permitted only to repeat the news programmes of the National Radio and Television Corporation, which is controlled by the rebel forces in the region. In March, a member of the military was appointed to act as a full-time censor of the radio station. Finally, on 30 July, the station was suspended, according to the Chief of the Department of Information, owing to a conflict between the owner and the broadcasters. What was not stated is that the owner is a State body, the Higher Institute of Rural Development. Two communications experts were arrested on 25 August and a third on 27 August, on charges of knowing the frequency of the army’s radio transmissions. They had the frequency only in order to request assistance if necessary; they had never passed it on to anyone else. The charges, which were completely groundless, were that they planned to use the frequency to provide information to the enemy (they were released on 8 September).

84. Dissidence in public places is prohibited. However, calls for action against the Mai-Mai and the *Interahamwe* in French- and Swahili-language broadcasts on the State-owned National Radio and Television Corporation (the programmes *Politique* and *Makala ya siasa*) are far more virulent and constitute greater incitement to hatred.

#### **Right to due process**

85. RCD has established a *Conseil de guerre opérationnelle* to try soldiers charged with robbery or

insubordination. It is similar to the Military Court but has dual jurisdiction. The Special Rapporteur met with two people: one could provide little information since he did not speak French; the other said that he had not been allowed to choose his own lawyer and that he had not met the lawyer assigned to him until the day of the trial and had spoken only briefly with him. According to lawyers in Bukavu, trials are secret and there is no access to them.

86. *Impunity.* Defence lawyers explained to the Special Rapporteur that, "in general, soldiers are not tried for war crimes or human rights violations because they are needed in wartime". Soldiers are arrested only for ordinary crimes or for military offences.

87. Judges' salaries have not been paid since 1996 and, in any case, range between US\$ 3 and US\$ 30.

#### **Freedom of association**

88. *Human rights organizations.* RCD is openly hostile to non-governmental organizations. In its reply to the Special Rapporteur's oral presentation to the Commission on Human Rights, RCD claimed that, with the support of international financial assistance agencies, civil society in Bukavu "has become more of a political society or, more exactly, a grouping of extremist political parties". According to the Governor, financing from the Réseau européen pour le Congo (REC), the Netherlands Organization for International Development Cooperation (NOVIB) and the National Centre for Overseas Development (NCOS) is "for the secret services in the Congo [allusion to the Kinshasa regime] transformed into non-governmental organizations".

89. Various human rights activists were persecuted for having met with the Special Rapporteur and have had to seek asylum in Kampala, Uganda. Some were accused of transmitting reports to the Special Rapporteur. The Special Rapporteur considered the situation so serious that he made a special trip to Kampala to meet with them. The Chief of the Department of Justice considered that it was a question of persons seeking asylum. The Special Rapporteur has known these persons for many years and can attest to their commitment to human rights and lack of ulterior motives. The reality of their persecution is demonstrated by the revealing fact that no more than six non-governmental organizations attended the meeting with the Special Rapporteur in September, as compared to about 20 in February, and some 30 in Bukavu.

90. The situation is identical in Kisangani, and members of the Groupe Lotus were threatened and accused of transmitting reports and statements to the Office of the

United Nations High Commissioner for Human Rights. The situation is the same in Kindu.

91. Distrust of any form of organization has become so extreme that cooperatives are being denied legal authorization in contravention of all legislation.

#### **Freedom of assembly**

92. Public meetings are prohibited, and even some that are authorized are later suspended (for example, International Women's Day).

#### **Economic, social and cultural rights**

93. *Health.* RCD has not taken measures to ensure effective enjoyment of these rights since, as in the west, the war effort consumes all income. In Kisangani, 13 per cent of the population suffered from malnutrition and 9.3 per cent was seriously undernourished. The infant mortality rate is more than 2.2 times the rate for Africa as a whole. There are many regions where malnutrition has reached 80 per cent. An aircraft chartered by the Office of the United Nations High Commissioner for Refugees to carry out a poliomyelitis immunization campaign was unduly detained in Goma, even though it was subsequently permitted to continue. In any case, the immunization campaign did not reach all children as it had in the west.

94. Epidemics of poliomyelitis were declared in Walikale, of smallpox in Katana, of Marburg virus in Durba and of cholera in Mweso. The delivery of humanitarian aid has sometimes been obstructed.

95. *Education.* In Kisangani, schools are open only a few days a week, while others have been closed. School enrolment has declined to alarming levels and, since students cannot be reunited with their families, some have ended up by joining the army. This has led to the phenomenon of "children without papers", since studies in the RCD-controlled territory cannot be validated in Kinshasa.<sup>8</sup>

96. *Remuneration of work.* Judges who were interviewed reported that civil servants had not been paid since the beginning of the war with the Alliance of Democratic Forces for the Liberation of Congo-Zaire.

### **Situation of women**

97. There have been numerous reports that foreign troops with human immunodeficiency virus (HIV) are being used to infect Congolese women. However, such reports cannot be verified.

### **Situation of children**

98. The most disturbing situation is that of child soldiers, whose number has not decreased. Unfortunately, RCD, citing reasons of security, is not prepared to participate in the pan-African conference on demobilization organized by Kinshasa.

99. There are many street children owing to the death of their parents during the war or in the massacres that have occurred in many villages. In South Kivu, 1,324 unaccompanied children have been registered; their parents were killed in massacres in the region. Among these, at least 13 survivors died as a result of neglect.

## **V. Violations of international humanitarian law**

### **A. By the Government**

100. The principal violations of the law on armed conflicts by the forces of the Kinshasa regime and their allies were:

(a) *Attacks on the civilian population*, especially the previously mentioned bombings of Kisangani (17 dead), Zongo (120) and Libenge (200) in January, and in Goma (between 30 and 65 dead) and Uvira (3) in May; and the atrocities perpetrated by Chadian soldiers in Bunga and Gemena. In addition to these, the Zimbabwean army's bombing of rebel-occupied towns claimed many victims.

(b) *Murders in Moba*, where, *inter alia*, some 300 civilians were killed, apparently during a search for rebels who were not found (second week of January 1999).

### **B. By RCD forces**

101. *Attacks on the civilian population*. Attacks on the civilian population, as reprisals for acts committed by Mai-Mai in Makobola (end of 1998 and beginning of 1999) with about 800 dead; Bashali, Walungu, Mwenga, Mikondero, Kamituga, Budaha, Burhinyi, Ngweshe, Kigulube, Kibizi, Buyankiri and recently in Kasala (Katanga) are the cruellest and most violent incidents of the war. RCD claims that the incidents were provoked by the *Interhamwe* or the Mai-Mai, but these groups have no reason to commit

massacres against the Congolese population or Hutu refugees, who account for most of the victims. Incidents such as those that took place in Kasika (1998) and Makobola were also denied, but were finally acknowledged as unfortunate mistakes.

102. The attack on the defenceless civilian population that occurred during a dispute between Ugandan and Rwandan soldiers in Kisangani in August, which claimed 30 civilian lives can be considered to be a similar incident.

103. *Arson and destruction*. Independently of the massacres, although sometimes in conjunction with the RCD forces have set fire to and destroyed many villages.

104. *Deportations*. Mai Mai and other persons have been arrested during military operations and transported to Rwanda where they usually disappear without a trace.

105. *Mutilation*. The Special Rapporteur received many reports of mutilation and, in at least one case, was able to verify it. During his mission in February, he met an 18-year-old man, arrested along with another young man in a village in South Kivu who had been arrested by Rwandan soldiers, on suspicion of collaborating with the Mai Mai. The first man's genitals were cut off completely, and he was abandoned alongside his comrade who had died by having his heart torn out; dying in the forest, he was later rescued but was left with irreparable physical damage.

106. *Rape of women as a means of warfare*. The Special Rapporteur received reports of rapes of women in Kabamba, Katana, Lwege, Karinsimbi and Kalehe. There were also reports of women being raped by Ugandan soldiers in towns in Orientale province.

## **VI. Conclusions and recommendations**

107. In the territory controlled by Kinshasa, the Government's announcements concerning a democratic regime will be believable only if they are translated into effective measures of openness to all sectors, without unacceptable demands that reflect its ignorance of the enormous effort made by civil society since the holding of the National Sovereign Conference of 1991-1992. The political parties and non-governmental organizations established in accordance with the law in force at the time of their incorporation should be respected, and their participation in any serious process of reconciliation and democratization should be obligatory. Democracy is built by peoples or not at all. The valuable work of the Ministry of Human Rights must be supported.



108. Human rights, especially liberty of person and the freedoms of expression, opinion and association, must be restored, since their enjoyment today seems more like a concession from the authorities than an enforceable right. The Congolese people does not enjoy the right to be informed.

109. Human rights advocates and their organizations should be fully supported in their activities and not persecuted as they are today.

110. The human right to justice should be respected both in the hearing of criminal accusations and in transparent trials of human rights violators. This is the only way to put a stop to immorality and impunity.

111. The death penalty should be abolished. The Government's arguments for maintaining it are not convincing, especially since the President claims to be abolitionist. In any case, the Military Court's method of conducting trials genuinely undermines the rule of law, as was recently recognized at a successful seminar involving the entire legal community. At the same time, international human rights agreements should be fully enforceable within the country.

112. RCD must stop viewing any dissident as a person guilty of acts of genocide or as an instigator of ethnic hatred. The reading of some press media to which such intentions have been attributed shows that the accusation is only a fallacious argument for preventing any expression of different opinions. RCD should be fully aware that the population rejects and fears it.

113. In both parts of the territory, it is essential to put an end to the discretionary authority, impunity and illegal acts of the so-called "security forces", which to the population mean the exact opposite of what their name indicates.

114. The peace agreements should be strictly observed. The Special Rapporteur notes that many provisions of those agreements are dangerously ambiguous, which leaves them open to intentional misinterpretation in order to accuse the other party of not observing them. The Special Rapporteur places his hope in the facilitators who are to be appointed.

115. The Special Rapporteur believes that the peacekeeping mission should not confirm the partition of the Democratic Republic of the Congo but should be deployed along the country's recognized northern and eastern borders.

116. War crimes and crimes against humanity should be tried and the guilty parties sentenced. In these matters, there is no room for amnesty of any kind. It is essential that

allegations of the use of HIV-infected soldiers to decimate the civilian population be investigated.

117. The joint mission called for by the Commission on Human Rights in its resolution 1999/56 will be established as soon as security considerations permit, as stipulated in the resolution.

118. The Special Rapporteur unconditionally recommends the suspension of military assistance to all parties to the conflict.

119. The end of the recruitment of children cannot be delayed. The initiative of the Government of the Democratic Republic of the Congo to convene a pan-African conference for this purpose should be supported. Above all, this scourge should not be allowed to continue.

#### Notes

<sup>1</sup> Whenever a date is given without a year, the year is assumed to be 1999.

<sup>2</sup> The names of victims of human rights violations that came to the Special Rapporteur's attention during the course of the year are not included in the present report but will be included in the final report to the Commission on Human Rights.

<sup>3</sup> The report does not, of course, cover the purely military aspects.

<sup>4</sup> See note 4 of the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo on 8 February 1999 (E/CN.4/1999/31).

<sup>5</sup> Chief of the Department of Security and Information (Bizima Karaha) and Chief of the Department of Justice, Institutional Reform and Human Rights (Jean-Marie Emungu); report transmitted by the Governor of South Kivu province.

<sup>6</sup> In general, the figures are not reliable and vary within a range of up to 200 per cent. The most generalized figures, or those from more reliable sources, have been used.

<sup>7</sup> The President added that "all those engaged in politics, such as non-governmental organizations and churches, should do so in conformity with the law on parties".

<sup>8</sup> The Special Rapporteur was able to bring from Goma to Kinshasa for correction some of the examinations taken by children living in the east, in keeping with an agreement reached by the United Nations Children's Fund (UNICEF).

## **Annex I**

[Original: French]

### **Previous resolutions and reports of the General Assembly and the Commission on Human Rights**

*Previous resolutions of the Commission on Human Rights*

1994/87 of 9 March 1994; 1995/69 of 8 March 1995; 1996/77 of 23 April 1996; 1997/58 of 15 April 1997; 1998/61 of 21 April 1998.

*Previous resolutions of the General Assembly*

53/160 of 9 December 1998.

*Previous reports submitted to the Commission on Human Rights*

E/CN.4/1995/67; E/CN.4/1996/66; E/CN.4/1997/6 and Add.1 and 2; E/CN.4/1998/65; E/CN.4/1999/31.

*Previous reports submitted to the General Assembly*

A/52/496; A/53/365.

## **Annex II**

### **Officials of the Government of the Democratic Republic of the Congo with whom the Special Rapporteur met**

#### *February visit*

Minister of the Interior  
Deputy Minister of Local Government  
Minister of Justice  
Deputy Minister of Defence  
Deputy Minister for Foreign Affairs  
Minister of Human Rights (twice)  
Attorney-General of the Republic  
President, Prosecutor and members of the Military Court  
Governor of Lubumbashi  
People's Power Committees

#### *August-September visit*

Mr. Laurent-Désiré Kabila, President of the Republic  
Minister of Human Rights  
Minister of Information and Tourism  
Minister of Social Affairs  
Deputy Minister for Foreign Affairs  
Prosecutor and President of the Military Court  
Vice-Chairman of the Preparatory Committee for the National Debate, and members of  
the Committee

### **Annex III**

#### **Officials of the Rassemblement congolais pour la démocratie with whom the Special Rapporteur met**

*February visit*

All members of the Political Council of the Rassemblement congolais pour la démocratie

*August-September visit*

Chief of the Department of Justice, Institutional Reform and Human Rights

Chief of the Department of Internal Affairs and Local Government

Governor of South Kivu province

Director of Bukavu Prison

Civilian and military judges

## Annex IV

### **Other institutions, churches, judges, public organizations non-governmental organizations and political parties met in territory controlled by the Kinshasa authorities**

Representatives of labour organizations  
Former and current judges  
Catholic Archbishop of Bukavu  
Representatives of the Protestant, Kimbanguist, Orthodox and Muslim communities  
Political leaders imprisoned in Kinshasa and Lubumbashi

#### *Political parties*

Union for Democracy and Social Progress (twice)  
Unified Lumumbist Party (twice)  
People's Movement for the Revolution (twice)  
Forces novatrices pour l'union et la solidarité (twice)  
Forces du futur (twice)  
Union socialiste congolaise, part of Force politique de l'opposition intérieure  
Démocratie chrétienne (emerged from the National Sovereign Conference), registered since that time  
Front pour la survie de la démocratie (established 10 June 1997), not registered in accordance with Decree-Law No. 194.  
Mouvement national congolais/Lumumba, established in 1958, François Lumumba  
Mouvement national congolais, Etienne Mbaya

#### *Non-governmental organizations<sup>a</sup>*

Groupe de réflexion de l'Association culturelle Nande/Kyaghanda  
Association culturelle Lori  
ASLB Liberté  
Amnistie-Congo  
Cause Commune  
Conseil de la campagne nationale pour la paix durable en République démocratique du Congo  
Union nationale des Femmes (UNAF)  
Association de professionnelles africaines de la communication (APAC)  
Association nationale pour la défense des droits des migrants et ceux de la femme  
Conseil national des droits de l'homme en Islam (CONADHI)  
Les Amis de Nelson Mandela pour la défense des droits de l'homme  
Comité pour la démocratie et les droits de l'homme  
Voix des handicapés pour les droits de l'homme  
Toges noires  
Comité des droits de l'homme maintenant  
Ligue nationale pour les élections libres et transparentes (LINELIT)  
Voix des sans-voix pour les droits de l'homme  
Oeuvres sociales pour le développement  
Centre africain de recherche industrielle (CARI), Branche droits de l'homme, éthique et bonne gouvernance  
Avocats sans frontières (ASF)  
Ligue de conscientisation des électeurs (LICE)

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Association nationale de détectives experts du Congo (ANADECO)  
Structure de culture, d'éducation populaire et des droits de l'homme (SCEPHO)  
Ligue des électeurs  
Journalistes en danger  
Association des femmes magistrats (AFNAC)  
Association africaine de défense des droits de l'homme (ASADHO)

*International non-governmental organizations*

Amnesty International  
Human Rights Watch  
International Crisis Group

*Notes*

<sup>a</sup> Some were not interviewed, but submitted or passed on reports, communiqués or other documents.

## **Annex V**

### **Other institutions, churches, judges, public organizations, non-governmental organizations and political parties met in territory controlled by the authorities of the Rassemblement congolais pour la démocratie**

There are no political parties.

For security reasons, the non-governmental organizations in the provinces of North Kivu and South Kivu that contacted the Special Rapporteur are not listed.

## **Annex VI**

### **Places visited by the Special Rapporteur**

#### **In Government-controlled territory**

##### **February visit**

###### *Prisons*

Kinshasa (formerly Makala) Prison and Rehabilitation Centre  
Kasapa Prison and Rehabilitation Centre (Lubumbashi)  
National Information Agency prison (Lubumbashi)  
Litho-Moboti Group building in Kinshasa (under the supervision of the Special Presidential Security Group)

*Centres holding persons deprived of their liberty owing to the risks they face as members of ethnic groups considered as enemies by the people*

National Social Security Institute in Kinshasa  
Former convent Batika in Lubumbashi

###### *Camps for persons displaced by war*

Former Kamalondo Home for the Blind in Lubumbashi

##### **August-September visit**

Cachot of the Military Court Prosecutor  
Cachot of the National Information Agency prison (ANR/3Z)

#### **In territory controlled by the authorities of the Rassemblement congolais pour la démocratie**

##### **February visit**

Goma Central Prison  
Military Intelligence Service detention centre (Bureau 2)

##### **August-September visit**

Bukavu Central Prison



## **Annex VII**

### **International instruments to which the Democratic Republic of the Congo is a party**

International Covenant on Economic, Social and Cultural Rights  
International Covenant on Civil and Political Rights  
International Convention on the Elimination of All Forms of Racial Discrimination  
International Convention on the Suppression and Punishment of the Crime of Apartheid  
Convention on the Prevention and Punishment of the Crime of Genocide  
Convention on the Rights of the Child  
Convention on the Elimination of All Forms of Discrimination against Women  
Convention on the Political Rights of Women  
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery  
Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees  
Geneva Conventions of 1949

## **Annex VIII**

### **Irregular armed groups directly or indirectly involved in the armed conflict in the Democratic Republic of the Congo**

1. Rassemblement congolais pour la démocratie (RCD)
2. Former Rwandan Armed Forces (ex-FAR)\*
3. *Interahamwe*\*
4. Mouvement de libération du Congo (MLC)
5. National Union for the Total Independence of Angola (UNITA)\*
6. Mai-Mai of South Kivu
7. Mai-Mai of North Kivu
8. Front pour la défense de la démocratie (FDD)\*
9. Lord's Resistance Army
10. Sudan People's Liberation Army (SPLA)
11. Simba Brigade
12. Union des nationalistes républicains pour la libération (UNAREL)
13. Mouvement pour la sécurité, la paix et le développement (MSPD)
14. Former Ugandan National Army (FUNA)\*
15. West Nile Bank Front (WNBF)\*
16. National Army for the Liberation of Uganda (NALU)\*
17. Allied Democratic Forces (ADF)\*

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\* Armed groups mentioned in the Lusaka peace agreements.

## **Annex IX**

### **Armed conflicts developing in the territory of the Democratic Republic of the Congo<sup>a</sup>**

Government of the Democratic Republic of the Congo/Rassemblement congolais pour la démocratie and Mouvement de libération du Congo  
Government of Rwanda/former Rwandan Armed Forces and *Interahamwe*  
Government of Uganda/various armed opposition groups  
Government of the Sudan/various armed opposition groups  
Government of Burundi/Front pour la défense de la démocratie  
Government of Angola/National Union for the Total Independence of Angola and Cabinda  
Government of the Republic of the Congo/various armed opposition groups  
Government of Rwanda/Government of Uganda

#### *Notes*

<sup>a</sup> Without prejudice to other inter-ethnic armed conflicts that have not attracted the attention of the international community or been the subject of a national debate, such as the conflict that broke out in June 1999 in Irungu and Djugu territories in Orientale province, between the Bahema and the Balendu, who had coexisted peacefully until then and had succeeded in reaching agreement on the distribution of land.

## **Annex X**

### **Main peace initiatives undertaken by the international community since the outbreak of the conflict**

#### **1998**

8 August: Victoria I (Zimbabwe)  
18 August: Victoria II (Zimbabwe)  
22 August: Pretoria (South Africa)  
2 September: Durban (South Africa)  
11 September: Addis Ababa (Ethiopia)  
14 September: Grande Baie (Mauritius)  
14 September: Visits by the Presidents of Zambia, Rwanda and Uganda  
18 October: Nairobi (Kenya)  
28 October: Lusaka (Zambia)  
20 November: Paris (France), Franco-African Summit  
8 December: Lusaka (Zambia)  
18 December: Burkina Faso, conference of the Organization of African Unity  
28 December: Lusaka (Zambia)

#### **1999**

16 January: Lusaka (Zambia)  
18 January: Windhoek (Namibia)  
February: Bilateral consultations between various African leaders  
28 February: Mission by a representative of the United States to the region  
6 March: Pretoria (South Africa)  
23 March: Addis Ababa (Ethiopia)  
Late March: Kinshasa, visit by the President of Zambia  
9 April: Security Council resolution 1234 (1999), appointment of a Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo  
17 April: Lusaka (Zambia)  
19 April: Sirte (Libyan Arab Jamahiriya)  
5 May: Dodoma (United Republic of Tanzania)  
15 May: Sirte (Libyan Arab Jamahiriya )  
28 May: Kampala (Uganda)  
17 June: Pretoria (South Africa)  
10 July: Signing of the Lusaka Peace Agreements by the Democratic Republic of the Congo, Rwanda, Uganda, Zimbabwe, Namibia and Angola  
1 August: Signing of the Lusaka Agreements by the Mouvement de libération du Congo  
31 August: Signing of the Lusaka Agreements by the 50 founding members of the Rassemblement congolais pour la démocratie

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**ANNEX 4.13**

**Human Rights Watch, *Uganda in Eastern DRC: Fueling Political and Ethnic Strife*,  
Vol. 13, No. 2 (A), March 2001**

**(Excerpts)**



## Uganda in Eastern DRC Fueling Political and Ethnic Strife

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### **III. Political Confusion**

Constant leadership disputes produced political and administrative confusion in the year 2000 in areas of northeastern Congo, which the RCD-ML claims to control. The three top officials of the RCD-ML, Wamba dia Wamba, on one side, and his two deputies Mbusa Nyamwisi and Tibasima Ateenyi developed parallel political and administrative structures in Bunia, the RCD-ML's capital, and in the town of Beni. The military wings of the RCD-ML reflected the leadership splits: most recruitment for the RCD-ML armed forces was carried out on the basis of personal and/or ethnic loyalty. The political struggle exacerbated ethnic tensions in the region and, at times, spurred widespread ethnic killings.

By the time it was de facto absorbed into a newly established rebel front in mid-January 2001, the RCD-ML had yet to adopt a basic platform as a political movement, to define its internal structures and their respective attributions, or to choose a leader acceptable to the various factions. Apart from a broad non-militaristic philosophy voiced by Wamba and a rhetorical commitment to the peaceful resolution of the war in Congo, the goals of the movement in the national war and its position on the war's complex regional dimensions were far from clear. The wrangling among the movement's top leaders often focused on mutual accusations of political ineptitude, misuse of funds, and the manipulation of ethnicity for narrow political ends.

Wamba's two deputies attempted at least three times to overthrow him in 2000, although he was nominally president of the movement. Uganda, which backs the rebel faction, ultimately intervened. At each upheaval, the three contenders and their top aides were summoned to Kampala for "consultations." The "foreign allies," that is, the Ugandans, in the meantime acknowledged no clear victor on the ground. This created the perception locally that they were in fact siding with both parties to the dispute at the same time.

## **The Congolese Rally for Democracy (RCD)**

The roots of RCD-ML troubles began when it split off from the mainstream rebel movement, the Congolese Rally for Democracy (RCD), which is backed by Rwanda and headquartered in Goma. At the beginning of the war Wamba dia Wamba, a professor of history, an opponent of former Congolese president Mobutu, and a long-time resident in Tanzania, emerged as chairman of the RCD after an initial struggle over the position. The foreign backers of the rebellion, Rwanda and Uganda, hastily assembled most of the fifty founding members of the RCD from exile. They wanted the RCD to front for their military intervention in the Congo by forming a government, which they expected to install rapidly in Kinshasa. But the lightning campaign to capture the Congolese capital failed and as the war dragged on the RCD was plagued by many defections. Commenting in February 2000 on the defection of senior RCD official Roger Lumbala, then RCD Vice-President Moise Nyarugabo remarked “some people joined the revolution thinking it would take weeks and they got positions, but now that the struggle is taking a long time, people like Roger Lumbala, who was a cadre, have fallen out.”<sup>2</sup>

## **RCD-Kisangani**

The failure to conquer Kinshasa sowed the first seeds of discord between the Ugandan and Rwandan backers of the rebellion. With a mind to preserving their stakes in the future of the DRC, the two allies initially battled over the political control of the RCD. While Rwanda appeared more focused on pursuing an outright military victory, the Ugandan government of President Yoweri Museveni initially sought to foster the emergence of political and military organizations modeled on its own “movement system” and “people's army.” It offered top RCD leaders, including Wamba, and carefully selected young Congolese intellectuals combined military and ideological training aimed at attaining that objective. In May 1999 Wamba was evicted by some of his RCD colleagues in Goma and moved with several founding members and military cadres of the RCD to Kisangani, which at the time was jointly controlled by the Ugandan and the Rwandan armies.

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<sup>2</sup> U.N., IRIN, “DR CONGO: Defections not a threat, rebels say,” IRIN Update 870 for the Great Lakes, February 28, 2000.

The RCD faction based in Goma and known henceforth as RCD-Goma continued to control the Congolese military contingent of the rebellion and the Wamba-led faction, known then as RCD-Kisangani, initially had no significant military arm. Attempts by the Ugandan army, the Uganda People's Defence Forces (UPDF), to train some Congolese recruits for RCD-Kisangani angered the Rwandan commanders in Kisangani. They sought to dismantle the training camp, actually arresting dozens of recruits under the pretext that they belonged to the extremist Hutu militia that perpetrated the 1994 genocide in Rwanda.<sup>3</sup> Furthermore, RCD-Goma and its Rwandan backers prevented Wamba from holding public meetings to rally the support of the population. Rivalry over the enormous mineral resources commanded by Kisangani, the third largest Congolese city, as well as the political and military frictions over RCD-Kisangani contributed to the unraveling of the remaining trust between Rwanda and Uganda. This helped precipitate the first military confrontation between Rwandan and Ugandan forces for the control of Kisangani in August 1999. During the battle, which was a defeat for the Ugandans, some 200 civilians were killed in the crossfire.

The battle for Kisangani was also sparked by disputes over which RCD faction would sign the Lusaka ceasefire accord, an agreement meant to end the war in the Congo and negotiated under tremendous international pressure. During the battle, Wamba and other leaders of the RCD-Kisangani miraculously escaped death during a Rwandan assault on a hotel they used as a residence and headquarters. Because neither faction could be eliminated and because neither would acknowledge the legitimacy of the other, all fifty founding members of the RCD flew to Lusaka to sign on behalf of the "RCD." The founders affixed their names to the treaty in alphabetical order to avoid further squabbles on who should sign first. No one questioned how a movement, which could not even agree on its representatives, could carry out its obligations under the accord.

### **The Congolese Rally for Democracy-Liberation Movement (RCD-ML)**

After the Rwandan Patriotic Army (RPA) defeated Ugandan forces in August in Kisangani, Wamba felt insecure there and relocated his office to a presidential

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<sup>3</sup> Human Rights Watch telephone interview, Kisangani, May 1999.

guesthouse in Kampala. There in September 1999 he established the Congolese Rally for Democracy-Liberation Movement (RCD-ML), a reincarnation of RCD-Kisangani. He announced that Bunia, a small and until then quiet town in Orientale province near the border with Uganda, would be the headquarters of the movement.

Wamba appointed officials of his new government reportedly without much consultation with his aides, leading to the defection of several founding members of RCD-Kisangani in protest. While his stay in Kampala stretched into months, his two deputies took effective control on the ground. Appointed general commissar, or prime minister, of the RCD-ML, Mbusa Nyamwisi set up an RCD administration in his hometown of Beni, in the part of North Kivu province controlled by Uganda. Himself a businessman turned politician, Mbusa was a member of the economically powerful Nande business community. Tibasima Ateenyi, a former member of parliament from Bunia area and former chief executive of the Kilomoto gold mines, ran a parallel administration out of Bunia. Wamba entrusted Tibasima with the three important ministries of mining, finance, and budget. A leader of the economically and politically influential Hema community, Tibasima took office when Hema and Lendu were already in conflict in the hinterland of Bunia. Many local people saw his appointment as adding strength to the Hema and this perception further exacerbated ethnic tensions in the region.

### *The RCD-ML military*

Neither Mbusa as general commissar nor Tibasima as minister of finance had the mandate to recruit soldiers, but both did so in early 2000, engaging in parallel and concurrent recruitment processes for the Armée Populaire Congolaise (APC), the military wing of the RCD-ML. They raised the army largely along ethnic lines, with Mbusa initially recruiting heavily among the Nande people and Tibasima enlisting mostly youngsters of his own Hema group.<sup>4</sup> The two processes had one thing in common, though: the Ugandan army provided the instructors who trained and armed successive classes of hundreds of recruits at Nyaleke training camp in Beni and at Rwampara training camp in Bunia.

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<sup>4</sup>Tibasima told Human Rights Watch he recruited mainly Hema because those available for enlisting in Bunia were mostly from that group. Human Rights Watch telephone interview, Kampala, August 2000.

According to a senior aide to Wamba, concern grew among the non-Hema in Bunia over the preponderance of Hema recruits being trained at Rwampara camp and the RCD-ML felt pressured to diversify recruitment. They did this by recruiting several classes at Nyaleke with better ethnic balance. The Usalama Battalion,<sup>5</sup> which was the first formed at Nyaleke, had about 25 percent Lendu recruits, 15 percent Hema, with the remainder being of other groups, like the Nande or the Alur.<sup>6</sup>

The APC had no chief of staff and battalion commanders were supposed to report directly to Wamba, who named himself defense commissar as well as president of the movement. Wamba reportedly suspected the loyalty of commanders identified with his deputies and so in early 2000 recruited his own Presidential Protection Unit (PPU). Elements were handpicked for the small PPU corps from experienced soldiers from the demobilized army of former President Mobutu or from deserters of President Kabila's Forces Armées Congolaises (FAC). Wamba's opponents claimed that he had favored his Wacongo kinsmen in the selection process but Wamba replied that only 2 percent of the PPU were from his home region of Bas Congo.<sup>7</sup>

The Ugandan army's sector commanders in fact exercised ultimate authority over all military and security matters in each district. Some RCD-ML units and cadres operated directly under their command. Even in Beni, Bunia, and Butembo, towns where RCD-ML administrative power was concentrated, UPDF sector commanders overshadowed the Congolese political and military leaders.

### *The Constant Coup d'état*

In March 2000 Wamba sought to check what he perceived to be the too extensive military and financial powers of his two deputies. They then tried to unseat him in a first attempted coup d'état. In mid-April, Tibasima told Kampala newspapers that he had ousted Wamba and replaced him with Mbusa. With the conflict among the three leaders threatening to spiral out of control, President Museveni summoned them and

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<sup>5</sup> A battalion for the RCD-ML is composed of 750-1000 soldiers.

<sup>6</sup> Human Rights Watch telephone interview, Kampala, December 22, 2000.

<sup>7</sup> "Communiqué tres important à l'attention de tous les membres du commissariat général," office of the président, RCD-ML, Bunia, June 14, 2000.

all remaining founding members of the RCD-ML to Kampala to settle the dispute. They patched up their differences indeed, but only for a while.

### **Léopard Mobile**

In July, some RCD-ML military elements, mostly Hema and including some Congolese Tutsis known as the Banyamulenge, left the RCD-ML to join local Hema militiamen in the bush.<sup>8</sup> The defectors declared they would come to Bunia to oust Wamba, who blamed Tibasima publicly for this new coup attempt. On July 22, the Hema defectors attacked the village of Nyankunde, some twenty-two kilometers southwest of Bunia, killing four RCD-ML soldiers and wounding a civilian. During the attack, they reportedly looted the local hospital and confiscated the communications equipment of an international humanitarian organization operating there. The incident led the organization to quit the region.<sup>9</sup> The attack appeared timed to exploit the temporary withdrawal of the UPDF battalion stationed in Bunia. Following a decision in June to withdraw its troops from Kisangani, Uganda was also redeploying troops elsewhere in the region.

Wamba's camp apparently circulated reports that the defectors were allied with the Allied Democratic Force (ADF) and the National Army for the Liberation of Uganda (NALU), Ugandan insurgent groups based in the DRC. This persuaded the UPDF to send strong reinforcements to Bunia by air and road, including armored vehicles and a reconnaissance helicopter gunship.<sup>10</sup> The UPDF forces did not attack, reportedly because President Museveni decided instead to accept the plea of a delegation of “parents of the defectors,” who flew in from Bunia to ask that the surrender of their “children” be negotiated. The head of the delegation in a statement to the press identified the defectors as belonging to “Leopard Mobile,” a group “composed of our children who have decided not to work with Wamba dia Wamba because of his poor administration.”<sup>11</sup> President Museveni agreed to the request on condition that the “parents” return to Bunia accompanied by a high-ranking Ugandan delegation and

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<sup>8</sup> See below on the Hema militia.

<sup>9</sup> Human Rights Watch telephone interview, Wamba dia Wamba, Bunia, August 4, 2000.

<sup>10</sup> Human Rights Watch interviews with eyewitnesses, Bunia, December 8-14, 2000.

<sup>11</sup> “DRC: Anti-Wamba group named,” IRIN Update 986 for the Great Lakes, 10 Aug 2000.

negotiate the peaceful surrender of the defectors. The Ugandans agreed in return to fly those who surrendered to Kampala for further military training.<sup>12</sup>

The offer transformed an imminent disaster into a reward for the perpetrators of the coup attempt. By the time the defectors returned to Bunia from the bush on August 24, their number, estimated initially to be 300, had grown to 700 as militiamen hurried from far villages to join the core group expecting to benefit from the Ugandan offer of training. In Ituri district new recruits were reportedly enrolled to augment the number of the beneficiaries of the offer. Local people had expected the UPDF to disarm the defectors when they arrived in town, but they did not. Their arrival caused another serious crisis because the defectors attacked a local prison on August 28, to free one of their leaders who was in detention for his suspected role in organizing the mutiny. A Ugandan and a Congolese soldier, as well as two of the attackers, were killed in the attempt.

The UPDF organized an air bridge to transport all of the 700 defectors from Bunia to Kampala between August 29 and 31. According to observers, many of the defectors were under fifteen years of age.<sup>13</sup> At a time when the United Nations had recognized the need to end the use of child soldiers, the departure of these children for military training took place in full view of the entire population, in a town where the U.N. Organization Mission in the Democratic Republic of Congo (MONUC) maintains military observers and where UNICEF and other humanitarian agencies operate assistance missions for victims of the ethnic conflict.<sup>14</sup> A high-level Ugandan ministerial delegation, consisting of Uganda's national political commissar James Wapakhabulo, ministers for the presidency and security Ruhakana Rugunda and Muruli Mukasa respectively, and the presidential adviser on Congo, Colonel Kahinda Otafiire, was at hand to “promote reconciliation” and oversee the containment of the crisis. They too observed the airlift of the defectors.

Wamba cooperated with the Ugandan mediators by adding his voice to theirs in radio messages inviting the defectors to return to Bunia for the airlift. But he also

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<sup>12</sup> Human Rights Watch interview, Mme. Akiiki, head of the parents' delegation, Kampala, December 22 and 23, 2000.

<sup>13</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000.

<sup>14</sup> The airlift took place exactly four weeks after the U.N. Security Council held a special debate on children and armed conflict.

used the crisis to try to rid himself of his deputies. In mid-August in a telephone interview with Human Rights Watch he suspended Tibasima and Mbusa for what he claimed was clear involvement in the organization of a mutiny in the rebel army, which he believed amounted to high treason and a total disengagement from the movement's objectives.<sup>15</sup>

### **Usalama Battalion**

In late July, Kitenge Amisi, the commander of RCD-ML's Usalama Battalion and also senior military advisor to Mbusa, brought his troops from Beni to Bunia, apparently to replace the departing UPDF soldiers. They were deployed around town to dissuade the defectors from any attack. But Wamba was suspicious of the commander and ordered his arrest. The departure of the defectors did not restore order to Bunia because Kitenge was freed on September 1 by his junior officers. He then occupied the church-run Radio Candip and ordered technicians to air only revolutionary songs and calls for calm.

This attempt to take control collapsed and the Usalama Battalion's commander and his bodyguards took refuge, according to their own account, at the headquarters of MONUC.<sup>16</sup> The situation had serious implications for MONUC because it looked like the U.N. force members, who numbered just four liaison officers and support staff, might be taken hostage. The crisis was only defused when Ambassador Kamel Morjane, the U.N. Secretary-General's Special Representative and head of MONUC, arrived in town, accompanied by a Ugandan delegation. He took MUNOC's uninvited armed guests back to Kampala on the same day where they reportedly remain at the time of this writing, following special training. Their departure left the battalion without a cohesive command structure and many of its men, particularly those of Lendu origin, drifted away, leaving a core of Mbusa loyalists standing by for the next round of confrontations.<sup>17</sup>

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<sup>15</sup> Human Rights Watch telephone interview with Wamba-dia-Wamba, August 2000.

<sup>16</sup> Human Rights Watch interviews, commanders of Usalama battalion, by telephone, Kampala, September 2000, and MONUC's military observers, Bunia, December 2000. The U.N. military observers, it should be noted, had established their residence and headquarters in a rented property that had served as Tibasima's primary residence until their arrival.

<sup>17</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000.



### The November Putsch

They did not have long to wait, despite the relative calm that prevailed in Bunia during September and October as local and regional mediators scrambled to put the RCD-ML together again. A conference of customary chiefs in Bunia exhorted three of the feuding RCD-ML leaders to find a way to settle their differences.<sup>18</sup> The three signed a declaration in Kampala on October 12 after negotiations mediated by the Ugandans. Delegations from Tanzania and Mozambique witnessed and countersigned the document, which confirmed Wamba's presidency and appointed Mbusa first vice-president in charge of administration and Tibasima second vice-president responsible for diplomacy. It tasked a "contact group," including the two deputies and representatives of Wamba's camp, with drafting the "basic documents" of the movement. The drafters were to restructure the movement and define the responsibilities of its officials.<sup>19</sup> As a precondition for reconciliation with his rivals, Wamba reportedly insisted on dismantling the Usalama Battalion – which remained deployed in Bunia – and restructuring the RCD-ML military in one battalion, under one commander.

The accord unraveled before any of its provisions was implemented. Reacting to rumors that Col. Charles Angina, then the UPDF sector commander in Bunia, was about to be replaced, the Wamba supporters staged demonstrations on October 30 and November 1. Protesters denounced what they called unilateral actions by the UPDF and, at the same time, called for the Ugandan officer to be maintained in his position. In an apparent move to profit from the unrest, Mbusa, just back from Kampala, accused Wamba's rival camp of being anti-Ugandan and of having incited ethnic hatred. Usalama Battalion soldiers loyal to Mbusa surrounded Wamba's residence after Mbusa announced on the local radio that he was deposing Wamba and taking over himself as president. The "putschists," as they came to be known, attacked the residence at least three times in early and mid-November, but were each time repulsed by the Presidential Protection Unit (PPU). On November 11, Mbusa stated to the *Monitor* of Kampala that his forces would continue to attack

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<sup>18</sup> "Wamba, Tibasima et Mbusa se confient aux notables et chefs de collectivites," *Le Millenaire*, No. 008, octobre 2000, p. 8.

<sup>19</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000; see also "Vendredi saints macabres à Bunia: plus de 20 morts," *Les Coulisses*, No. 85, Novembre 2000, p. 9.

Wamba until he was captured alive or killed.<sup>20</sup> Meanwhile, the movement's third official, Tibasima, maintained a low profile during the crisis, and publicly distanced himself from the coup attempt.<sup>21</sup> Sources differed in their reports of casualties in these clashes. Some said as few as one, others as many as twenty civilians had been killed, along with an undetermined number of soldiers.<sup>22</sup>

The UPDF said it was committed to protecting Wamba and sent two tanks to guard his residence where he was holed up with six of his ministers and several other cadres of the movement. According to Wamba's supporters, however, the UPDF did not intervene in the fighting when the residence came under attack.<sup>23</sup> Major Katirima, the UPDF spokesperson, told AFP on November 6 that the mandate of the Ugandan army in the Congo was to maintain law and order in areas where it was present, adding "we cannot accept that changes in the leadership of the RCD-ML be through violence."<sup>24</sup> General Katumba Wamala, the UPDF's commander in the DRC, told the population of Bunia in a radio message that the UPDF was trying to resolve the RCD-ML problems "without the shedding of civilian blood."<sup>25</sup> On November 17, the UPDF's Colonel Otafiire told the *Monitor* that he had returned to Kampala from a short trip to Bunia accompanied by the town's "entire leadership," a total of sixty top officials of the competing factions. In their absence, the UPDF took over the administration of Bunia.<sup>26</sup>

## Abuses Related to Political Rivalries

As each political tremor shook the RCD-ML during 2000, rival leaders typically detained officials of the rival faction, often subjecting them to ill treatment. Following the failure of the August mutiny, Wamba ordered the detention of senior military and

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<sup>20</sup> "Nyamwisi orders Wamba out of Bunia today," the *Monitor*, Kampala, November 11, 2000.

<sup>21</sup> "UPDF rush to rescue Wamba," the *Monitor*, Kampala, November 6, 2000.

<sup>22</sup> Human Rights Watch interviews, Bunia, December 8-14, 2000. See also: "Calm restored in northern Congo," Associated Press, November 7, 2000; "Four dead, one wounded in fighting between DR Congo party factions," AFP, November 6, 2000, and "Vendredi saints macabres a Bunia: plus de 20 morts," *Les Coulisses*, Ibid.

<sup>23</sup> Human Rights Watch telephone interviews with Wamba and Colette Ram, director of cabinet affairs in the RCD-ML, Bunia, November 2000.

<sup>24</sup> "UPDF rush to rescue Wamba," the *Monitor*, Kampala, November 6, 2000.

<sup>25</sup> IRIN wire, CEA weekly roundup, November 10, 2000.

<sup>26</sup> "UPDF takes over Bunia," the *Monitor*, Kampala, November 18, 2000.

civilian aides of Tibasima Ateenyi. Among those detained at the time were commander Mukalayi and Tibasima's deputy commissioner for mines and energy Michel Rudatenghua. Their faction claimed at the time that the two, together with other members of the group, were first held at Rwampara military camp and later transferred to underground cells in the backyard of Wamba's residence. Faction leaders also claimed that the detainees were being severely beaten on a daily basis. Wamba told Human Rights Watch that the detainees were being investigated for mutiny, and would be well treated. The two detainees were later released.<sup>27</sup> This and similar pressures from Amnesty International, according to Tibasima Ateenyi, led to a marked improvement in the treatment of those detained, and to a faster release from detention of businessmen accused by Wamba's camp of supporting the defectors: Mbameraki, Hindura, Bahimuka, and others.<sup>28</sup>

Three of Wamba's aides went missing after the November 3 coup attempt. A UPDF officer reportedly intervened to release two of the aides, Jonas Kabuyaya and Mbula, from unacknowledged detention on November 27, but the third, Mokili, remained unaccounted for at this writing.<sup>29</sup>

### **The Congolese Rally for Democracy-National (RCD-National)**

The disorganization within the RCD-ML spawned even smaller splinter groups with limited personal or local agendas. Roger Lumbala, the founder of RCD-National and its only prominent member, originally belonged to the mainstream RCD-Goma and defected in February 2000 to Kampala. There he reportedly joined the RCD-ML and was deployed as mobilization officer to Bafwasende, northeast of Kisangani. Lumbala later told Human Rights Watch that the RCD-ML military unit that Wamba had placed in Bafwasende felt that it had been neglected for too long. "I gave them food and medicine, and they joined me in launching the RCD-National. Now the entire population of the district supports me. That is why I created the RCD-N," Lumbala said.<sup>30</sup> Asked about where he stood on the division between the RCD-Goma

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<sup>27</sup> See Human Rights Watch letter to Wamba dia Wamba, and accompanying press release, August 9, 2000.

<sup>28</sup> Human Rights Watch telephone interview, Tibasima Ateenyi, Kampala, August 15, 2000.

<sup>29</sup> See: "DRC: RCD-ML officials freed by rival faction," IRIN Update 1063 for the Great Lakes, November 30, 2000.

<sup>30</sup> Human Rights Watch telephone interview, Roger Lumbala, Kampala, August 16, 2000.

and RCD-ML, Lumbala told us that his faction observed strict neutrality because it was based in a district falling between the two zones of the larger factions.<sup>31</sup>

At each defection, Lumbala was accused of financial misconduct by spokespersons for the faction he abandoned. He, in turn, accused the RCD-Goma of corruption. After the initial bout of accusations, however, none of the parties said much about the nature of the alleged financial misconduct.<sup>32</sup> For example, the primary importance of Bafwasende appears to be its location in a diamond-rich area. A spokesperson for the RCD-ML, Jean-Ernest Louis Kayiviro, in October accused the breakaway cadre of involvement in “diamond dealing.”<sup>33</sup>

### **The Congolese Rally for Democracy-Populaire (RCD-Populaire)**

A faction calling itself the RCD-Populaire made its appearance under the gloomy skies of the Congolese rebellion in November and then was not heard from for a while. Nyonyi Bwanakawa, the governor of North Kivu for the RCD-ML, who is based in Beni, and Poley Swako, who is a founding member of the RCD and served as Wamba’s official in charge of overseeing public expenditures, pledged continued support to Wamba and resistance against Mbusa at the peak of the November putsch.<sup>34</sup> Rather than accept Mbusa’s control, the two had threatened to launch a new faction, the RCD-Populaire, which would limit its territorial ambitions to the territories of Beni-Butembo. Supporters of the would-be faction traveled to Kampala to make their point at the reconciliation talks and returned to their base when the talks failed to materialize.

Mbusa reacted bluntly to this direct challenge to his authority in his own power base. According to a Congolese journalist who interviewed him in Kampala on November 21, 2000, Mbusa considered the RCD-Populaire as a “suicidal adventure.”<sup>35</sup> He invited its founders to join forces with him; otherwise, he said, their resistance

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<sup>31</sup> Ibid.

<sup>32</sup> See: “DR Congo: Defections not a threat, rebels say,” IRIN Update 870 for the Great Lakes, February 28, 2000, and “DRC: “New” rebel group operating in northeast,” IRIN Update 1042 for the Great Lakes, October 30, 2000.

<sup>33</sup> “DRC: “New” rebel group operating in northeast,” Ibid.

<sup>34</sup> A north Kivu governor for the RCD-Goma is based in Goma.

<sup>35</sup> “Mbusa Nyamwisis: Wamba n’est plus à l’ordre du jour,” *Le Millenaire*, No. 009, Novembre 2000.

would lead only to armed confrontations in Beni and Butembo. Mbusa, according to the journalist, suggested that a new faction would expose the population of the two towns to further deadly confrontations as the APC was determined to take control.<sup>36</sup>

### **The Movement for the Liberation of Congo (MLC)**

As the RCD-ML stood on the verge of collapse at the end of 2000, the Movement for the Liberation of Congo (MLC) appeared to offer all that its Ugandan backers had hoped for and failed to get in their alliance with the RCD-ML. Under the firm grip of its leader Jean-Pierre Bemba, the MLC had a unified political and military command with none of the internal dissensions and spectacular defections that regularly rocked both the RCD-Goma and RCD-ML. According to reports by journalists and other visitors to its home area, the MLC enjoyed a measure of popularity in the northwestern province of Equateur that none of the other rebel movements could claim in the territories they controlled.

A handful of Congolese exiles led by Jean-Pierre Bemba told the Ugandan president in October 1998 that they wanted to change their government at home, but did not want to join the RCD. Ugandan authorities sent the group to a crash military and ideological training course and weeks later flew them to Equateur to launch what would become the MLC. Less than two years later, “Bemba commended Ugandan soldiers for training 20,000 soldiers” for the MLC.<sup>37</sup> Reporting on the September 2000 press conference at Gebadolite during which Bemba acknowledged the UPDF’s assistance, the *New Vision* quoted him as urging the UPDF to continue withdrawing troops from the DRC: “We are proud of the Ugandans. But why should they die for us when we (Congolese soldiers) are doing quite well at frontline positions?”<sup>38</sup> Unlike the RCD-ML, the MLC was fighting an active war directly against the government alliance. With crucial battlefield support from the UPDF, the MLC was able to roll back a major government offensive in the second half of 2000. In contrast with the

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<sup>36</sup> Ibid.

<sup>37</sup> “Bemba hails UPDF,” the *New Vision*, September 19, 2000.

<sup>38</sup> Ibid.

other two major rebel groups, the MLC was also reported to be financially self-sufficient, mainly from taxes levied on local produce.<sup>39</sup>

## **The Front for the Liberation of Congo (FLC): A Merger or Takeover?**

### *Kampala Negotiations*

As a way out of the RCD-ML crisis, Uganda in late November proposed a merger of all the Congolese rebel groups under its patronage: the MLC, RCD-ML, and RCD-N. Col. Kahinda Otafiire, UPDF chief of staff and advisor on the DRC to President Museveni, justified the proposed merger by arguing that “[i]t makes it easier for us and easier for the rebellion and that way the Congolese people can take care of their own matters,” and adding “[w]e are tired of running the show for them. Let them assume their own responsibility entirely.”<sup>40</sup> Underscoring the urgency of the unification process from the Ugandan perspective, Lt. Col. Noble Mayombo, chief of military intelligence, and one of the leading mediators in the talks, declared: “Uganda wants the rebellion in Congo to merge and to have one territory, one army, one programme, one enemy and to sustain itself economically by organizing the resources it controls.”<sup>41</sup> Wamba insisted that the Congolese partners be allowed to discuss this among themselves and complained that a solution was being “imposed” by Uganda, but to no avail.

The Ugandans were determined to create the unified front, to be named the Front for the Liberation of Congo (FLC), because a hotly contested presidential election campaign was propelling all aspects of Uganda's involvement in the Congo war to center stage. In addition, the conduct of Ugandan troops in the Congo had drawn closer and more critical international scrutiny following the third battle for the control of Kisangani in June 2000. The fighting had left some 760 Congolese civilians dead, and 1,700 wounded, in addition to totally or partially destroying 4,000 houses and crippling essential infrastructure.<sup>42</sup> That attention was increasingly focused on the

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<sup>39</sup> Human Rights Watch interview, Dominique Kanku, MLC commissar for foreign affairs, New York; June 20, 2000; See also: Prof. Herbert Weiss, “War and Peace in the Democratic Republic of the Congo,” *American Diplomacy*, Vol. V, No. 3, Summer 2000, an article based on findings from a June 2000 mission to all three rebel areas.

<sup>40</sup> “DR Congo rebels in unity talks again,” AFP, Jan 6, 2001.

<sup>41</sup> “Congo rebels agree to merge,” *New Vision*, Kampala, January 16, 2001.

<sup>42</sup> U.N. Security Council, “Report of the inter-agency assessment mission to Kisangani,” S/2000/1153, December 5, 2000.

troubled Ituri region. As merger-maker Lt. Col. Mayombo commented, “any group that refuses to sign is not conscious of the pressure Uganda is facing over Congo from the population and the global community. Ethnic clashes in Bunia could also end under a merger.”<sup>43</sup>

The RCD-ML and the MLC had signed a previous protocol of agreement in the Tanzanian capital Dar es Salaam on July 30, 1999. It failed because its sole objective was to provide for the sharing of public resources in areas each control, “so as to equitably cover the expenses of the liberation.”<sup>44</sup> The MLC, with an active war front, was to receive 70 percent of the resources with RCD-ML getting the remainder. A prestigious list of witnesses countersigned the agreement: Colonel Otafiire, Brigadier General Kazini, Major Mayombo, and Tanzanian ambassador Marwa.<sup>45</sup> But the RCD-ML ultimately refused to deliver the promised funds.

The merger agreement in late 2000 appeared to vindicate Bemba. In fact it hardly masked a move to what could have been an MLC take-over of the RCD-ML, which was sorely weakened by political divisions, a splintered military, and disorganized finances. It provided for the establishment of a joint executive committee for the three movements, with an annually rotating presidency that Bemba assumed for the first year. The agreement provided for the unification of the armies of the three movements, but guaranteed that each of the MLC, RCD-ML, and RCD-National parties would preserve its autonomy for the purposes of the inter-Congolese dialogue mandated by the Lusaka accord. The MLC is said to be readying to launch itself as a national political party in the post-war era.

The new FLC leaders certainly expected that Mbusa and Tibasima, originally from northeastern Congo, would facilitate its establishment in that region. The two command the loyalty of some military units – however disorganized – and have been able to tap at least some of the tremendous resources of the region. However, the FLC will be required to address problems of enforcing financial transparency and

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<sup>43</sup> Ibid.

<sup>44</sup> RCD-Kisangani, internal memorandum signed by Wamba dia Wamba, September 30, 1999.

<sup>45</sup> “Protocole d'Accord,” signed by Jean-Pierre Bemba for the MLC, and Prof. Wamba dia Wamba for the RCD-Kisangani, Dar es Salaam on July 30, 1999.

accountability measures previously faced by the RCD-ML. Without naming culprits, Lt. Col. Mayombo had indicated this problem in late July 2000 when he accused “personalities in RCD-Kisangani leadership” who resisted “strict financial accountability” of being behind the July mutiny.<sup>46</sup>

In return for Mbusa’s help, the FLC gave him new legitimacy by naming him executive coordinator, or prime minister, of the new movement, reinforcing his strength in the face of the challenges mounted by RCD-Populaire on his own home turf in Beni. At the heart of this quarrel was the issue of control over the revenue collection at the various border customs posts in this region. The FLC would thus inherit in Beni the many enemies that Mbusa has created for himself in the course of a tumultuous year and a half of political confusion and military adventures, as detailed below.

In the volatile Ituri district, Tibasima’s return as national secretary, or minister, for mining of the FLC pleased his followers but worried others because it seemed to indicate new power for the Hema constituency that he represented. In effect, news of the establishment of the new front and the power alignment sustaining it led to further instability in Bunia and its region.

### *Local Consequences*

As the FLC arrangement was being negotiated in Kampala, the armed standoff between the Presidential Protection Unit, loyal to Wamba, and the Usalama Battalion, linked to Mbusa, continued in Bunia town. Heavily armed units guarded the residences of their respective chiefs, with many child soldiers visible among the fighters for both sides.<sup>47</sup> A team of Wamba supporters, led by Jacques Depelchin, and another group, the “cabinet” of Mbusa, each claimed to be the only legitimate authority. In fact, neither administration really functioned, parents kept their children home from school, and market activity languished as the town awaited word from Kampala for resolution of the political quarrels. The two contending military wings of the movement were wholly absorbed in their rivalry and lacked clear political

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<sup>46</sup> “New rebel group formed in DR Congo,” the *New Vision*, Kampala, July 27, 2000.

<sup>47</sup> Human Rights Watch field observations, December 8-14, 2000.



leadership, leaving the UPDF the only force available to keep order, a responsibility that it failed to fulfill.

The standoff had terrible effects on the population. During a group meeting with civil society representatives in Bunia in December, one explained to visiting Human Rights Watch researchers: “Wamba, the Ugandans, and Mbusa are in the ‘red zone’; people avoid the area where the two headquarters are located, and do not circulate after 5 p.m. anywhere else. Even sports activities are suspended out of fear.”<sup>48</sup> Another added: “The calm you see now is a suspicious one. It can be upset any moment.”<sup>49</sup> Speaking for an organization that cares for displaced children orphaned by the Hema-Lendu war, a young activist gave a grim account of what she and her colleagues encounter in their daily work: “Since June 1999, the inter-ethnic conflict has exacerbated children’s malnutrition. Children are also traumatized after seeing what they saw and for example what happened to their parents. The number of unaccompanied children has increased. There are girls who prostitute themselves because of the misery they face, particularly with the armed foreigners.” She talked of increased rape of women and girls, resulting unwanted pregnancies and abandoned girls, increased AIDS rates, and the increasing number of widows. “If you look at it objectively, since the war with Kabila people have been abandoned. They have no economic power, no salary, no control.”<sup>50</sup>

Conflict between the Lendu and the Hema resumed in December, as described below, proving the premonitions of the population well founded. Representatives of the Hema and the Lendu from the Djugu zone, the area most troubled, came to the UPDF sector commander in Bunia as the ultimate authority in the region and called on him to contain a series of spiraling clashes in rural areas around Bunia.<sup>51</sup>

The Ugandan sector commander, Col. Edison Muzoora, who took over the post after the eventful departure of Col. Angina in late October, initially maintained a semblance of neutrality by regularly visiting the two headquarters of the feuding

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<sup>48</sup> Group meeting with civil society groups in Bunia, December 11, 2000.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Information received from members of the joint delegation, December 10, 2000.

RCD-ML factions, but kept a symbolic distance from both. By early December, he changed his position and removed Ernest Uringi Padolo, a staunch supporter of Wamba, from his post as Ituri governor and named the province's general administrator as acting governor.<sup>52</sup> As he explained to Human Rights Watch researchers at his headquarters at the airport, the population could not wait indefinitely for the administration to start functioning again. To point out the risks of the continuing administrative confusion, he criticized the attempt by Mbusa loyalists to take the lucrative border customs post of Kasindi by force, without waiting for the outcome of negotiations in Kampala.<sup>53</sup>

On January 8, the colonel placed the ousted governor Padolo under house arrest and four days later sent him with no advance notice to Kampala. Although the Ugandans had talked of an international arrest warrant, Padolo later told Human Rights Watch that he was not detained when he arrived in Kampala, but was simply left at the airport.<sup>54</sup> As the ethnic conflict increased in mid-January, the colonel placed Depelchin under house arrest for nearly three weeks. On January 28 UPDF soldiers led by the colonel searched Wamba's residence and confiscated a computer and a satellite phone. The soldiers arrested Depelchin on the same day, and later sent him also to Kampala after accusing him of having instigated the latest round of ethnic violence.<sup>55</sup>

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<sup>52</sup> Human Rights Watch telephone interview, Jacques Depelchin, Bunia, December 11, 2000.

<sup>53</sup> Ibid.

<sup>54</sup> Human Rights Watch telephone interview, governor Ernest Uringi Padolo, Kampala, January 2000.

<sup>55</sup> "RCD-ML/ Bunia: Kidnappings and deportations," electronic communication from the RCD-ML, January 29, 2001.

**ANNEX 4.14**

**IRIN, *Chronology of current crisis as of 30 September 1998***

## DRC:IRIN chronology of current crisis 30 Sep 1998

UNITED NATIONS Office for the Coordination of Humanitarian Affairs Integrated Regional Information Network for Central and Eastern Africa

Tel: +254 2 622147 Fax: +254 2 622129 e-mail: irin@ocha.unon.org

DEMOCRATIC REPUBLIC OF CONGO: IRIN chronology (as of 30 September 1998)

NAIROBI, 30 Sep (IRIN) - Following is a chronology of key events in the Democratic Republic of Congo since the start of the current crisis:

27 July: President Laurent-Desire Kabila orders all foreign soldiers, including Rwandans and Ugandans, to leave the country.

2 Aug: Army rebellion against Kabila begins in eastern DRC with fighting reported in Goma and Bukavu (North and South Kivu) between loyal government troops and a rebel coalition said to comprise Congolese troops, in particular ethnic Tutsi (Banyamulenge) soldiers, backed by Rwandan forces.

Fighting also breaks out at two military camps in Kinshasa when government troops seek to disarm rebel Banyamulenge soldiers and Rwandans.

3 Aug: Rebels gain control of Goma and Bukavu while fighting spreads to other areas of eastern DRC.

Government troops succeed in controlling the rebellion in Kinshasa. A three-day dusk-to-dawn curfew is imposed in the capital. River traffic between Kinshasa and Congo-Brazzaville is suspended.

4 Aug: Rwanda denies any involvement in the DRC rebellion.

Rebels hijack an aircraft at Goma airport and force the pilot to fly across the country to Kitona in Bas-Congo province. The aircraft is reported to have dropped off hundreds of rebel soldiers to open up a western front.

5 Aug: DRC Foreign Minister Bizima Karaha announces in Goma that he has joined the rebel side.

6 Aug: Uvira in South Kivu falls to the rebels. Kabila accuses Rwanda of invading the country. Human rights groups report on persecution of ethnic Tutsis by government soldiers in Kinshasa.

7 Aug: Rebels gain control of Muanda and the Banana naval base in Bas-Congo, effectively cutting off Kinshasa's main supply lines from the nearby Matadi port.

8 Aug: Leaders of DRC, Zimbabwe, Rwanda, Uganda, Zambia, Namibia and Tanzania meet in Victoria Falls, Zimbabwe, to discuss the crisis.

9 Aug: Beni in North Kivu falls to the rebels. Kabila publicly accuses Ugandan troops of fighting in the DRC on the side of the rebels.

12 Aug: Rebels take Bunia.

13 Aug: Rebels take the Inga hydro-electric dam in Bas-Congo, gaining control of Kinshasa's electricity supply.

17 Aug: The rebels announce that their movement will be known as the Rassemblement congolais pour la democratie (RCD). Ernest Wamba dia Wamba, an exiled university professor, is appointed chairman, with Arthur Z'Ahidi Ngoma, an opposition politician, as his deputy. The rebels announce the capture of Matadi in the west, and of Walikale, Baraka, Lubutu and Fizi in the east.

18 Aug: In a statement issued in Addis Ababa, the OAU calls on the rebels to lay down their arms and condemns "any external aggression" in DRC's affairs.

19 Aug: The defence ministers of Zimbabwe, Namibia and Angola, meeting in Harare, decide to send troops and military equipment to the DRC in response to Kabila's request for assistance from the Southern African Development Community (SADC).

21 Aug: Zimbabwean and Angolan troops arrive in Kinshasa and Bas-Congo to prop up Kabila's army in the face of the rebel advance on the capital.

21-22 Aug: In separate statements, Rwanda and Uganda warn that they could intervene in the DRC conflict to protect national interests (in the case of Uganda) and the interests of ethnic Tutsis (in the case of Rwanda). Rwanda maintains it has no troops in the DRC, while Uganda says its presence is limited to two army battalions sent prior to the start of the rebellion in order to combat Ugandan rebels based there.

23 Aug: South African President Nelson Mandela chairs a meeting in Pretoria with representatives of SADC member countries, including DRC. The summit, also attended by the presidents of non-SADC countries Uganda, Rwanda and Kenya, mandates Mandela to organise a ceasefire in consultation with OAU Secretary-General Salim Ahmed Salim.

The Vatican says that 207 people were killed by Banyamulenge rebels at a Roman Catholic mission in Kasika near Uvira.

Government troops and their allies recapture Kitona in Bas-Congo, as the rebels capture Kisangani in Province Orientale and are reportedly 30 km from Kinshasa.

24 Aug: Government troops and their allies recapture the western towns of Muanda and Banana.

26-27 Aug: Fighting erupts near Kinshasa's international airport and adjacent neighbourhoods. Tens of thousands of residents are displaced from their homes. A night-time curfew is reimposed. Rebels take the town of Kalemie on lake Tanganyika in Katanga province.

28 Aug: Loyalist troops backed by Angolan and Zimbabwean forces repulse the rebels' offensive on Kinshasa. News agencies report scenes of Kinshasa residents burning alive suspected or actual Tutsi rebels or their sympathisers in the city.

30 Aug: Government troops and their allies recapture Matadi and the Inga hydro-electric dam in western DRC.

31 Aug: The president of the UN Security Council, in the second statement on the conflict, calls for a ceasefire, the withdrawal of foreign troops and a political dialogue to resolve the crisis.

2 Sep: Kabila attends a summit of the Non-Aligned Movement (NAM) held in Durban, South Africa, where he delivers a speech accusing Rwandan and Ugandan soldiers of committing the 1996-97 massacres of Hutu refugees in the DRC.

3 Sep: UN Secretary-General Kofi Annan and the OAU secretary-general organise meetings in Durban with SADC members, and separately with Rwandan and Ugandan delegations, to try to advance the DRC peace process.

7-8 Sep: DRC peace talks held in Victoria Falls, Zimbabwe, are attended by the heads of state of the DRC, Angola, Zimbabwe, Namibia, Uganda, Rwanda and Zambia, as well as the OAU secretary-general. Rebel representatives Ngoma and Karaha are also present, but they are kept apart from the other delegations. A ceasefire agreement worked out by the heads of state is rejected by the rebel delegation who demand face-to-face negotiations with Kabila.

10 Sep: Rebels in Kisangani say they have discovered mass graves containing the corpses of hundreds of Tutsis allegedly killed by government forces in August before the city fell to the rebels. Meanwhile, reports of additional killings of civilians by rebel soldiers or Rwandan troops emerge from south Kivu.

The restoration of electricity and running water to most parts of Kinshasa, the resumption of international flights and the easing of the curfew start-time to midnight signal the gradual return to normality in the capital, but food security remains poor for much of the population.

11 Sep: Shabunda in South Kivu is reported captured by the rebels. Kabila visits Chad, where President Idriss Deby pledges his "unconditional support."

Aid agencies start airlifting food, water-treatment chemicals and other emergency supplies to Kinshasa. The Matadi port and the Matadi-Kinshasa road reopen.

12 Sep: OAU-organised talks, which began in Addis on 10 September, result in an agreement on "draft modalities" for implementing a ceasefire. The talks are attended by DRC, Angola, Namibia, Zimbabwe, Rwanda, Uganda and Zambia as well as the OAU secretary-general and several UN political and military advisors. Rebels say they will not recognise any agreement reached without their direct participation.

Kabila visits Gabon, where President Omar Bongo condemns the "occupation" of the DRC by foreign troops backing the rebels.

14 Sep: Hundreds of Mayi-Mayi warriors and Rwandan Hutu Interahamwe militia attack rebel-held Goma, but are defeated after a five-hour battle. Rwanda accuses Kabila of training and equipping the Hutu attackers.

15 Sep: The annual summit of 14 SADC countries ends in Mauritius with a communique recognising the legitimacy of the intervention of Angola, Zimbabwe and Namibia in support of Kabila. The summit mandates Zambian President Frederick Chiluba to continue SADC peace efforts.

The rebels claim that 2,000 Sudanese soldiers were sent to the government's forward military headquarters at Kindu, with Libyan financial backing, to support Kabila. The claim is denied by the Sudanese and DRC governments.

18 Sep: Kabila flies to Tripoli and holds talks with Libyan leader Moammar Gaddafi.

19-20 Sep: Zambia's Chiluba and Tanzanian President Benjamin Mkapa visit the leaders of Uganda and Rwanda to discuss the crisis, as part of SADC mediation efforts.

22 Sep: Rebels claim they gained control of Isiro in Province Orientale.

24 Sep: Thousands of civilians, mainly Banyamulenge, are reportedly displaced in Katanga province because of government attacks on villages.

Chad, Central African Republic, Congo-Brazzaville, Equatorial Guinea, Cameroon, Angola, Namibia and Gabon condemn "aggression against DRC" at a pro-Kabila summit organised by Gabonese President Omar Bongo in the capital, Libreville.

28 Sep: Chad announces it sent 1,000 troops to the DRC to support Kabila.

Nairobi, 30 September 1998 12:00 GMT

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Date: Wed, 30 Sep 1998 17:09:11 -0300 (GMT+3) From: UN IRIN - Central and Eastern Africa <[irin@ocha.unon.org](mailto:irin@ocha.unon.org)> Subject: DRC: IRIN chronology of current crisis 30 Sep 1998.9.30 (fwd) Message-ID: <Pine.LNX.3.95.980930170719.301951-100000@amahoro.ocha.unon.org>

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Editor: Ali B. Ali-Dinar, [aadinar@sas.upenn.edu](mailto:aadinar@sas.upenn.edu)