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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 7  
(Annexes 4.15 to 4.28)**

**September 2016**

*[Translation by the Registry]*

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**ABBREVIATIONS**

AFDL:	Alliance of Democratic Forces for the Liberation of the Congo
ANR:	National Intelligence Agency
BSRS:	Special Investigation and Surveillance Brigade
DRC:	Democratic Republic of the Congo
FAC:	Congolese Armed Forces
FAZ:	Zairian Armed Forces
FEC:	Congolese Business Federation
HCR-PT:	High Council of the Republic — Transitional Parliament
OFIDA:	Customs and Excise Office
OCPT:	Congolese Post and Telecommunications Office
PIR:	Rapid Intervention Police
RCD:	Congolese Rally for Democracy
RVA:	Air traffic control authorities
SADC:	Southern African Development Community
UN:	United Nations
WHO:	World Health Organization

## INTRODUCTION

The major preoccupation of the first person ever to fashion a weapon on this earth was to defend himself against attacks from wild animals. This defensive attitude has not endured over time. Various changes and modifications have diverted those who take up arms from their noble purpose of yesteryear. In our day and age most of the horrible scenes which plunge humankind in to mourning and sadness can be put down to the abuse of weapons for fratricidal wars, revenge, or rebellion, in short, violence in all its varying forms.

This is what the eastern part of the Democratic Republic of the Congo has been enduring since the beginning of the 1990s. There have been countless deaths in the region during this period, beginning with the influx of Hutu refugees from Rwanda in 1994, going on through the so-called war of liberation waged by the AFDL in 1996, which brought Laurent Désiré KABILA to power as the president of the DRC, and continuing with the rebellion of August 1998. Even the so-called civilized powers, those world police officers in waiting who gladly seize any opportunity to strike out at or destabilize régimes branded as dictatorships, have taken no notice of the fate of innocent civilians or even the massacres that have resulted from the conflicts.

No sooner had Mobutu and his Government exited the stage and Kabila taken power than those who wish to subjugate the world and will go to any length to tip the balance in favour of their own interests inflicted another war on the Congolese at a time when they least expected it. It seemed that the main purpose of the rebels was to effect a radical remedy to the totalitarian tendencies of the DRC's current leader. They began in Goma and, in record time, they had conquered a number of the country's cities and strategic centres including Bukavu, Uvira, Beni, Butembo, Bunia, and Kisangani, paving the way for their assault on Kinshasa, the capital and seat of Government.

Kisangani, the third largest city in the country is the administrative centre of Orientale Province, which is the largest and most highly populated of the DRC's 11 provinces. It has around 700,000 inhabitants of varying cultural origin. It has an international airport (Bangboka), a military air-base (Plateau Médical) and a port on the Congo river providing a direct link to the capital of the DRC, Kinshasa. There are roads from Kisangani to Uganda via Bunia, the Central African Republic via Bongo and Sudan via Isiro.

In the political history of the country, Kisangani was the fiefdom of the national hero, Patrice Hemery LUMUMBA and the political centre of the Mulelist uprising of 1964. Under Mobutu Sese Seko it was the stronghold of the party of the State, the Popular Movement of the Revolution (MPR) and so this was where the lightning counter-offensive against the AFDL uprising was organized. In March 1997, the rebellion led by Laurent-Désiré Kabila's Alliance of Democratic Forces for the Liberation of Congo met with remarkable success in Kisangani, encouraging him to continue his struggle until he was able to take power in Kinshasa.

Kisangani is the focus of the area in which LOTUS conducted the investigations that led to this report. The report details the human rights violations which took place there, in particular from 4 August 1998 (the date on which sections of the Congolese Armed Forces supporting the rebels first attempted to take Kisangani) to 23 August 1998 (the date on which the rebel forces actually entered Kisangani) and the period from 23 August to 15 October 1998 (the end of the period of observation). The report acts both as a window and a mirror. Through the window, the outside world will most certainly come to acknowledge Kisangani's tragic situation and, who knows, may be prompted to do what it can to ensure that these kinds of circumstances no longer arise anywhere in the world. In the mirror, those who call for and wage war can see and meditate on what they have done, if only for the sake of the universal nature of human values.

Save for the introduction, the conclusions and the recommendations, this report is divided into four main parts. The first relates primarily to some of the main keys to an understanding of the



new war in the DRC. The second part focuses on the human rights violations in the region both before and after the taking of Kisangani. The third describes the warring parties' attitudes towards human rights violations and abuses; and the final part sets out a few theories about the future of the DRC based on some free thinking about the situation.

## **PART I: WAR IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

On 2 August 1998, to everyone's great surprise, foreign radio stations announced that parts of the 10th Army Brigade in Goma had mutinied. That day, at a gathering of all 21 of the battalions making up the brigade, the commander announced a break with the Government in Kinshasa and his decision to wage war on the Kabila Government until it was overthrown. How did this turn of events come about? Who was pulling the strings? The following sections should provide some sort of an explanation.

### **I.1. The causes of the war**

#### **I.1.1. Indirect causes**

(a) The disillusionment of Laurent-Désiré Kabila's former allies

Without entering into a detailed chronology of events it should be recalled that President Kabila's main allies throughout his war of liberation were Rwanda and Uganda. Their support stemmed from a desire to protect their governments and secure their frontiers but unfortunately they soon found themselves right back where they started from.

At the beginning of hostilities in 1996, units of the Ugandan and Rwandan armed forces formed the spearhead of Kabila's troops, but once victory had been secured the new authorities in Kinshasa regarded them as surplus to requirements. Certain senior army officers regarded as 'military advisers' were banished from the Government's decision-making elite.

In the meantime the threats that Uganda and Rwanda thought they had warded away from their frontiers re-emerged in the form of rebel groups taking advantage of the almost total lack of supervision by the Kinshasa régime and using the DRC as a retreat. This was the case with the Alliance of Democratic Forces and the former Rwandan Armed Forces.

(b) Difficult living conditions for some of the supporters of the former Mobutu régime

Not only did the Mobutu régime introduce anarchy but it also consciously and intentionally established the law of the jungle by means of the unbridled accumulation of riches by one individual and a court of dignitaries who were the representatives of economic monopolies and secret lobbies, all of which formed a kind of debased State bourgeoisie. The dignitaries had come to rely on the magnanimity of the president and the law of the least possible effort by dipping into the State's coffers and cultivating numerous supporters and fanatics, but they fell into disgrace under Kabila. Their ill-gotten gains had to be returned, their lucrative positions were lost, and their bank reserves were considerably undermined.

Their supporters, who had also got used to the law of the least possible effort, ended up destitute and hopeless. Neither did most of those who chose to go into exile find themselves in a very enviable situation. Exile was nowhere near as profitable because most governments did not wish to see their relations with the new Government in Kinshasa deteriorate immediately. There was plenty of reason for these people to hark back to the old days. Given the circumstances, they were certain to support any activity aimed at undermining the Kabila Government.

(c) Difficulties for the international community in taming the Kabila régime

The multinational companies which had hastened to sign mining contracts with Kabila when he was a rebel chief expected to be granted privileges in Congo. The fact that the Kabila Government proceeded to call all of these contracts into question and that its Ministry of Mines introduced highly restrictive laws to govern them disappointed these companies as well as the states in which they were based.

It would appear that President Kabila's official journeys abroad since his accession to power, including visits to China, Cuba, Libya, Namibia, and South Africa, have done little to help people understand his approach and his heartfelt desire to solve his country's economic and social problems.

Recently, his detractors, who believe that the only way for a Third World country to make economic progress is to attract western capital, have branded him with various unflattering labels such as communist, Africanist or nationalist.

His noteworthy absence from the summit of French-speaking communities in Hanoi, his refusal to meet the American emissary, Jesse Jackson, his reluctance to co-operate with United Nations missions to investigate allegations that Rwandan Hutu refugees were massacred in Congo, and his reservations about touring western capitals in search of the foreign investment which is often presented as a panacea for kick-starting Third World economies are all points in his disfavour on the international scene.

(d) The failure to hold a political round table meeting after the AFDL's military victory

In eight years of transition there has been much political dialogue (the 1st and 2nd Marble Palace agreements, the National Sovereign Conference, the political "conclave" and the political discussion at the People's Palace), all of which has led to the emergence of a new class of politicians made up of unprincipled opportunists and careerists, capable of changing their minds with the weather, most of whom can be encountered in Kinshasa. Their ongoing preoccupation is to occupy a public post (whether in a ministry or not) but this is not to serve the public but to fulfil their own political ambitions and gain social status. These politicians were probably expecting to make the most of the opportunity when Kabila came to power. It was not long before they realized that something else was happening. The refusal to resurrect Mobutu's last lumbering parliament (the HCR-PT), the importance attached to the opinions of the Congolese Diaspora when taking national policy decisions and the appointment of a government with a very small number of ministers help to explain the predicament of these opportunist politicians and what they have been saying about Kabila.

### **I.1.2. The direct causes**

All of the foregoing shows us the underlying tensions both inside and outside Congo. All that was needed was a small spark for the whole country to blow up like a powder keg.

In a bid to boost his popularity, President Kabila reacted to all the complaints he had received regarding the abuses of his military allies and — following a process of verification which it has to be said took a relatively long time — decided to repatriate all the foreign soldiers stationed in the Democratic Republic of the Congo without mentioning the real reason for this. The president's decision was announced and read out on national television on the night of 24-25 July 1998.

The people welcomed President Kabila's decision as they had already had enough of the foreign military presence which seemed to excel in abusing its power, occupying senior military posts and taking full advantage of its many privileges. However, this was not the case with the soldiers themselves who felt considerably aggrieved. In both Kisangani and Kinshasa the process of disarming these soldiers did not go smoothly.

It was against this background of a compulsory withdrawal for some and a boost in national pride for others that a mutiny broke out in Goma on 2 August 1998.

## **I.2. The warring parties**

Mobutu's advancing illness and the inevitable collapse of his régime meant that the question of his succession and the hegemony of certain powers over the Democratic Republic of the Congo could be raised once again on the international scene. The balance undoubtedly turned in favour of the English-speaking protectors of the Great Lakes region who used their usual channels of influence.

However, no sooner was the fighting all over and the matter apparently settled once and for all, than Kabila snubbed those who had helped him to come to power, turning instead to southern Africa and even going so far as to help create the SADC (Southern African Development Community).

Though this significant and decisive step was bound to distance Kabila from his former patrons, it was possible that it was a sign of future affiliations elsewhere.

### **I.2.1. The Congolese Rally for Democracy (RCD) and its allies**

The RCD is a political and military organization set up in August 1998 with a view to overthrowing the Kabila Government and establishing a democratic régime based on genuine popular legitimacy. It believes that war is the only method likely to succeed in this. The fact that it emerged only a few days after the beginning of the fighting (on 12 August 1998) may bear out its claims to be the instigator of the rebellion but it may also reflect a kind of incoherence within the rebel movement, with the political leaders on one side and the military chiefs on the other, especially since it was the military leaders who had called on the politicians to work together to decide on the country's political orientation.

The RCD's political declaration and the communiqué announcing the launch of the second war of liberation — which it calls the war of rectification — are similar in their criticisms of the Kabila régime (accusing it of tribalism, exclusion, misappropriation of public funds, etc.).

It is difficult to say with any degree of certainty who the warring parties' allies are since no specific statements have been made on the subject. However, the coincidence between the decision to remove foreign soldiers from Congolese territory, the opposition of those concerned, the launch of the rebellion in Goma, which is such a strategic town, and the opening up of a western front (in Kitona, more than 2,000 kilometres from Goma), requiring the deployment of airborne troops, does seem to indicate that there was some foreign support. Rwanda and Uganda are among the prime candidates in so far as Rwanda acknowledges that it supports the rebellion "politically and morally" while Uganda's President Museveni has admitted before his own parliament that defensive Ugandan military forces are present on Congolese territory.

## **I.2.2. The Democratic Republic of the Congo and its allies**

Lawful governments often take up arms in response to rebel movements in their own country either to hold back their advances or to snuff them out. The Government of the DRC had to react to the offensive against it and so it mobilized its troops on various fronts. In its attempt to make up the ground it had lost it was officially supported by Angola, Namibia, Zimbabwe and Chad. Angola's vigorous intervention could be put down to threats to the security of its borders but the same could not be said of the other countries involved, which simply came to the aid of a fellow government and a friend in danger and found it difficult to accept that a régime which had been so remarkably popular until then was being undermined.

## **PART II HUMAN RIGHTS VIOLATIONS IN KISANGANI AND THE SURROUNDING AREA**

### **II.1. Human rights violations under the authorities of the KABILA Government**

The Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the four Geneva Conventions of 1949 which protect the victims of armed conflicts and the civilian population.

An analysis of events on the ground reveals that the Government of the DRC has not only failed to make enough effort to promote these rights but has also been contributing in one way or another to their violation.

Between the outbreak of fighting in Kisangani on 4-6 August 1998 and the rebel conquest of the town on 23 August the following violations were committed by President Kabila's Government forces:

#### **A. Civil and political rights**

##### **Infringements of the right to life: summary executions**

- On 5 August 1998, Mr. Faustin IBANDA, a student in his last year at the Yangambi University Institute of Agronomics and an employee of the Sunair air company, was shot dead by members of the Congolese Armed Forces at his home in the SEDEC building in Makiso because of his physical resemblance to a Tutsi. He was in fact a member of the Hema tribe from the Ituri forest.
- It is alleged that there were summary executions of Rwandan and Congolese Tutsis (Banyamulenge) captured during the fighting of 4 to 6 August by Congolese soldiers (from the military police unit) on suspicion of collaborating with Rwandans and Rwandan civilians. They are said to have been executed at Bangboka International Airport, at the warehouse of the Congo-SEP oil company about 7 km away from the town centre on the road to Yangambi, and in the vicinity of the military air-base at Plateau Médical. Around 53 of the alleged victims are said to have been buried in common graves near the morgue at Kisangani General Hospital, another 19 in the vicinity of the ferry crossing on the River Lindi about 15 km from the city centre, and an unknown number thrown into the river near the Congo-SEP warehouse.

### **Cases of physical and psychological duress as well as torture and inhuman treatment**

During this period, it was enough to be accused of being a Rwandan or a friend of the Rwandans to be apprehended and subjected to all manner of ill-treatment. This is what happened to Ms Eyanga of 18, 5ème Avenue in Tshopo district, who was arrested for hiding two Rwandans. She was whipped by police officers then taken to military headquarters where she was released after 48 hours.

A number of people identified as Rwandan citizens were arrested and kept in inhuman conditions in lockups at military HQ or the BSRS (the Special Investigation and Surveillance Brigade) in Mangobo.

### **Cases of arbitrary arrest**

- On 11 August 1998, Mr. Dieudonné Ngwasi, the deputy provincial director of the Directorate General of Migrations in Orientale Province, was arrested by police officers at the Hotel Zongia where he was staying. He was initially held at the office of the PIR (Rapid Intervention Police) (formerly the Civil Guard office) then transferred to the military lockup known as Bureau II. He was suspected of being in contact with rebels because his cousin, Mr. Joseph Mudumbi, is a member of the rebels' Political Directorate in Goma. He was released the day before the rebel troops entered Kisangani (i.e., on 22 August 1998).
- Mr. Jacques Manga, a 19 year-old pupil at the school complex of the University of Kisangani from 37, 1ère Avenue, Tshopo, was arrested on 18 August 1998 by members of the Mai-Mai militia who are working alongside the Government troops. They claimed that he is a Rwandan whereas in fact he is a Congolese citizen. He was held for 26 hours in a room in the old orphanage converted into a rehabilitation centre being used as a base by the Mai-Mai. His life was in danger because, by that stage, the Government forces had already distributed weapons to the Mai-Mai.
- Mr. Shakira, deputy public prosecutor, was held and questioned for several hours at the National Intelligence Agency (ANR) because it was alleged that he is a Rwandan whereas in fact he is a Congolese citizen from South Kivu province.

### **Violations of the right to property**

A number of wireless telegraphs and other communications devices owned by individuals and corporate entities were confiscated by the security forces. Private and company vehicles were commandeered without going through official procedures.

A Yamaha sports motorbike belonging to Mr. Faustin Kinzonzoli, the Executive Secretary of the NGO APILAF (the Association for the Promotion of Local Initiatives in the African Forest), was stolen by Government forces the day before the rebels took the city.

### **Threats to Human Rights Organizations**

On 12 August 1998 the Lotus Group offices were visited by the Rapid Intervention Police who suspected the group of possessing communications devices used to broadcast information abroad. A verbal order was issued for the group to suspend its activities.

### **Infringements of the right to a fair trial**

The commander of the 25th Kisangani Brigade, Mr. Lisasi, and thirty or so soldiers from the Government forces accused of treason were arrested, tied up and transported to Kinshasa without being brought before the local courts.

### **Cases of disappearances**

Mr. Chiasha, a former member of the intelligence services from South Kivu province, married to a Rwandan Tutsi, and his son Papy, a fourth-year secondary school pupil; Mr. Hemedi, a customs and excise officer, claiming to hail from the Hema tribe from the Ituri forest in Congo, arrested at his home by police officers on 11 August 1998; a man identified only as Mr. Bedel, a Rwandan Tutsi and 3rd year student at the Faculty of Medicine, arrested by members of the Mai-Mai militia on the university campus at the Elungu Home Complex, Block B No. 4, along with his friend identified only as Bienvenu, a first year student at the Yangambi University Institute of Agronomics and a Rwandan Tutsi; Mr. Rutaramera Bigega, an employee of the National Electricity Board, Kisangani, considered to be Rwandan and arrested by police officers at his home.

None of these people have yet been found. All the searches conducted in various prisons have been to no avail.

## **B. Economic and social rights**

### **Deterioration of the population's social and economic situation**

Between the outbreak of hostilities and 23 August 1998, both governmental and provincial authorities failed to make up the 11-month arrears in salary payments to the people of Kisangani and provide basic foodstuffs such as meat and beans which came from rebel-controlled Goma and Bunia. At the time there were already signs of inflation linked to the fact that considerable sums were being kept back to pay soldiers.

### **Restrictions on the right to education**

Because of the insecurity which reined in Kisangani during and after the fighting of 4 to 6 August 1998 classes were suspended in all the city's higher education establishments (the Higher Institute of Medical Techniques, the Higher Institute of Education and the Higher Institute of Commerce) and at the University Institute of Agronomics in Yangambi.

## **C. Use of children as soldiers**

Weapons were distributed to children under fifteen years of age based in the former orphanage in Mangobo and commonly referred to as the Mai-Mai and others from H site (a half-built General Hospital building). Some of these children were sent to the front (along the Ituri and Lubutu roads).

## **D. Failure to protect civilians**

Innocent civilians were wounded and killed in some of the fighting at certain points in the city (the Canon roundabout, military HQ, neighbourhoods in Kabondo and the city centre) and left to their sad fate in the city's hospitals. The following cases were recorded:

- Ms Moza, aged 27, of 20, 11ème Avenue, Kabondo, was hit by a stray bullet causing wounds to her chest and her upper left arm. Doctors at the Kisangani University Clinic saved her life.
- Mwembo, aged 12, of 40, Avenue du 30 octobre, Makiso, sustained deep abdominal wounds from a bullet fired in his direction by a soldier. His life was also saved by doctors at the University Clinic.
- Ms Honorine Mauwa, aged around 60, of 6, 12ème Avenue, Kabondo, was hit by a bullet fired at her by a soldier causing a compound fracture of both legs. She was admitted to the University Clinic but died on 10 August 1998.

Finally, against the overall background of insecurity which reined from 4 to 6 August in which there was both fighting between Tutsi and Congolese soldiers and searches for Rwandan soldiers hiding in the town, Mr. Mbombo Mujene, a 51 year-old inspector at the Congolese Post and Telecommunications Office (OCPT), was murdered by an armed man from the neighbouring area inhabited by Tutsi civilians and soldiers at around 9 p.m. on 6 August 1998. According to his children's testimonies, the attacker was Nilotic in his physical appearance with features resembling their neighbour Catablos, who is the local branch manager of the Sunair airline.

## **II.2. Human rights under the rebel authorities**

Over the years various attempts have been made to introduce international legal instruments to protect the integrity of the human person in times of conflict, and it was this desire which gave rise to the four international conventions of 1949 known as the Geneva Conventions. They related to the improvement of the condition of the wounded and sick in armed forces in the field, the improvement of the condition of the wounded, sick, and shipwrecked members of armed forces at sea, the treatment of prisoners of war, and the protection of civilian persons in time of war.

Subsequent application in the field revealed certain shortcomings in the protection the Conventions afforded to the integrity of the person. Fortunately, however, in 1977, the protocols on international and non-international conflicts were introduced to fill the gap. The latter prohibited inhuman treatment, violence to the life, health or physical or moral well-being of persons, collective punishments, hostage taking, terrorism, humiliating and degrading treatment, looting, etc. In short, civilians were expected to be given overall protection from the consequences of hostilities. The DRC has ratified the four Geneva Conventions but has not yet ratified the second additional protocol on non-international conflicts thus exempting itself from the rules of the international community in this respect so as not to provide an opening for movements of insurrection or rebellion.

Nonetheless, Common Article 3 of the conventions does commit the parties to a minimum number of guarantees which are regarded as essential and applied automatically in the event of an internal armed conflict.

The following cases, observed in Kisangani and subsequently verified, enable us to gauge the extent to which the new authorities have been respecting and protecting human rights since they took over the city on 23 August 1998.

### **II.2.1. Inhuman treatment**

For reasons that it is difficult to understand, a considerable number of inhuman acts were committed by the armed forces.

### **Occupation of buildings and destruction of property**

Schools were converted into military camps. Examples are the Tufuate and Lisanga primary schools on 18ème Avenue, Tshopo, which used to be run by the Protestant church network. Throughout their occupation, benches, tables and doors were used as firewood and the classrooms were filled with faeces.

Private homes were not spared either. Rebel soldiers occupied and partly destroyed furniture in houses around the military air-base and guest house, including those of the director and the deputy director of the air traffic control authorities, the RVA, the director of the meteorological office, the OCPT chief accountant and the OCPT clerk, Mr. Ngoy.

### **Hard labour and house arrest**

Trésor Selego, a fifteen year-old school pupil, of 40, Avenue Kinshasa, was apprehended on 25 September 1998 outside the residence of the former general Likulia and forced to wash military uniforms.

Mr. Raymond Mokeni Ekopi Kane, a Kisangani businessman and the Chairman of the employers' organization, the Congolese Business Federation, was placed under house arrest from 12 to 21 September 1998 on suspicion of possessing a satellite link-up device. Following a thorough search of his Arcadia residence, his telephone and fax machine were confiscated. It is reported that he was charged with funding government forces and refusing the rebel forces' offer to take up the post of Provincial Governor. Mr. Georges Yangala, the director of Belect, was also put under house arrest along with his employee Mr. Mokeni, and robbed of his Comcell communication device.

### **Breaking and entering into private homes and public buildings**

On the night of 25 to 26 August 1998 armed officers used force to break into the home of Mr. Masudin at 78, 3ème Avenue bis, Tshopo, and stole bar and hotel receipts which had not yet been counted as well as money intended to pay soldiers in Buta. The Buta paymaster had lived at the address before he fled.

Mr. Tanza and Mr. Garry, two West African subjects, of 24, 1ère Avenue, Tshopo, were visited by members of the armed forces on 26 August 1998 and robbed of 95,000,000 new zaïres.

Mr. Yahya and Mr. Muhemedi, both Gambian subjects, of 3, 8ème Avenue, Tshopo, underwent similar treatment on the night of 20 to 21 September 1998. The intruders succeeded in taking away a 14-inch Sony colour television.

On 22 September 1998, three soldiers broke into the garage at Kisangani University's Faculty of Science. They stole a Land Rover, which was recovered in a badly damaged condition some days later.

In late September 1998, rebel soldiers broke into the monastery at Simi-Simi and extorted a sum of 10 million new zaïres (about US\$50) from the parish priest and a sum of 800 US dollars and 150 million new zaïres (about US\$600) from Father Martin Konings. The money was originally intended to pay workers at the Simama Centre for the Disabled.



### **De-allocation of the wages of certain State officials**

The National Intelligence Agency (ANR) is said to have lost six billion new zaires which were withdrawn from the accounts of the Beltexco Company and intended to cover the wages of its acting staff and 200 million new zaires from its pension fund.

#### **II.2.2. Infringements of the right to life**

Deaths recorded included both soldiers and civilians.

- In response to the popular uprising of 26 August 1998 provoked by an attempt to confiscate a Suzuki Vitara Jeep belonging to the priests of the Sacred Heart church in Tshopo in which 5 soldiers are said to have lost their lives, a reprisal operation was conducted in the districts of Tshopo, Mangobo and Kabondo. Children and adults were murdered in cold blood;
- In Tshopo: Mr. Georges Adembo, a nurse at the ophthalmological service of the CNCA hospital, from 95, 14ème Avenue, died at around 5 p.m. on 26 August 1998 from a point-blank shot to his face by soldiers patrolling on 15ème Avenue;
- In Mangobo: Faustin Lokwa Alife and Cédric Badjoko Bobo, of 106, Quartier Basoko, were shot down in cold blood in front of their home at about 9 a.m. on 27 August 1998;
- In Kabondo: between 26 and 30 August 1998 the following people were shot dead by soldiers:
  - Mulamba, father of 3, of 17, 19ème Avenue;
  - Selemani, aged 15, of 95, 16ème Avenue bis;
  - Miss Jeanne (second name unknown) of 85, 5è Transversale, killed at her aunt's house, at 40, 14ème Avenue bis;
  - Assani, an invoice clerk with the Mimco company and a third-year student in mathematics at the Kisangani Free Higher Institute of Education;
  - Mombesa, alias Bourray, a hairdresser from 106, 10ème Avenue bis behind the former Bar de la Cueillette, killed on 4è Transversale opposite the Kabondo community home;
  - Mr. Pierrot Manyonga Matanda, aged 26, of 27, 1ère Avenue, Tshopo, shot dead by soldiers at 5 a.m. on 28 September 1998. He had already been identified as a wanted man some days before.
  - On suspicion of arms possession, a bandit identified only as being a member of the family of Papa Boola, a guard in the parish of St. Sacrement, had his throat cut by soldiers in Lubunga in September 1998. In the same month and in the same district (Lubunga), a former member of the Congolese Armed Forces (not otherwise identified) also had his throat cut. He was surprised with a weapon which was said to have been used for ignoble acts.

#### **II.2.3. Humiliating and degrading treatment**

Mr. Jean-Paul Kabiona, a member of the Government wing of the Congolese Armed Forces was arrested some days after the fall of Kisangani and held in the military "Mabusu" lockup in

Kisangani. He was charged with refusing to serve in the new army. Throughout his imprisonment he was given 60 lashes a day.

In the same lockup, two persons suspected of “stealing” were held in appalling conditions. They were subjected to serious torture and as a result one of them died during the month of September.

The wife of the deputy director of the National Intelligence Agency, Emmanuel Sanzunguimo, was arrested on Saturday 26 September 1998 and taken to the Kisangani military lockup with her one-and-a-half year old baby. She was accused of possessing a portable telephone and kitchen utensils belonging to the agency. She is said to have just escaped being raped. She was released the next day.

#### **II.2.4. Physical, psychological and moral duress**

On the night of 11 to 12 August 1998 at around 3 a.m., Ms Rita Assumani, the mother of three children, was seriously threatened by three men in uniform who succeeded in climbing over the fence around her house at 50, 8ème Avenue, Tshopo district. She was robbed of three million new zaires.

Suspected of being the ring leader of a group of persons holding weapons in preparation for a military operation in the district of Plateau Boyoma, Mr. Selego Chalanda, a student residing at 40, Avenue Kinshasa, Makiso, was harassed by soldiers for two whole days (28 and 29 September 1998).

Mr. David Mondele, 28, a married father of two, was hit by bullets in his right biceps at around 11 p.m. on 26 August 1998 in his home at 10, 9ème Avenue, Tshopo.

On the night of 23 to 24 August 1998, the Provincial Director of the National Institute of Social Security was abducted and kept in a secret location from 11 p.m. to 3 a.m.

Mr. Georges Ngoy received death threats on 10 September 1998 as he was leaving for Plateau Médical to assess the damage caused to his family home occupied by soldiers.

#### **II.2.5. Disappearances**

Da Silva Figueiredo, 50, Portuguese, of 5, Avenue Lac Nyassa, Makiso; Osvaldo de Sousa Queiroz, 38, Angolan, of 5, Avenue Lac Nyassa, Makiso; Miala Garcia, 40, Angolan, of 42b, Boulevard Lumumba, Makiso; Aires Queiroz Guinares, 28, Angolan, of 42b, Boulevard Lumumba, Makiso; Miguens Julio, 28, Angolan, of 42b, Boulevard Lumumba, Makiso; Leonel Carlos de Sousa, 27, of 42b, Boulevard Lumumba, Makiso, and; Ribeiro Galvino Faustino, of 42b, Boulevard Lumumba, Makiso.

These were all businessmen who had come to invest in the Democratic Republic of the Congo and were awaiting the launch in Congo of their company, Bhagmek International. Twenty-four hours after Kisangani was captured by the rebels, they received death threats from the rebels because of Angola’s involvement in the conflict in the DRC. All of their property, including that of their company, has been looted and to this day their homes are occupied by the assailants. We know nothing about their fate or in what direction they may have fled. Tati Domingos, an Angolan student in his first year studying educational science at the University of Kisangani, and three of his compatriots are said to have disappeared under similar circumstances.

Mai-Mai child soldiers housed at Kisangani General Hospital (for health reasons) and at the H Site in Mangobo (for training) are said to have disappeared. This would seem to be the result of

their rearmament and recruitment to the Government forces to halt the advance of the rebel army on Kisangani.

### **II.2.6. Looting**

Kisangani has not yet totally recovered economically from the looting which took place between September 1991 and December 1993. Since then only a few companies have kept going and kept the local labour-force in employment. But now they have been dealt a fatal blow:

In the week of 24 to 30 August 1998, two giant logging companies, Amexbois and Forestiere, were looted by soldiers. All of their stocks of processed timber and fuel, their vehicles and the dynamos used to power the sawmills were taken away.

The following items were taken from the road transport office: 2,000 litres of diesel, all the wages of the employees working in the province, and a large number of spare parts both from the road centre and the ferry centre.

Soldiers broke into the central store, the central cash-desk and the offices of the managing director and the chief accountant of Sorgeri. Livestock belonging to the company's managers were also slaughtered (200 pigs and a number of goats).

In Yanonge, about 58 km from Kisangani, the Agricultural Technical Institute and the Mogoya Institute of Carpentry were looted. Typewriters, wood and clocks were taken away. Benches were broken up and used as firewood.

In Yangambi, about 100 km from Kisangani, some of the premises of the National Institute of Agronomics were looted and stripped of their corrugated metal cladding.

In Banalia, about 128 km from Kisangani, private homes belonging to people who had fled into the bush, the Catholic mission and the general hospital were all looted.

### **II.2.7. Deterioration of health and humanitarian conditions and threats to medical workers**

#### **The insecurity and isolation of the city as a factor in the deterioration of health and humanitarian conditions**

##### *(a) Insecurity*

The two major hospital complexes in Kisangani, namely the university clinic and laboratory and the general hospital, are in the Plateau Médical neighbourhood in Makiso.

Rebel soldiers with instructions to guard the military air-base at Simi-Simi overran the area surrounding these hospitals making it difficult for health workers and the sick to move around in the area. There was looting of the hospitals, humanitarian agencies, and stores of foodstuffs and other urgently needed items, and certain medical workers were physically assaulted or threatened.

Inevitably this has meant that hospitals have been abandoned by patients and medical staff, and humanitarian agencies, dispensaries and food warehouses and stores have been closed down.

##### *(b) The city's isolation*

Kisangani is currently cut off from all of its sources of supplies, namely Kinshasa, the interior, and the East (Goma, Bunia, Butembo, Bukavu, etc.). It now finds itself in complete

isolation. As we explained above, the city does not have enough pharmaceutical stores or dispensaries or stocks or stores of food to support the population for a long period of complete isolation. Its main sources of supplies in medicines are the diocesan pharmacy, Mimco-Pharma and the Pars pharmaceutical warehouse.

The following instances of infringements of the right to treatment and threats to medical workers were recorded :

- At the university clinic, on 24 August 1998, all the patients were forced to leave the hospital because of the prevailing insecurity. Medical and paramedical staff came to work in some apprehension. Some days later they realized that they too were in danger. On 26 August 1998, Professor Wami Wifonga, the doctor in charge of the university clinic and a teacher at the faculty of medicine was accosted in his office by three Tutsi and two Ugandan rebels. They demanded money and medicines. By threatening him they succeeded in making off with a sum of 200 US dollars and a large stock of medicine.
- On 30 August 1998, Dr. Luka, a doctor at the department of gynaecology and obstetrics and assistant at the faculty of medicine attempting to enter the university clinic at around 1 p.m., was apprehended by two armed persons with the physical features of Tutsis in the grounds of the clinic itself and dragged into the bush towards the tuberculosis treatment centre where he was subjected to inhuman treatment then stripped of his shoes, his shirt and a sum of 15 Congolese francs.
- At around 7 p.m. on 3 September 1998, Dr. Lola Kisanga of the university clinic's internal medicine department was apprehended by 4 Ugandan soldiers in the grounds of the University Institute of Agronomics as he was going from the clinic to the guest house. He was immediately released.
- On 19 September 1998, the faculty of medicine's research laboratory and the university clinic's biochemical unit were systematically looted.

**The following items were taken away:**

- 4 photospectrometers;
- 6 electronic microscopes;
- a large number of chemical reagents;
- other extremely valuable items of equipment.

**At the Kisangani General Hospital**

- Wards were occupied by the rebels;
- Furniture was broken up and used as firewood;
- A telegraph device belonging to the Kisangani branch of the Extended Vaccination Programme (PEV) was seized, the unit's activities were halted and the polio vaccination campaign due to take place in August was suspended.

### **At the Kisangani branch of the WHO**

- The home of the branch head doctor was occupied by rebel soldiers immediately after their arrival in Kisangani (23 August 1998);
- The WHO pharmaceutical store was looted;
- Under threats, Ms Christine Sefu, the supervisor of the WHO Kisangani branch, was forced to hand over the WHO's vehicle to the rebels;
- Kisangani UNICEF's vehicle was also commandeered by rebels.

### **At Caritas Kisangani**

- Vehicles were commandeered to transport rebel soldiers to the front;
- General hospitals at Lubunga and Ubundu (129 km from Kisangani) were looted;
- Doctor Jean Mopepe, the head doctor at the Kisangani Orchid Clinic (COKIS) was threatened because of his family links with Governor Jean Yagi Sitolo, who owns the clinic.

The water distribution company, REGIDESO, realised that the stock of inflowing water was in the process of drying up and so it began supplying water for only six hours a day. The quality of the water supplied to the public has now become questionable and there are fears that epidemics of diarrhoeal diseases will break out (such as bacillary dysentery, salmonellosis, cholera, and amoebiasis).

**Table 1: Prices of medicines before and after the rebel take-over of Kisangani**

PRODUCT	Price before the war	Current price
20 aspirin tabs.	\$ 0.13	\$ 0.66
20 chloroquine tabs.	\$ 0.20	\$ 1.00
20 novalgine tabs.	\$ 0.16	\$ 0.66
10 quinine tabs.	\$ 0.66	\$ 2.00
1 flask of procaine penicillin	\$ 0.53	\$ 2.00
20 indocid tabs.	\$ 0.20	\$ 0.66
16 tetracycline caps. (250mg)	\$ 0.33	\$ 1.00
16 ampicillin caps. (250 mg)	\$ 0.66	\$ 1.66
16 chloramphenicol caps.	\$ 0.66	\$ 1.33
20 bactrim tabs.	\$ 0.40	\$ 1.00
1 single-use syringe	\$ 0.13	\$ 0.40
1 litre of glucose serum 5%	\$ 2.00	\$ 5.33
1 litre of NaCal 0.9%	\$ 1.66	\$ 5.00
1 Ampicillin 1g	\$ 0.53	\$ 1.33
1 flask Chloramphenicol	\$ 0.53	\$ 1.33
1 phial Quinine	\$ 0.40	\$ 1.00
1 phial Chloroquine	\$ 0.16	\$ 0.33
1 phial Dypirone	\$ 0.16	\$ 0.50

N.B.: 1 US dollar (\$) = 250,000 new zaires (at the rate on 29 September 1998)

Prices are those which applied on 29 September 1998.

If no more medicines are supplied, prices are bound to continue rising.

Cost of treatment of a malaria crisis combined with a case of verminosis and urinary infection (common in tropical Africa):

Doctor's consultation fee — \$ 1 to \$ 2. 15 vials of quinine — \$ 10.

5 litres of glucose serum — \$ 5. 72 capsules of Ampicillin — \$ 5.

3 vials of dypirone — \$ 1. Hospitalization — \$ 1 per day.

Nursing — \$ 1 per day. Lab. tests — \$ 5 (standard tests).

Laparotomy — \$ 150-200.

(All prices quoted in US dollars).

Another point worth mentioning is that the arrival in Kisangani of Rwandan and Ugandan soldiers from regions with a high incidence of AIDS and their licentious sex life is said to have led

to an increase in the rate of HIV infection in Kisangani and all the other regions occupied by the rebels.

### II.2.8. Loss of material and social well-being

The people of Kisangani have experienced enormous social and economic difficulties since 23 August 1998. Shop owners and traders are now cut off from their main supply centres and, though they still have stocks of some manufactured goods, they have been ruthlessly increasing prices. The exchange rate has been soaring to such an extent that some economic agents have decided simply to suspend their activities for a time, claiming that they fear looting if there is a victorious counter-attack by the Government forces.

The two following tables show to what extent the economic situation has deteriorated:

(a) Exchange rates

Date	Currency	Equivalent in new zaires (NZ)	Equivalent in Congolese francs (FC)	Percentage increase
01.07.98	\$ 1.00	NZ 140,000	FC 1.40	-
01.08.98	\$ 1.00	NZ 150,000	FC 1.50	10.71 per cent
23.08.98	\$ 1.00	NZ 190,000	FC 1.90	13.57 per cent
27.09.98	\$ 1.00	NZ 240,000	FC 2.40	12.42 per cent

(b) Market prices

Article	Price on 1 July 1998	Price on 23 August 1998	Price on 23 September 1998
72 cl of cooking oil	NZ 25,000	NZ 60,000	NZ 75,000
1 kg of rice	NZ 30,000	NZ 60,000	NZ 80,000
1 kg of sugar	NZ 70,000	NZ 120,000	NZ 150,000
1 bar of soap	NZ 35,000	NZ 65,000	NZ 80,000

The financial and monetary situation is far from stabilizing. The new authorities have withdrawn considerable sums from the Kisangani Central Bank to cover the wages of State employees, civil servants and soldiers — as well as FC 35,000 and NZ 70 billion ready for incineration as part of the procedural measures for the monetary reform being carried out. As a result the Congolese franc is increasingly declining in value and the dollar has now risen to 270,000 new zaires. At the same time, there has been runaway inflation in the market prices of manufactured goods. Attempts to offset losses (for instance, Beltexco has lost 24,000 US dollars confiscated by the military and had large sums withdrawn from it by the civilian authorities) and a substantial decrease in stocks are the causes of the price-rises.

**PART III:  
THE ATTITUDE OF THE WARRING PARTIES TO THE HUMAN RIGHTS VIOLATIONS  
AND ABUSES COMMITTED**

**III.1. The governmental authorities**

After the appeals and speeches made to the public on the radio and the television identifying the country's aggressors as Rwandans and in response to the increasing hatred felt towards Rwandans (civilians and soldiers), the local authorities appealed to the population to attack only Rwandan soldiers. No judicial proceedings have been instituted against those who have carried out abuses against Rwandan civilians.

**III.2. The rebel authorities**

Following the revenge attack by the rebel army on the population after the demonstration of 23 August 1998, the military commander in Kisangani demanded apologies from the entire community for the aberrations of some of its inhabitants. He also said that he had taken all the necessary steps to ensure the security of persons and their property. However, no judicial proceedings were instituted against those responsible.

A few days after the demonstrations of 23 August 1998, 5 and 10 centime bills were thrown to the crowds from military vehicles at the roundabout on 15<sup>ème</sup> Avenue, Tshopo, the main market and other points in the city centre.

Aiming to make civilians forget all their abuses and join the rebellion, the rebel authorities distributed sums of 28 Congolese francs (US\$10) to each participant at the end of their ideological training seminar, 5 Congolese francs to each student at the University of Kisangani (about US\$2) and a large sum estimated at over US\$300 to the members of an informal youth organization in Mangobo called "The Children of the United States" for them to attend the meeting of the RCD leader, Mr. Lunda Bululu.

**PART IV:  
THE ISSUES INVOLVED IN THE WAR**

The current war in the Democratic Republic of the Congo can be compared to an iceberg:

- The visible part is the rebellion against the Kabila Government and the conflict between the Government's allies and the rebels' allies.
- The invisible protagonists are the major foreign powers, economic and political lobbies, and progressive Third-World forces.

The outcome of the war may alter a number of national, regional and international parameters.

In the following sections we shall describe the situation on the ground, the reaction of the inhabitants, and the steps taken by the international community to date, before going on to forecast what may happen in the future.

**IV.1. The power struggle — developments on the ground**

Since hostilities began on 2 August 1998, the power struggle has divided the country into two parts, namely the west, which is controlled by the Government forces and their allies, and the



east, which is controlled by the rebel forces and their allies. However, the rebellion is gaining ground in the east because Kabila's allies are reluctant to engage in conflict here, not only through lack of interest but also because they have misgivings about attacking the rebels' allies so close to their home bases.

#### **IV.2. The inhabitants — their concerns and expectations**

The Congolese are not used to war and so they mistrust the rebellion which they regard as untimely, hybrid or even traitorous. What the war is revealing to them is the inability of Congolese soldiers (whether from the Government or the rebels) to defend the country's territorial integrity and ensure them peace and security, the Congolese politicians' insensitivity to their suffering and, finally, the indifference of the international community.

#### **IV.3. The efforts of the international community — hesitant and inadequate (from August to early October 1998)**

The Government of the DRC alerted national and international opinion to the invasion of its territory by Rwandan and Ugandan troops. Its emissaries to the United Nations, the OAU and other international institutions made official complaints against Rwanda and Uganda but the response to these complaints was slow, guarded or even mitigated.

Various reactions to the situation in the DRC have been expressed during regional or international summits, conferences and meetings of heads of State and Government. The following is a brief outline of the outcome of these meetings:

##### **Victoria Falls Summit I**

Instigated by President Mugabe under the auspices of the SADC, bringing together the Heads of State of the DRC, Rwanda, Uganda and Namibia.

Outcome: disagreement between the DRC, Rwanda and Uganda over the aggression.

##### **Summit of non-aligned countries held in Durban, South Africa**

This summit, presided over by Nelson Mandela, was attended by representatives of all the countries at war in the DRC (DRC, Angola, Zimbabwe, Namibia, Rwanda and Uganda) as well as leaders of other non-aligned countries (e.g., Fidel Castro) and the United Nations Secretary-General, Kofi Annan.

Outcome:

- Acknowledgement of an act of aggression against the DRC though the names of the assailants were not cited;
- Appointment of President Mandela as mediator in the Congolese crisis.

##### **United Nations Security Council**

The member States of the United Nations Security Council acknowledged that the DRC was being attacked by foreign powers without naming them. They appealed for respect for the territorial integrity of the DRC.

### **Victoria Falls Summit II**

Presided over by the Zambian president, Frederick Chiluba, this summit brought together the Heads of State of Uganda, Rwanda, Zimbabwe, and Namibia, a representative of the Angolan president, and the Secretary-General of the OAU, Salim Ahmed Salim. The Zambian president went back and forth between the meeting room of the Heads of State and the room assigned to the rebel delegation, led by Mr. Z'Haidi Ngoma and Mr. Bizima Karaha;

Outcome:

- No agreement over the act of aggression against the DRC;
- Acceptance of the principle that foreign troops should be withdrawn.

### **Addis-Ababa Conference**

Conference bringing together the ministers of defence of all the countries involved in the conflict. The DRC was represented by its minister of foreign affairs.

Outcome:

- No agreement on the arrangements for the withdrawal of foreign troops.

### **Mauritius Summit**

Summit called by the SADC to discuss its members' economic problems. The Congolese crisis was one of the items on the agenda.

Outcome:

- Failure to agree that there had been an act of aggression against the Congo;
- Reinforcement of the military positions of President Kabila's allies;
- Doubts expressed over President Mandela by President Mugabe.

### **Libreville Summit**

Summit called by the President of Gabon, Omar Bongo, bringing together the Heads of State of Central Africa to examine the Congolese crisis.

Outcome:

- Acknowledgement that foreign forces had attacked the DRC;
- Contacts established by the Kinshasa Government with other Central African countries and France;
- Acceptance of Chad's military involvement in the DRC.

### **Tripoli meetings and the Qaddafi Intervention Force Plan (involving Chad, Niger and Eritrea)**

President Qaddafi met President Kabila of the DRC and President Museveni of Uganda in turn and listened to each leader's views on the crisis. Following this he met the presidents of Chad, Niger and Eritrea.

Outcome:

- Proposal to withdraw all foreign forces from the DRC;
- Proposal to post a neutral intervention force (provided by Chad, Niger and Eritrea) along the entire length of the border between Rwanda and Uganda and Congo and Uganda.

This realistic plan does not seem to have earned the support of the international community.

### **European Union**

The EU special envoy to the Great Lakes region has met the presidents of the DRC, Rwanda, Uganda and Angola.

Outcome:

- All the countries allied to the warring parties wish to secure their frontiers;
- The possibility of holding an international conference was raised.

### **United States Ambassador to the DRC**

On 14 October 1998, having met President Kabila in Lubumbashi, the United States Ambassador acknowledged that the DRC had been invaded by foreign forces.

## **IV.4. The future of the Democratic Republic of the Congo**

The current régimes in Kigali, Kampala and Kinshasa, which are the products of the force of arms and rebel alliances of the past, have failed to find democratic solutions to their political, economic and social problems and so they find themselves at war.

Therefore, the political fate of the DRC is inextricably tied up with that of its neighbours in the region. It will be determined by the outcome of a war with international ramifications between enemies who seem to spurn human rights and the rights of peoples.

### **A. In the event of the military victory of President Kabila**

#### **Kabila's plus-points**

If President Kabila brings democracy to the country, as he frequently says he will, he will be able to mobilize the Congolese people around the major reforms required for national reconstruction. He draws the legitimacy for his power and his charisma from three aspects:

- (a) The success of his armed insurrection against the neo-patrimonial and dictatorial régime of President Mobutu, which was demonized and called into question for its political, economic and social practices. As the sworn enemy of Mobutu, the public regard him as the liberator of the Congolese people, the leading figure of a new era in Congolese politics which will make the decaying Congolese State a prosperous, powerful State governed by the rule of law.
- (b) The success of his struggle against the Tutsi bid for total power. Is this an ideological smoke-screen or a sociological reality? Notwithstanding, the president's rhetoric on this subject has met with substantial support from the Congolese people and is used to legitimize the Government's war against the rebels.
- (c) The Kabila Government's attempts to improve the social and economic situation, particularly in the area of combating immoral practices (corruption, embezzlement and harassment), rehabilitating and improving the apparatus of the State, and curbing inflation, have raised hopes among the population.

### **Dangers to be avoided**

President Kabila's autocratic reflexes mean that we should be sceptical about his claims to have been converted to the democratic management methods of the modern State. They point to a number of potential dangers that must be avoided, namely the possibility that the head of State will be granted absolute power, that the Tutsis will be totally excluded and that more armed conflicts will emerge in the region.

- (a) The absolutism of the head of State

While the DRC is at war, the self-proclaimed president, Mr. Kabila, who is hostile to multiparty politics, remains the official lone decision-making authority to whom all appeals must be addressed. After the war, it may be prudent to establish legal and political safeguards to counter the authoritarian impulses which the growing personality cult around him seems to be fostering in the mind of the AFDL leader. The best democratic ingredients for a transition period heralding a third democratic republic would be a multiparty system based on clearly established laws and mechanisms for the consultation of the head of State on the future of the nation.

- (b) The total exclusion of the Tutsis and a conflagration in the Great Lakes region

Since the outbreak of the rebellion, in the national and international press and on national television, President Kabila has been accusing the governments in Kigali and Kampala of aggression, stating that Tutsi ideas of hegemony over the Congo and its sphere of influence are a delusion, and threatening to take the war back to where it came from, namely Uganda and Rwanda.

Ethnic arguments are clearly being deployed: the Tutsis in the Congo are coming under attack while Rwandan rebels (mostly Hutu) and some Ugandans (at least according to the accusations of the leaders of the rebellion against Kabila) have joined Kabila's Government troops. The Kabila Government is thought to pose a serious threat to the Rwandan and Ugandan régimes. If no precautions are taken and Kabila wins the war, there could be an exodus of Tutsis, exporting the war to Uganda and Rwanda and possibly even undermining their governments.

## **B. If the Congolese Rally for Democracy (RCD) were actually to take power**

### **Advantages**

The Congolese Rally for Democracy (RCD) arose from various divisions within the AFDL and, though it claims to be in favour of democratizing the DRC's political institutions, it has decided to attempt to wrest power through an armed rebellion driven by Ugandan and Rwandan Government forces. The following advantages could result from its actually taking power:

- the potential for political liberalism stemming from the absence within the movement of a charismatic civil or military leader who cannot be ignored though this does not rule out the possibility that the Government will be dominated by an RCD oligarchy;
- special measures to protect a Tutsi minority threatened with extermination or exile;
- peaceful co-existence between the region's régimes through the reciprocal elimination of rebel movements in each country.

### **Drawbacks**

The RCD is considered by most Congolese to be of strict Tutsi allegiance and pieced together from the cast-offs of the disreputable former Zairian Armed Forces (FAZ) and so any régime it sets up is likely to be unpopular and have difficulty in forming a Congolese national army capable of winning the confidence of the Congolese people.

It will be constantly faced with the aggravated hatred of certain sections of the native Congolese population towards the Tutsi minority living in the Congo.

If the RCD were to fail in rendering the Ugandan and Rwandan Hutu rebel movements working from Congo inoperative, its current Ugandan and Rwandan allies would engage in war against it.

## **C. In the event of a negotiated settlement**

### **Advantages**

The DRC is a State in need of reconstruction and war is synonymous with destruction. The country requires a consensual and peaceful context for its development and therefore a negotiated settlement discarding all violence seems the most productive approach to its future.

Jointly negotiated settlements relating to the various issues over which the warring parties have been fighting may create the conditions for the redistribution of power between the internal forces involved (AFDL, RCD, opposition parties and civil society) thus preventing the State from being treated as an item of private property.

They may also establish a new equilibrium within the region, dictated by the desire to stabilize international relationships with the sole aim of promoting development for the well-being of the people living in the States in question.

### **The shortcomings of a negotiated settlement**

In its attempts, via the various aforementioned summits, to reach a negotiated settlement to the conflict, the international community wishes to apply the principles of collective responsibility

which place a premium on human fellowship or the interdependence of States with a view to pooling everyone's efforts to establish harmonious international relations.

But in seeking a negotiated settlement, peace-brokers tend to reconcile the warring parties without insisting on the civil and political rights that can be invoked against the State. This situation tends to facilitate the survival of authoritarian régimes incapable of establishing and upholding their citizens' civil and political rights.

The principle of the right of all peoples to self-determination formally established in resolution 1514 (XV) of the United Nations General Assembly in December 1960 gave a boost to the process of decolonization in Africa. Today, however, it nurtures and protects Africa's dictatorships; national leaders who hold this kind of power can uphold one another for the duration of their régimes (Mr. Mobutu was a master at this). This explains the covert existence of certain regional or sub-regional organizations in Africa. Under these conditions it seems warranted to invoke the duty of third parties to intervene every time democracy is threatened and the rights of individuals and peoples are violated.

As things stand, even if there were a negotiated settlement reconciling the Government in Kinshasa with the Rwandan and Ugandan governments, the problem of the legitimacy of all three régimes would remain.

Therefore, the future of the DRC will depend on its capacity to build a democratic State which will successfully fulfil its strategic geographical role at the heart of Africa while respecting the rights of individuals, citizens and other peoples.

#### **CONCLUSIONS AND RECOMMENDATIONS**

Between 17 May 1997, when President Kabila came to power, and the outbreak of the rebellion in early August 1998, the state of human rights and fundamental freedoms in the Democratic Republic of the Congo was still a cause for concern. Not only were political parties suspended and some of their leaders thrown in prison and human rights organizations threatened but also, and above all, the Government of the DRC failed to show any real desire to prosecute the perpetrators of certain widespread, blatant and systematic violations of human rights committed on its territory.

The current war between the Government of the DRC and the rebel troops led by the Congolese Rally for Democracy has aggravated the human rights situation. The war involves not only internal Congolese forces but also Ugandan and Rwandan armed forces who have joined the rebel side to overthrow the Kabila Government and hence, it is claimed, to protect their frontiers and the endangered Tutsi minority.

During the conflict, Government forces have carried out summary executions, arbitrary arrests and other acts liable to trouble people's consciences, but the rebels for their part have resorted to the physical elimination or inhuman treatment of civilian populations attempting to resist them, the extortion of private and public property in various forms, corruption, favouritism and looting of public funds and property, thus adding to the people's destitution.

It is because of its alarm at this continuing deterioration of the human rights situation and upsurge of violence which are inexorably dragging the Democratic Republic of the Congo to the brink of chaos and are liable to inflame not only the Great Lakes region but also the whole of Central Africa, and because it is anxious for the rule of law to be established in the DRC, that the Lotus Group makes the following recommendations:

**To the Congolese Government:**

- to agree to negotiate with all the conflicting parties and to convene, as soon as possible, a political round table meeting to examine and establish the procedure for this negotiation but also to rekindle the democratic process and promote national reconciliation;
- to make protection of and respect for human rights one of the Government's priorities with a view to establishing the rule of law in the DRC;
- to take legislative and social steps for the establishment of an independent, impartial judiciary;
- to pursue an open and active co-operation policy with national and international human rights organizations working to prevent, investigate and punish human rights violations and with humanitarian aid organizations wishing to help the people of Congo;
- to devise a realistic and effective strategy to prevent the unchecked distribution and trafficking of arms in the country.

**To the rebel authorities:**

- to halt their advance and negotiate with the Government of the DRC;
- to protect civilians and all victims of the armed conflict in accordance with international humanitarian law and national legislation;
- to improve the social and economic situation of the people under their control by opening up new channels for the supply of raw materials and manufactured goods;
- to co-operate with international organizations to remedy the current emergency situation in Kisangani;
- to ensure that the territorial integrity of the DRC and its national heritage are protected.

**To Congolese civil society:**

- to encourage all the warring parties to negotiate to avoid a military victory which might rule out any hope of national reconciliation;
- to encourage all the warring parties to respect human rights, international humanitarian law, territorial integrity and the national heritage;
- to provide the necessary assistance to victims of human rights violations;
- to perform its duty to remember and testify to all the acts of oppression and violations committed by the warring parties.

**To the international community:**

- to bring all the conflicting parties to the negotiating table to end a war which is costing an enormous amount, both financially and in terms of human lives;

- to hold the warring parties accountable for the deterioration of the human rights situation in the DRC;
- to ensure that the compromises negotiated at the summits held thus far with a view to settling the Congolese conflict are observed;
- to provide humanitarian aid to the Congolese people with the help of non-governmental food and health organizations;
- to ensure that the DRC's territorial integrity is respected;
- to call an international conference to resolve the thorny question of security in the Great Lakes region.

Gilbert Kalinde ABELI,  
Secretary.

Done in Kisangani, 15 October 1998  
Dismas Kitenge SENGA,  
Chair.

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## **APPENDIX 1**

Full text of Constitutional Decree No. 3 of 27 May 1997 on the organization and exercise of power in the Democratic Republic of the Congo.

The President of the Republic,

Having regard to the seizure of power by the Alliance of Democratic Forces for the Liberation of Congo (AFDL) on 17 May 1997;

Having regard to the need for emergency measures;

Decrees the following:

### **Part I — General provisions**

Art. 1. Until the Transitional Constitution is adopted by the Constituent Assembly, the organization and exercise of power shall be governed by the present Constitutional Decree.

Art. 2. In the Democratic Republic of the Congo, the exercise of individual and collective rights and freedoms shall be guaranteed subject to respect for the law, public order and morality.

### **Part II — The institutions of the Republic**

Art. 3. The institutions of the Republic are:

1. The President of the Republic;
2. The Government;
3. The courts.

#### **Section I — The President of the Republic**

Art. 4. The President of the Republic is the Head of State. He represents the nation.

Art. 5. The President of the Republic shall exercise legislative power by issuing legislative decrees discussed with the cabinet. He is the head of the executive and the armed forces. He shall exercise his power to make regulations by issuing decrees. He is entitled to strike coins and issue paper money in accordance with the law.

Art. 6. The President of the Republic shall appoint, relieve of their duties and, where appropriate, dismiss on the proposal of the Government: ambassadors and special envoys, governors and vice-governors of provinces, senior officers and generals of the army, executive officers in the management of public services, and acting and non-acting administrators of State enterprises and public bodies. He shall appoint, relieve of their duties and, where appropriate, dismiss on the proposal of the judicial service commission, judges and public prosecutors.

Art. 7. The President of the Republic shall accredit ambassadors and special envoys to foreign States and international organizations. Foreign ambassadors and special envoys shall be accredited to the President.

## **Section II — The Government**

Art. 8. The Government shall carry out the national policy laid down by the President of the Republic. It shall execute the laws of the Republic and the decrees of the head of State. It shall negotiate international agreements under the authority of the head of State. It has the civil service and the army at its disposal.

Art. 9. The Government shall meet in a cabinet meeting presided over by the head of State or one of its own members with delegated powers.

Art. 10. Ministers shall be accountable for the management of their ministries to the President of the Republic. They shall enact laws by means of orders.

## **Section III — The courts**

Art. 11. The courts form the judiciary. The judiciary shall be independent from the legislative and the executive.

Art. 12. The task of hearing and determining cases shall be assigned to the courts. Judges shall be independent in the discharge of these functions and, in so doing, shall be subject only to the authority of the law.

## **Chapter III — Final provisions**

Art. 13. Provided that they are not at variance with the provisions of the present constitutional decree, statutes and regulations existing prior to the date of its promulgation shall remain in force until such time as they are repealed.

Art. 14. All former constitutional, statutory or regulatory provisions at variance with the present constitutional decree are hereby repealed.

Art. 15. The present constitutional decree shall come into force on the date of its promulgation.

Done in Kinshasa on 28 May 1998

Laurent-Désiré KABILA,  
President of the Republic.

## APPENDIX 2

### Chronology of events in Kisangani

August 1998

#### 4-6 August

- Fighting between Congolese soldiers and Rwandan and Congolese Tutsis at Bangboka airport, the *Canon* roundabout and military headquarters.
- Incorporation of former FAZ soldiers re-educated at Base Camp (11 km from the town centre on the road to the airport) into the Congolese Armed Forces.
- Summary executions and murders.

#### 10 August

- Civilian march to express anger against Rwandan aggression against the DRC (about 3,000 participants).

#### 7 to 23 August

- Curfew throughout the city every day from 7 p.m. to 6 a.m.
- Distribution of weapons to young Mai-Mai soldiers based at H site (a half-built General Hospital building) and the former Mangobo orphanage.
- Rwandans and their “Congolese accomplices” arrested and detained at military headquarters, the National Intelligence Agency and the former lockup of the Mangobo BSRS; some are transferred to the Congo-SEP warehouse (about 7 km along the road to Yangambi).

**23 August** — The city is taken over by the rebels.

#### 26 and 27 August

- Demonstrations (in the form of marches) in a number of the city’s districts (Tshopo, Mangobo and Kabondo) provoked by the rebel soldiers’ attempt to commandeer a car belonging to the priests of the church of the sacred heart in Tshopo.
- Six rebel soldiers are killed.
- Revenge attacks by the rebel soldiers on the civilian population (1 death in Tshopo, 5 in Kabondo, and 2 in Mangobo).

**29 August:** Arrival of the rebels’ political delegation led by Mr. Joseph Mudumbi, the RCD’s officer for internal affairs and administration.

September 1998

**26 September**

- Meeting between the RCD leader, Mr. Lunda Bululu, and the inhabitants of Kisangani.
  - Appointment and presentation of the Governor of Orientale province (Prof. L. Bene Kabala), his Vice-Governor (Adèle Lotshove) and the new mayor of Kisangani (Mr. Gabriel Boondo Lotika) to replace the former authorities who had fled.
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**ANNEX 4.16**

**Organization of African Unity, Council of Ministers, Seventieth Ordinary Session,  
*Report of the Secretary-General on the situation in the DRC, 6-10 July 1999***

**ANNEXE MRDC 49**

**Report of the Secretary-General on the situation in the  
Democratic Republic of Congo**

**6-10 juillet 1999**

ORGANIZATION OF  
AFRICAN UNITY  
ORGANIZAÇÃO DA  
UNIDADE AFRICANA



ORGANISATION DE  
L'UNITE AFRICAINE

منظمة الوحدة الافريقية

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Addis Ababa - Ethiopia - Box 3243 Tel. 51 77 00 Tele: 20046 Fax (251-1) 51 30 36

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COUNCIL OF MINISTERS  
Seventieth Ordinary Session/  
Fifth Ordinary Session of the AEC  
6 - 10 July, 1999  
Algiers, Algeria

CM/2099 (LXX) - d  
Original: English

REPORT OF THE SECRETARY-GENERAL ON THE  
SITUATION IN THE DEMOCRATIC  
REPUBLIC OF CONGO

REPORT OF THE SECRETARY GENERAL ON THE  
SITUATION IN THE DEMOCRATIC REPUBLIC  
OF THE CONGO

1. The Conflict in the Democratic Republic of the Congo (DRC) has continued to be a major source of concern to the OAU, SADC, the UN and all the countries of the Region. As I had indicated in my Report to the Sixty-ninth Ordinary Session of Council, the conflict in DRC has continued to pre-occupy my attention as it has continued to pose a serious threat to peace, security and stability in the Region. The conflict has resulted in a massive exodus of refugees and displacement of people. Consequently, it has caused a major humanitarian crisis in the DRC and the Great Lakes Region as a whole.

I. EFFORTS TO CONTAIN THE CRISIS

2. As Council is aware, since August 2, the Democratic Republic of Congo (DRC) has been plunged into a second round of armed conflict with grave implications for peace and security in the East, Central and Southern African regions of the Continent. This concern is, particularly real in the Great Lakes Region.

3. I should like to report that since the outbreak of this latest conflict in the DRC, several efforts have been deployed in the search for a peaceful resolution. Indeed, African leaders have collectively and individually, devoted considerable efforts and time to bring this conflict to an end. The OAU has also been actively seized with the conflict. In this regard, the OAU, in collaboration with countries of the region and the United Nations, has continued to deploy efforts aimed at securing a Ceasefire Agreement, addressing humanitarian concerns and restoring peace in the DRC. On my part, I have always insisted that whatever initiatives that are taken with respect to finding a durable solution to the crisis in the DRC should be in support of the Lusaka Peace Process facilitated principally by President Frederick Chiluba. In this regard, I am encouraged by the fact that all initiatives that have been taken over the past few months outside the SADC Region, by individual countries or groups of leaders, have recognized the central and significant role of the Lusaka Peace Process.



i. REGIONAL AND SUB-REGIONAL INITIATIVES  
ON DRC

4. Council will recall that immediately following the eruption of the second round of armed conflict in the DRC, the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, was convened at Ambassadorial level and other Plenipotentiaries, on 17 August 1998 to deliberate on the crisis in the DRC. At the end of the deliberations, the Central Organ clearly articulated its support to the government of the Democratic Republic of the Congo and OAU's commitment to the unity, cohesion and respect of the sovereignty and territorial integrity of the DRC. Subsequently, several other initiatives were undertaken by the countries of the region. These include the First Victoria Falls Summit, 7 - 8 August 1998; the Pretoria Summit, 23 August 1998; the Durban Consultations which took place between 1 - 3 September 1998, on the margins of the Non-Aligned Summit and the Second Victoria Falls Summit, 7 - 8 September 1998. Furthermore, there was also the Meeting of Ministers of Defence and other Officials of Countries Participating in the Victoria Falls II Summit, 10 - 11 September 1998 in Addis Ababa. This particular meeting adopted a text on a Draft Ceasefire Agreement, a Mechanism for the establishment of an OAU Observer Mission and the mounting of a UN Peacekeeping Operation together with "Proposed Modalities", as well as a series of "Recommendations" to be made to the Heads of State and Government of the participating countries.

*Mr. Uric.*

5. These meetings were followed by the SADC Summit (Port Louis 12 - 14 September); the Libreville Summit of 24 September 1998, the New York Consultations in September - October 1998; the East African Cooperation Consultative Summit held in Nairobi on 18 October 1998; the Lusaka Meeting of 26 - 27 October 1998; the Meeting of the Ad-Hoc Committee of Ministers held in Gaborone on 20 - 21 November 1998; and the France-Africa Conference held in Paris, France, 26 - 28 November 1998.

6. The situation in the DRC was also on the Agenda of the Fourth Ordinary Session of the Central Organ, at the level of Heads of State and Government, held in Ouagadougou, 17 - 18 December 1998.

7. The Ouagadougou Central Organ Summit reaffirmed its support to the Government of the DRC as well as the commitment of the OAU to the respect for

the sovereignty, unity and territorial integrity of the DRC in accordance with the provisions of the OAU Charter and, in particular, Resolution AHG/Res. 16 (I) adopted in Cairo in 1964. It also supported the efforts by President Chiluba and other leaders in the region aimed at finding a peaceful solution to the crisis and securing a Ceasefire agreement among the concerned parties.

1999 -  
8. Other Sub-Regional Meetings include the Meetings of the Ad-Hoc Committees, held in Lusaka, Zambia from 1 - 10 February 1999. the Committee on the Modalities for the Implementation of the Ceasefire Agreement in the DRC; the Committee on the Security concerns of the DRC and the Neighbouring countries; and the Lusaka Consultations held from 19 - 20 February 1999.

9. Significantly, following wide consultations by all concerned, the rebels directly participated for the first time in the second meeting of the Committee on Modalities for the Implementation of the Ceasefire Agreement held in Lusaka, Zambia from 16 - 17 April 1999. During the opening session, the delegation of the rebels thanked the Zambian Government, the OAU, the UN and SADC for their tireless efforts to bring peace to the Congo. Further, the delegation expressed its desire to negotiate directly with the DRC government and to involve itself in all efforts to bring about a peaceful solution to the crisis in the Congo.

10. The delegation of CRD withdrew from the meeting when their request to instantly engage in direct talks with the DRC at that particular meeting was rejected. The Chairman of the meeting had informed the CRD delegation that the meeting was only mandated by the Regional Meeting of Ministers of Foreign Affairs and Defence to discuss the agenda, on the finalization of the Modalities for implementing the Ceasefire Agreement, and not to facilitate the holding of direct talks between the DRC and CRD within its present Agenda. Moreover, the DRC delegation had declared that at that particular moment, it did not have the mandate to hold direct talks with the CRD delegation.

11. Going by recent developments, it would appear that serious differences have emerged within the ranks of the main rebel Movement in the DRC, The Congolese Rally for Democracy. At the time of preparing this Report, two factions had emerged, with both sides claiming to speak for the CRD. One of the factions based in Kisangani, is led by Prof. Ernest Wamba dia Wamba, while the other faction based in Goma, is led by Dr Emile Ilunga.

12. The situation continues to evolve even as this report was being finalized.

ii. OTHER INITIATIVES TO CONTAIN THE  
CRISIS IN THE DRC

a. Summit of Regional Leaders on the Situation in the DRC,  
Windhoek, Namibia, 18 January 1999

13. Among the major initiatives undertaken in the past few months was the Summit of regional leaders on the situation in the DRC, convened by H.E. Dr Sam Nujoma, President of the Republic of Namibia, at the request of H.E. Yoweri Museveni, President of the Republic of Uganda. The Summit brought together in Windhoek, on 18 January 1999, the above-mentioned Presidents as well as the following Presidents and personalities : H.E. Mr Robert Mugabe, President of the Republic of Zimbabwe, H.E. Mr Pasteur Bizimungu, President of the Republic of Rwanda, General Pedro Sebastiao, Minister of National Defence of Angola, and Dr Kaire Mbuende, Executive Secretary of SADC.

14. The purpose of the Summit was to create the atmosphere for greater consultations among the countries directly involved in the conflict in the DRC in order to clarify some particular points in preparation for the Summit of leaders of the region, scheduled to be held in Lusaka with a view to speeding up the process leading to the signing of the Ceasefire Agreement. The Summit issued a Communiqué expressing its satisfaction at the significant progress made towards ensuring a better understanding among the countries involved in the DRC. It expressed the hope that such an understanding would significantly contribute towards an immediate signing of a Ceasefire Agreement.

15. I have been given a comprehensive briefing on the exchange which took place in Windhoek and I am encouraged by the fact that the Summit addressed critical issues such as the important question of the involvement of the rebels in the negotiations, the signing of a Ceasefire Agreement, addressing the security concerns of the DRC and its neighbours, the deployment of a peacekeeping force, and the withdrawal of foreign troops from the DRC.

b. The Sirte mini - Summit

16. As part of the continuing efforts aimed at finding a lasting solution to the DRC crisis, Col. Mummar El Gaddafi, Leader of the Great El-Fateh Revolution, of the Libyan Arab Jamahiriya, convened a mini-Summit in Sirte, from 17 - 18 April 1999, to discuss the situation in the DRC. The mini-Summit which was attended by President Yoweri Museveni of Uganda, President Idris Deby of Chad, President Isaias Afewerki of Eritrea and President Laurent Desire Kabila of the Democratic Republic of Congo resulted in the signing of a Peace Agreement on the DRC. The leaders reaffirmed that the Sirte Peace Agreement is linked to the Lusaka Peace Process and that it was a declaration of commitment to the on-going regional peace process under the facilitation of President Chiluba.

17. The signatories of the Sirte Peace Agreement agreed on the following :

- Affirm the security and integrity of the political borders of all States;
- Immediate cessation of hostilities to pave the way for dialogue and peaceful solution;
- Deployment of neutral African Peacekeeping Forces in the area where there are troops of Uganda, Rwanda and Burundi inside the DRC;
- Withdrawal of Ugandan and Rwandan troops will be timed with the arrival of the African Peace Forces;
- The signatories to this Agreement condemn all acts of violence and mass murder, and affirm the need to chase the killers, punish and disarm them;
- Encourage DRC to initiate a national dialogue for all parties;
- Withdrawal of all foreign forces present in the DRC as soon as peace agreement is reached;
- All parties pledge to refrain from taking actions to overthrow the regime in the DRC;
- Respect the principle of non-interference in the internal affairs of countries;
- Stress the continuity of the leading role of the brother leader as peace coordinator in the Great Lakes Region, in creating the climate and mechanism and to liaise with President Chiluba and to accelerate the process of peace.

18. A second Summit was also held in Sirte, from 14 - 15 May, 1999, with the intention of facilitating the Peace Process in the DRC. Participating in that Summit which was convened at the invitation of the leader of the Great Libyan Arab Jamahiriya, were : the Current Chairman of the OAU, President Blaise Campaore, the President of the Republic of Tchad, Mr Idris Deby, President Ange Felix Patasse of the Central African Republic, President Isaias Afeworki of the State of Eritrea, President Laurent Desire Kabila of the Democratic Republic of Congo, President Yaya Jammeh of the Republic of Gambia: Vice President Paul Kagame of the Republic of Rwanda and Mr Mustapha Niasse, the Special Envoy of the UN Secretary General to the Great Lakes Region. Mwalimu Julius Nyerere and Mr Ahmed Ben Bella were also present during the Summit.

19. According to the press release issued following the meeting, an agreement was concluded on :

- The support and confirmation of Sirte Peace Agreement;
- Re-affirming the Ceasefire Agreement between the belligerent parts in the region;
- The Government of the Republic of Congo agreed to enter into direct dialogue with all the opposing parties;
- The convening of a meeting of the foreign ministers of the concerned countries in Lusaka with the participation of all the conflicting parties in the Democratic Republic of Congo;
- The convening of a regional summit to determine the final solution to the conflict in the region.

20. I wish to acknowledge the fact that I have been briefed by the Libyan leader on his efforts and the outcome of the two rounds of discussions in Sirte, involving some of the key actors in the DRC problem. I was encouraged by those discussions.

21. Following the Sirte Agreement, it has been reported that most of the troops sent by the Republic of Chad in 1998, to support the Government of President Laurent Desire Kabila of the DRC, have been withdrawn from that country. According to those reports, the bulk of the contingent had arrived in Sahr, south-western Chad by 31 May 1999, while the rest were expected to return from Bangui, Central African republic, where they had transited.

22. At about the same time also, it was reported that Uganda had pulled its men and equipment out of Goma, to the Kisangani area.

c. The Dodoma and Dar-es-Salaam Mini-Summits

23. At the invitation of President Benjamin Mkapa of Tanzania, Presidents Yoweri Museveni of Uganda and Bizimungu of Rwanda met for a two-day consultative session in Dodoma, Tanzania from 4 - 5 May, 1999. The Dodoma Summit reviewed developments on the ongoing conflict in the DRC and focused on the way forward towards achieving a peaceful solution to the conflict within the framework of the SADC Lusaka Peace initiative and process. In this regard, the Summit took note of the Sirte Peace Agreement as a contribution to the Lusaka Peace Process.

24. The Summit also reaffirmed the need for peace, unity, reconciliation and reconstruction in the DRC, as well as an all-inclusive national dialogue of the stakeholders, to discuss and determine the new political dispensation in the country. In this regard, the Summit welcomed President Kabila's expressed readiness to hold direct talks with the rebels.

25. The Dodoma Summit was followed by another round of consultations at Summit level in Dar-es-Salaam from 12 - 13 May 1999, involving Presidents Mkapa, Chiluba and Chissano, as well as the former President of Tanzania, Mwalimu Julius Nyerere.

26. A third Summit on the DRC also took place in Dar-es-Salaam on 1 June 1999. Presidents Museveni of Uganda, Mkapa of Tanzania and Bizimungu of Rwanda were in attendance. So also was Major-General Paul Kagame, Vice President and Minister of Defence of Rwanda. The Summit deliberated on the way forward towards realizing a peaceful solution to the conflict in the Democratic Republic of Congo and agreed on the urgent need to restore peace in the country to enable the people of that country to pursue developmental activities. Following their deliberations, the leaders welcomed the commitment made by the DRC and Uganda towards achieving a peaceful solution to the conflict. They also re-affirmed the need for a peaceful solution to the conflict in the DRC. In this regard, they welcomed the unilateral cessation of hostilities declared by the government of Rwanda, intended to enhance the chances of a

negotiated and comprehensive Ceasefire Agreement, within the context of the Lusaka Peace Process.

27. Mention should also be made of the consultations undertaken by several other leaders of the Region, aimed at giving momentum to the peace process in the DRC. These consultations have involved on different occasions, Presidents Nelson Mandela of South Africa, Robert Mugabe of Zimbabwe, Sam Nujoma of Namibia, Jose Eduardo Dos Santos of Angola and Omar Bongo of Gabon, as well as others outside the Region.

28. Apart from these efforts by the leaders of Africa and their Organizations, the conflict in the DRC has also been the focus of attention at the level of the United Nations and especially, the Security Council.

29. Among other Decisions taken by the UN Security Council, was Resolution 1234 (1999) adopted at the 3993<sup>rd</sup> meeting Session of the Council on 9 April 1999, which inter-alia, deplored the continuing fighting and the presence of forces of foreign States in the DRC in a manner inconsistent with the principles of the Charter of the United Nations, and calls upon those States to bring to an end the presence of these uninvited forces and to take immediate steps to that end. Additionally, the Resolution called for the immediate signing of a Ceasefire Agreement, that would pave the way for the withdrawal of foreign forces, the re-establishment of the authority of the government of the DRC throughout its territory, the disarmament of non-governmental armed forces in the DRC. Additionally, the Resolution stressed the fact that in the context of finding a lasting and peaceful settlement to the conflict, there is need for an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding of an early date, of a democratic, free and fair elections, and for the provision of arrangements for security along the relevant international borders of the DRC.

30. It is also pertinent to point out that the Security Council in the Resolution under reference, welcomed the intention of the Government of the DRC to hold an all-inclusive national debate, as a precursor to elections, and encouraged further progress in that respect.

31. It should be recalled that prior to the adoption of the Security Council Resolution 1234/1999, the Secretary General of the United Nations, had on April

5, 1999, announced the appointment of Mr Moustapha Niasse, the former Foreign Minister of Senegal, as his Special Envoy to advance the search for an end to the civil war in the Democratic Republic of Congo. Following his appointment, Mr Niasse travelled to the OAU Headquarters in Addis Ababa on his first mission, during which visit we consulted extensively on how the OAU and the UN should coordinate their efforts on the DRC.

32. Subsequently, Mr Niasse travelled extensively in the Region and elsewhere, to consult with the leaders on the conflict in the DRC and the efforts to resolve it. Needless to say, we shall continue to work closely with the Special Envoy and the UN as a whole, to consolidate our efforts.

33. Apart from the United Nations, mention must also be made of the efforts by several non-African powers, individually or collectively, as in the case of the European Union, to facilitate a resolution of the crisis. In this context, it is worth noting the efforts of the Special Envoys of the European Union and the United States of America, who have been active in the Region.

## II. MY WORKING VISIT TO THE DRC

34. As part of efforts aimed at consolidating the Peace Process in the DRC, I undertook a working visit to the DRC, from 31 March to 2 April, 1999, at the invitation of the Government of that country. The visit provided me with an opportunity to consult with President Kabila and other high ranking Government officials of the Democratic Republic of Congo and to review the situation prevailing in the DRC.

35. During my visit, President Kabila informed me that as part of his initiative to promote national reconciliation within the DRC, there were plans to convene a National Debate that will be open to all Congolese, including those who were within the country, those on voluntary exile and those who have taken up arms to oppose the legitimate government of the DRC. According to the President, the objective of the proposed National Debate was to enable those who do not agree with the government of the DRC to discuss the situation in the country and to express their views on how to take the country forward in the process of reconciliation and reconstruction of the DRC. In this regard, he stated that the Agenda for the Debate would be a subject of further consultations with all the concerned parties and will focus on the following issues:



- The mode or process of acceding to power in the DRC;
- Consideration of the Draft Constitution prepared by "non-partisan Experts" with the participation and inputs from officials of the Ministry of Justice. Already, copies of the Draft Constitution have been distributed widely to NGOs, civil society groups, political parties, clergy and moral authorities, in order to obtain their reaction and inputs before the finalization of the document;
- Plans for the full democratization of the country which process was curtailed by the externally imposed war;
- Discussion and formulation of laws on the establishment of national political parties.

36. The President also informed me that the proposed national Debate was in fulfillment of the pledge by the government of the DRC, to fully democratize the country. The President also referred to the demands by a section of the opposition for the convening of a Round table instead of the proposed National Debate. According to him, the government of the DRC is of the view that a Round Table as demanded by the opposition, would only serve to undermine the legitimacy of the government of the DRC and its institutions. Moreover, he was convinced that such a Round Table would serve the interest of only a small clique in the DRC and would therefore be undemocratic. Such an approach according to the President, is inconsistent with the actions of the Congolese people who chased away the old leadership in the Congo. The government of the DRC is therefore determined to ensure that the supreme will of the people must prevail in the country. President Kabila was emphatic in his view that the people of the DRC do not want a Round Table. They want a broad-based National Debate and this desire has been evidenced in the views being expressed by many ordinary Congolese on the streets, in the media and in different fora. President Kabila appealed to the OAU to help the Congolese people and their government to succeed with the National Debate as a means of resolving the contradictions in the country.

37. In this regard, President Kabila also informed me that the DRC government has requested La Francophonie to help it with the organisation of the National Debate. He recalled that Dr Boutros Boutros Ghali, the Secretary General of La Francophonie, had previously sent a delegation to the DRC. According to him, the government has also approached Saint Egidio in Rome and the Mission had

agreed to convene the National Debate in Rome. The Italian government had also undertaken to consult with the European Union to facilitate the convening of the Conference in Rome. France had also offered to help.

38. In my response, I recalled the fact that right from the inception of the crisis in the DRC, the OAU had emphasized the core principles which are at stake in that crisis. These include the following position which was taken by the Central Organ of the OAU :

- respect for the unity, territorial integrity and sovereignty of the DRC;
- opposition to external intervention in the DRC and support for the legitimate government of President Kabila;
- condemnation of the recourse to armed rebellion to settle political disputes and differences .

39. On the proposed National Debate, I informed the President that the initiative was a sound one and that it is consistent with the decisions of the OAU, SADC and other Regional Summits which had always stressed the need for dialogue in order to broaden the political space in the DRC. I urged the President to ensure that the National Debate is well prepared and that he should continue to show flexibility by allowing all the political forces in the country to participate in the Debate. I also informed him that the proposed Agenda for the National Debate appeared to be quite comprehensive. I made the point that in finalizing the preparations for the Debate, especially its Agenda, the Organizers should be open to other ideas, proposals and suggestions. Furthermore, I stressed the importance of ensuring that the whole exercise is conducted in a transparent manner, which transparency should be visible at all stages of the process.

40. On the venue for the proposed Debate, I told the President that from a political, psychological and moral standpoint, the OAU would prefer the convening of the debate within Africa. I underscored the point that if for reasons which are understandable the debate cannot take place in Kinshasa, it should be possible to find an African country where the National Debate can take place. However, I assured the President that the OAU will not make this a precondition for its support. The OAU position is to help and not to create more

complications and obstacles. therefore, whatever is the final choice of the Congolese people decided in a transparent manner, will be respected by the OAU.

41. On the issue of sponsorship of the National Debate by the OAU, I also informed the President that I did not envisage any problems for the Central Organ to support the idea, once there is clarity on the preparations and consultations that are being made for the Debate.

42. On the Lusaka Process. I stressed the point that the OAU remains of the view that while the initiative on the National Debate is important, the process which is to lead to a Ceasefire in the DRC is also particularly crucial. This position is informed by the fact that unless the war is brought to an end in the DRC, not much will be realized on the political and economic fronts. I drew the President's attention to the fact that President Chiluba had informed me that he, President Kabila, had agreed to the participation of the rebels at the Technical Working Group Meetings in Lusaka, aimed at achieving a Ceasefire in the current fighting in the DRC. I welcomed this development. I stressed that parallel to the preparations for the National Debate, the efforts to end the war should be intensified because the two processes are not mutually exclusive but in many ways than one, mutually reinforcing.

43. My visit to the DRC and especially my meeting with President Kabila, afforded us an opportunity to express the commitment of the OAU to continue to encourage and facilitate dialogue between the people of the DRC in all respects.

44. The decision by the government of the DRC to initiate a process of National Debate on the future of the country, needs and merits the support of the OAU. However, a lot more requires to be done to prepare for the Debate. In particular, there is a strong need for the broadest consultation to be undertaken in order to build a national consensus for dialogue. Such consultations should also assist in determining such issues as the Agenda and Format of the Debate, criteria for participation and rules governing its conduct. There is also need for broad-based participation and more clarity on the objectives and anticipated outcome of the Debate.

45. With respect to the venue of the proposed Debate and as I informed the Central Organ at Ambassadorial level on Thursday, 8 April 1999, the government

of Kenya has offered to host the Debate on the future of the DRC. This is an important development for which the Government of Kenya should be commended. However, beyond the commendation, there is need for OAU Member States and the wider International Community to extend financial, material and technical support to ensure the success of the National Debate.

46. Finally, in my view, the proposed National Debate and the Lusaka Process aimed at achieving a Ceasefire in the current fighting are complementary and both processes should be encouraged. The Lusaka Process is critical for the attainment of peace in the DRC. The National Debate is important within the context of broadening the political space and allowing all Congolese of different political persuasions and backgrounds, to dialogue on their future.

### III. CONCLUSION

47. Clearly, the war in the Democratic Republic of Congo continues to cause havoc and destruction, as well as instability in that country and the Region as a whole. It is a war that has caused considerable pain to all Africans and even people outside the Continent. As is evident from this Report, considerable efforts have been deployed by many African leaders, by the OAU, SADC, the UN and the wider International Community.

48. While no evident breakthrough has yet been achieved as a result of these efforts, it is important to underscore the significant developments that have taken place since the last Session of the Council of Ministers in March 1999 in Addis Ababa, Ethiopia.

49. Such developments include the initiative by President Kabila to convene a National Debate. This Decision marks an important step forward in the overall attempt to achieve a national consensus on how to achieve national reconciliation and reconstruction in the DRC. Additionally, the initiative is consistent with the need to broaden the political space in the Democratic Republic of Congo, which has been the demand of the Region and of the OAU, right from the inception of the conflict.

50. Another significant development in the DRC peace process, is the emerging disposition to have the rebels participate in the negotiations that would pave the way for the signing of a Ceasefire Agreement to end the fighting and prepare the

ground for a new political dispensation in the DRC. This is indeed an important development, not the least because efforts to secure an end to the fighting, must of necessity, involve all those who are currently engaged in actual fighting on the ground.

51. The unilateral declaration of a cessation of hostilities by Rwanda, is also an important development which must be encouraged and sustained. It is equally important to acknowledge and commend the commitment demonstrated by the governments of the DRC, and Uganda towards achieving a peaceful solution to the on-going war in the DRC. Undoubtedly, the situation is evolving positively and the OAU must continue to support all these emerging trends, which give hope for a peaceful resolution of the conflict in the DRC.

52. In this regard, the ongoing efforts by President Frederick Chiluba, supported by Presidents Chissano and Mkapa of Mozambique and Tanzania respectively, within the Framework of the Lusaka Process deserve the encouragement and support of Africa. So also do the efforts of the Leader of the Great Libyan Arab Jamahiriya. The commitment entered into by the Parties to the Sirte Agreement are significant and worthy of support. The idea of dialogue and the preparedness of the concerned Parties, to work for the achievement of a Ceasefire and a lasting solution to the conflict in the DRC should be welcomed and strongly supported. Such a development, represents an acknowledgement that the Lusaka Process is central to the efforts to end the war through the signing of a Ceasefire Agreement.

53. Against this background, the OAU should reaffirm its support for the efforts of President Chiluba and other African leaders, aimed at finding a peaceful solution to the crisis and securing a Ceasefire Agreement among the Parties to the conflict. Similarly, the other initiatives that have so far been taken by individual countries and groups, to complement the Lusaka Peace Process, should be welcomed. It is my hope that the tireless efforts deployed by President Chiluba and his colleagues will bear fruit and that peace will soon return to the DRC.

54. Beyond what has been documented in this Report, it is critical to ensure that all the efforts and initiatives that are being deployed to bring peace to the DRC, should be coordinated, harmonized and consolidated for maximum results. To achieve the above objective, the OAU will continue to cooperate very closely with President Chiluba, who is spearheading the regional initiative. This

particular initiative of the region continues to enjoy the broad support of the Parties to the conflict, as well as with the other leaders, who are complementing the Lusaka Peace Process.

55. On my part, I shall continue to follow closely the events in the Democratic Republic of Congo and to provide support to the on-going efforts aimed at achieving a Ceasefire and promoting the resumption of dialogue among all the stakeholders in the conflict in that country. In this connection, I should like to report that as of the time of finalizing this report, preparations were underway to convene a Summit of the countries of the Region in Lusaka in the course of June 1999, aimed at achieving and signing the Ceasefire Agreement. The OAU will spare no effort in working for the success of the proposed Summit.

**ANNEX 4.17**

**South Kivu Civil Society — Collective of South Kivu (DRC) Youth Organizations and Associations (COJESKI), *Events in the occupied provinces of the DRC — large-scale violations of human rights and international humanitarian law reaching fever pitch, Six-monthly report covering the period from 1 April to 30 September 1999, October 1999***

**South Kivu Civil Society — Collective of South Kivu (DRC) Youth Organizations and Associations (COJESKI), Events in the occupied provinces of the DRC — large-scale violations of human rights and international humanitarian law reaching fever pitch, Six-monthly report covering the period from 1 April to 30 September 1999, October 1999**

[Translation]

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## 0.0. GENERAL INTRODUCTION

The occupied provinces of the Democratic Republic of the Congo are still enduring the harmful consequences of disastrous and/or rapacious management of their human and material resources by the armed forces of Rwanda, Burundi and Uganda, who are now acknowledged by the international community to have invaded the Democratic Republic of the Congo.

From April to September 1999, large-scale violations of human rights and international humanitarian law reached fever pitch in this disaster-stricken part of the country.

This half-yearly report, which also describes the incidents reported, is the logical follow-up to the following reports published by the Collective of South Kivu Youth Organizations and Associations (COJESKI) since the invasion of the DRC on 2 August 1998:

1. Overview of large-scale human rights violations during the first three months of occupation in South Kivu, DRC (COJESKI report published on 20 November 1998);
2. Five months of invasion in the DRC: human rights in peril in the occupied provinces of eastern Congo. The case of Orientale province, South Kivu province and North Kivu province. (Report describing events between 2 August 1998 and 3 January 1999, published on 10 January 1999).
3. Human tragedy in Kivu, DRC. The apocalyptic human rights situation between 1 January and 31 March 1999. (Quarterly report published on 15 May 1999).
4. The role of Burundi in the large-scale human rights violations in Kivu, DRC. (Report submitted by three of COJESKI's human rights militants following eight months living under cover in Burundi, published on 27 August 1999).
5. No to the Balkanization, the abandonment and the protectorate of the Democratic Republic of the Congo (2nd COJESKI memorandum sent to the United Nations Secretary-General in New York and published on 18 September 1999).

Compendium of information on the Rwandan genocide of 1994 and its impact on the DRC over the following five years (encoded documents made public on 27 October 1999). Compendium produced in close co-operation with the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events (IPEP, OAU).

The present report relates solely to the occupied provinces of North Kivu, South Kivu, northern Katanga and Orientale province and hence covers the following main subject areas:

- infringements of the right to life and casual killing;
- arbitrary arrest, abduction and unlawful detention;
- cruel, inhuman and degrading treatment;
- widespread insecurity and police harassment;
- restrictions on freedom of expression;
- impunity and abuse of public office;
- incitement to tribal hatred;

- wilful destruction and extortion;
- murder and summary execution.

These problems clearly illustrate the tragic circumstances and the tyrannical conditions under which millions of Congolese inhabitants in the occupied provinces continue to pay the price of an unjust war. And all of this is happening under the complicitous gaze of the international community which is directly and implicitly responsible for the Balkanization and the current invasion of the DRC and all its present and future repercussions.

### **0.1. Overview of the humanitarian crisis in the occupied provinces of the DRC**

When finalizing the report of the CADDHOM (the Collective of Actions for Human Rights Development) published in August 1999, we observed that after one year of occupation and rebellion in Kivu the situation was catastrophic. Some 6,000 civilians had been massacred and/or murdered, more than 500 had disappeared, there were thousands of refugees and displaced persons, and hundreds of community leaders, human rights militants and priests had been forced into exile. Millions of dollars-worth of equipment and property had been looted or destroyed, thus condemning 10 million people to sickness, famine, destitution, and anguish, or, in short, death.

The international community (the United Nations, European Union and OAU) knows this. But it has made itself an accessory to the crimes against humanity being committed in Kivu through its allegiance to “Tutsiism” and centres of economic power which manipulate the truth so as to continue to be able to take advantage of the trafficking organized by the rebels and the occupying forces, thereby establishing a Mafia threatening peace throughout the Great Lakes region. It has tried tentatively to uphold respect for the Lusaka peace accords signed by the warring parties but has taken no practical action.

The result has been a hecatomb. Looting and stealing have destroyed the social and economic fabric and the environment, and mass murder, repression, summary executions and kidnapping have become the norm among the warlords who rule the DRC’s occupied provinces.

The administration of the population is based on terror, financial interests take precedence over the law and ethnic prejudice and major human rights violations have become the everyday lot of the people. Despite the advances of the occupiers and the rebels in the provinces of Kasai, Equateur and Katanga, they do not yet control the whole of Kivu; half the region remains in the hands of the Mai-Mai resistance and so Kivu is divided into two parts, each with its own leaders, laws and administration. Total confusion reigns.

On the social and economic front, most of the rural population now lives in the bush where they have fled to escape punishment from one side or the other. Having abandoned their villages and fields, they now have to contend with famine and illness and live like wild animals. Boys have all left school and enrolled in the rebel forces or the Mai-Mai resistance for their safety and survival. Girls are forced into prostitution from the age of 12 on. There are no more wages to be had. Shopkeepers are gradually becoming bankrupt. Bartering has become the norm and seasonal food shortages affect every corner of the occupied provinces. The people are now living in a situation of indescribable poverty.

Thus, the RCD’s war, instead of resolving social problems and the problems of ethnic coexistence, has widened the gap between the various ethnic groups more than ever, increasing the number of barriers and fostering suspicion, fear and hatred.

The fact that new flags were raised over Kivu on 30 June 1999, Congo-Kinshasa's independence day, appeared to bear out the native population's suspicions that Rwanda has expansionist aims in the Congo.

### **On the health front**

*The situation is terrible. There are practically no more medical or health centres and where they do exist, most have become no more than refuges for the dying in which pharmaceutical products are an unusual rarity. The population gets its supplies from travelling traders with no medical training who sell products which are often poorly preserved and come in unspecified doses carrying the risk of intoxication. Epidemiological monitoring services have ceased to exist. There has been an upsurge in certain illnesses including AIDS, cholera, bloody diarrhoea, meningitis, poliomyelitis, and all the other parasitic, endemic and malnutrition-related diseases. There are no more medicines for lepers and tuberculosis patients and some have had to interrupt their treatment for want of supplies. The only relief lies in traditional medicine and fetishism. The most vulnerable groups are the elderly, pregnant women, children and young people. The result is that the victims run into their thousands.*

### **On the political front**

The rebellion is unpopular. It has no support among the inhabitants of the occupied zones. It is riddled with internal strife. The security of people and their property, for which the rebels once claimed to be fighting have been forgotten. The rebels have no democratic values and no plans for the social and economic recovery of the occupied zones.

### **On the religious front**

Relations with the church, particularly the Roman Catholic church, can hardly be said to be set fair. Since the death of the Archbishop of Bukavu (DRC), Monsignor Christophe Munzinhirwa, SJ, on 29 October 1996, the list of clerics who have been killed has kept on growing. It includes 4 priests, 1 deacon, 3 nuns killed in Uvira, 3 others in Bukavu, 2 in Goma and 8 priests and 3 Rwandan nuns killed in Kalima (Kasongo/Maniema). 4 nuns have also been raped. Many churches have been desecrated and ransacked (including Kasika, Fizi, and Sange). Convents have been burgled and stripped of everything in the presence of their congregations. These incidents appear to herald a new persecution of the church. Many priests and ministers now live in exile or in hiding in their own country. Eastern DRC has become a powder-keg. It has become the battlefield of eight armies, a dozen militias and any number of secret armies. Human rights are suffering enormously on account of this. The social and economic fabric has been largely eaten away and moral and religious values tarnished. The people are at the mercy of the warring parties. And all of this is happening under the culpable eyes of the international community.

## **I. THE HUMAN RIGHTS SITUATION IN SOUTH KIVU PROVINCE**

### **I.1. Infringement of the DRC's sovereignty and integrity**

Negotiations were going well in Lusaka when, in Kivu, the RCD and Kigali hoisted new flags signalling the secession of the province. This was too much for the inhabitants to take. On 30 June 1999, under the auspices of COJESKI (the Collective of South Kivu Youth Organizations and Associations) a peaceful protest march was held in Bukavu ending with the destruction of all the flags by the crowd.

Kigali's actions are also a violation of the African Charter of Human and Peoples' Rights and even the UN Charter.

Without further ado, here is the entire text of the joint communiqué on the twinning and co-operation agreement between South Kivu province and the Prefecture of the city of Kigali which amounts to the annexation of South Kivu to Rwanda under another name.

### **I.1.1. Joint communiqué on the Twinning and co-operation agreement between South Kivu Province and the prefecture of the city of Kigali**

At the invitation of the administration of the Prefecture of the city of Kigali, represented by the prefect, Mr. Marc Kabandana, a delegation from South Kivu Province led by his excellency, Norbert Bazengezi Katintima, the governor of the province, conducted a working visit to Kigali from 21 to 24 August 1999.

The visit was in connection with the twinning and co-operation agreement between the two administrative bodies.

The meetings were held at the Hotel Windsor Umubano, opened by his excellency, Désiré Nyandwi, the Minister for Local Government Affairs of the Rwandan National Union government, and attended by Mrs. Constance Mukayuhi Rwaka, Secretary General of the Ministry of Foreign Affairs and Regional Co-operation.

The meeting was also attended by representatives of various administrative, social and economic institutions.

Over the four working days the participants discussed the following six key areas of activity:

- Economy, trade and industry;
- Transport and communication;
- Social and cultural matters;
- Agriculture, stock-breeding, fishing, tourism and the environment;
- Town planning and housing;
- Politics and security.

The opening ceremony was followed by a plenary session during which a working method was adopted.

Participants divided up the work according to their areas of expertise and appointed the various committees.

The following recommendations emerged from the work of the committees.

#### **1. In the area of the economy, trade and industry**

The two parties undertake to:

- simplify customs formalities;

- promote training and exchange;
- co-operate in the investigative activities of our customs authorities;
- exchange all necessary information to combat fraud, which only benefits individuals;
- harmonize customs rules;
- hold training seminars and colloquies to improve customs techniques;
- hold regular meetings between the customs authorities and the economic agents of the two entities;
- facilitate regular meetings between the customs authorities and economic agents of the two entities;
- support private or semi-public property companies carrying out development or construction projects.

#### **6. In the area of politics and security**

- provide the people with a general and political education;
- support the principle of regional co-operation;
- establish a standing joint security committee;
- foster good governance and take thorough measures against impunity;
- see to it that this twinning arrangement acts as a bridge between the two states;
- combat the mutual feeling of mistrust and suspicion by promoting joint training in the areas of policing, security, political management and the retraining of soldiers;
- hold seminars for administrative officials from South Kivu province and the Prefecture of the City of Kigali.

Done in Kigali on 24 August 1999

#### **I.1.2. Twinning and co-operation agreement between South Kivu Province and the Prefecture of the City of Kigali**

The Province of South Kivu, represented by its GOVERNOR;

*And:*

The Prefecture of the city of Kigali, represented by its PREFECT;

- Having regard to the historical links between the two peoples;
- Having regard to the proximity of the Province of South Kivu to the Rwandan Republic;
- Considering the need for complementarity between the two administrative entities;

- In view of the need for economic, social and cultural development;
- Wishing to preserve lasting security by means of sound policies;
- Bearing in mind the phenomena of sub-regional interdependence;
- Considering the freely expressed wishes of both parties;

HAVE AGREED TO THE FOLLOWING:

### **Article 1**

The Province of South Kivu and the Prefecture of the City of Kigali undertake to co-operate and facilitate direct meetings between their inhabitants to exchange views on the following matters:

1. The economy, trade and industry;
2. Transport and communication;
3. Social and cultural affairs;
4. Agriculture, stock-breeding, fishing, the environment and tourism;
5. Town planning and housing;
6. Politics and security.

#### **1. The economy, trade and industry**

- Revitalize industrial activities as far as we are able;
- Simplify customs procedures;
- Introduce a concerted policy to combat fraud;
- Increase co-operation between our two Chambers of Commerce;
- Breathe new life into the services sector.

#### **2. Transport and communication**

- Pool experiences;
- Encourage investment by the public and/or private sectors;
- Promote new communication technologies;
- Facilitate the use of existing infrastructure.

### **3. Social and cultural affairs**

- Pool information and share experiences;
- Foster the emergence of a spirit of peace, unity and reconciliation;
- Facilitate exchanges in the area of training, education and research;
- Collaborate in the area of preventive and curative health;
- Support the promotion, organization and dissemination of cultural and sporting activities;
- Foster the emergence of a responsible free press.

#### **Article 4**

This twinning and co-operation arrangement shall last for an unspecified period.

IN WITNESS WHEREOF, the duly authorized representatives have signed the present agreement.

There shall be two original copies of this agreement.

Done in Kigali on 24 August 1999.

**FOR THE PROVINCE OF SOUTH**

**KIVU**

**Norbert Basengezi Katintima**

**GOVERNOR**

**FOR THE PREFECTURE OF THE**

**CITY OF KIGALI**

**Marc Kabandana**

**PREFECT**

#### **I.1.3. Membership and report of the committee on town planning and housing**

The committee had 7 members:

- |    |                            |           |              |
|----|----------------------------|-----------|--------------|
| 1. | Thadée Mutware             | Chair     | (Rwanda)     |
| 2. | Ms Louise Mujijima         | Secretary | (Rwanda)     |
| 3. | Mushengezi Nyamuhama       |           | (South Kivu) |
| 4. | Jean-Pierre Babulimo Banga |           | (South Kivu) |
| 5. | Butera Bazimya             |           | (Rwanda)     |
| 6. | Léonard Sesonga            |           | (Rwanda)     |
| 7. | André Ijambao Sema         |           |              |
| 8. | Callixte Kanamugire        |           | (Rwanda)     |



In the context of the twinning arrangement the question of town planning was addressed from the three following angles:

1. The importance of town planning as a whole;
2. The current town-planning situation in Bukavu and Kigali;
3. Recommendations.

### **1. The importance of town planning as a whole;**

To ensure that the discussions started with everyone talking the same language, the committee began by defining town planning, which it described as a science, an art and a series of techniques which result in the appropriate management of the urban environment.

Town planning can be divided into three main projects:

- (i) devising land-use plans;
- (ii) development and implementation;
- (iii) management of available spaces.

### **2. The current town-planning situation in Bukavu and Kigali**

#### *(a)* Bukavu

Town-planning in Bukavu can be divided into three periods:

- The colonial period: Everything was planned, there were town-planning documents and urban management as a whole was good; in other words town-planning legislation was respected.
- The period of the Mobutu regime: Initially, good management practices continued. However in around 1975 anarchy began to set in, legislation relating to land use was no longer respected, government officials were no longer paid and the situation affected town-planning as well. For their own survival, town-planning officials began to hand out unallotted plots of land in exchange for commissions. A flight from the countryside gave rise to unplanned neighbourhoods in Bukavu.
- The present time: Between the war of 1996 and the present, the new authorities have merely been dealing with the consequences of the situation described above. To date, there have not been enough funds available to be able to remedy the urban planning mistakes of previous regimes.

#### *(b)* Kigali

Generally speaking, the town-planning situation in Kigali is practically the same as that in Bukavu (unplanned neighbourhoods, non-existent or inadequate social amenities such as roads, drinking water, electricity, drainage, etc.).

### **3. Recommendations**

- A national housing policy should be devised and implemented;
- Documentation centres should be set up enabling documentary information to be exchanged;
- An exchange programme should be established by means of:
  - training visits by municipal experts;
  - exchanges in the field of academic education;
  - exchanges of experts in the context of bilateral co-operation (land management and planning).
- The property market should be opened up to investors and businessmen;
- Spaces should be set aside for monuments and green spaces intended to improve relations between the two regions and works to be created symbolizing their history.

#### **I.1.4. Report of the committee on transport and communication**

The committee had five members:

1. Morisho Selemani	Chair of the Committee	(South Kivu)
2. Innocent Rwagasore	Secretary of the Committee	(Rwanda)
3. Mulonda Wilolwa	Member	(South Kivu)
4. Jean-Pierre Kayihura	Member	(Rwanda)
5. Maussen Irankunda	Member	(Rwanda)

The problems in this sector are linked to basic infrastructure and use.

### **I. Transport**

#### **(a) Land transport**

##### **Infrastructure**

The parties agree that there is a road between Kigali and Bukavu and that it is in good condition. There is also a national road from Kigali to Uvira (via the Ngomo escarpment) which is a dirt road but well maintained. Uvira can also be reached via Bugarama and Kamaniola.

South Kivu is in the process of repairing its regional roads and this will make it possible, in the framework of this twinning agreement, to link Kigali to the interior of South Kivu province. The two parties recommend harmonizing road building standards in respect of axle loads as well as exchanges between experts on the subject of repairs to infrastructure.

##### **Use**

The two parties noted that the road is used in one direction only and to a much greater extent in Rwanda (by private and public transport).

Unfortunately, transport usually stops in Cyangungu. As part of the twinning arrangement the parties hope that Rwandan routes will extend as far as South Kivu and that South Kivu will make similar efforts as far as Kigali. Regular meetings should be held between public and private road users' associations from Kigali and South Kivu.

**(b) Air transport**

**Infrastructure**

The committee noted that the airport facilities in Kigali comply with international standards. Kavumu airport in South Kivu is suitable for large aircraft but unfortunately it has no runway lights and practically no communications facilities. There are also airfields in each of South Kivu's territories which are accessible to light aircraft.

*[Translator's note: page missing]*

**1. Causes of insecurity**

The committee pinpointed the following major causes of insecurity:

- (a) Ignorance
- (b) Poverty
- (c) Injustice
- (d) Imperialism
- (e) Lack of unity, co-operation and regional disintegration
- (f) Bad governance and corruption

**2. Recommendations**

The committee made the following recommendations:

- (a) Provide people with a general and political education;
- (b) Encourage the principle of regional co-operation;
- (c) Set up a standing joint security committee;
- (d) Foster good governance and take thorough measures against impunity;
- (e) See to it that this twinning arrangement acts as a link between the two states;
- (f) Combat the mutual feeling of mistrust and suspicion by promoting joint training in the areas of policing, security, political management and the retraining of soldiers;
- (g) Hold seminars for administrative officials from South Kivu province and the Prefecture of the City of Kigali;

- (h) The people of South Kivu province and the city of Kigali call for the Lusaka cease-fire accords to be signed and call on the international community to remove all the obstacles to the signing of these accords.

#### **I.1.6. Committee on agriculture, stock-breeding, environment and tourism**

The committee had 10 members:

1. Isidore Gasarasi	Chair of the Committee	(Rwanda)
2. Dr. Asumani	Secretary of the Committee	(South Kivu)
3. Prof. Bitijula	Member	(South Kivu)
4. Dr. Octavien Ndakengerwa	Member	(Rwanda)
5. Anne-Marie Kantengwa	Member	(Rwanda)
6. Prosper Mary	Member	(Rwanda)
7. Augustin Muvunyi	Member	(Rwanda)
8. Eulalie Umutanguha	Member	(Rwanda)
9. Manzi Gatera	Member	(Rwanda)
10. Gervais Dusabemungu	Member	(Rwanda)

### **I. Tourism**

#### **(a) List of existing resources**

##### **City of Kigali**

- Intore dancing
- Hotels
- Airstrips
- Local breed of Ankore cattle (Nyambo)
- National Parks including Akagera and the Volcanoes Park
- Nyungwe Forest
- Works of art
- Others

##### **South Kivu**

- Kahuzi-Biega National Park
- Hotels
- Itombwe Forest Reserves — many animal and plant species

- Lake Kivu and its islands and islets
- Works of art
- Spas

**(b) Recommendations**

- Open zoological gardens and recreation parks and exchange attractions
- Create museums making use of tourist heritage
- Publish a pamphlet promoting specific sites
- Launch a joint project to establish a tourism and hotel management college or training centre.

**II. Environment**

- Exchange experiences in the conservation of protected animal or plant species
- Apply the same environmental management rules
- Devise joint strategies to combat disasters
- Devise joint strategies to manage waste water and solid waste disposal systems
- Exchange experiences with a view to setting up green spaces and amusement parks
- Pursue a joint nature conservation policy.

**(c) Agriculture and stock-breeding**

- Introduce a joint policy on the taxation of items entering into the production of agricultural goods
- Pool results and experiences in the area of agricultural and zootechnic research
- Share appropriate agricultural and zootechnic technologies including improved seeds, food processing techniques, and mushroom production
- Pool knowledge in the area of livestock farming in stables
- Set up a free trade zone for agricultural and pastoral products
- Make it easier to acquire improved and adapted genetic stocks
- Facilitate the sale of animal products, particularly meat and milk
- Devise a joint strategy to combat animal and plant diseases
- Set up a permanent office for the exchange of information on agriculture and livestock breeding

- Set up a data base on traditional cures for the region's animal and plant diseases and their administration and dosage
- Pool experience in the processing and preservation of farm products (milk, sweet potatoes, etc.)
- Adopt policies to integrate approaches to crop farming and livestock farming

**(d) Fishing**

- Adopt joint policies for the conservation of fish species
- Facilitate access to the fish stocks in Lake Kivu and Lake Tanganyika
- Pool experiences of family-run fish farms.

**Conclusion**

In the areas that concern us, particularly agriculture, stock-breeding, the environment and tourism, this twinning arrangement can resolve many of the problems which lie at the root of our poverty.

The city of Kigali and South Kivu are confronted with the same day-to-day problems and so joint solutions are a perfect means of promoting social, economic and political development.

**I.1.7. Report of the workshop activities of the committee on the economy, trade and industry**

The committee was made up of the following members:

- |                           |              |
|---------------------------|--------------|
| 1. Chihubagala Chinja     | (South Kivu) |
| 2. Milabyo Mughima Basila | (South Kivu) |
| 3. Simon Buabua           | (South Kivu) |
| 4. Maurice Kaongo         | (South Kivu) |
| 5. Shungu Musolo          | (South Kivu) |
| 6. Simon Sebitereko       | (Rwanda)     |
| 7. Antoine Munyakazi Juru | (Rwanda)     |
| 8. Alphonse Rugiramumaro  | (Rwanda)     |
| 9. Egide Gakuba Rubojo    | (Rwanda)     |
| 10. Alexis Kadeli         | (Rwanda)     |
| 11. Irennee Bubingo       | (South Kivu) |

**1. Membership of the Bureau**

After some discussion, debate and deliberation, the Bureau was appointed as follows:

- |                  |                        |              |
|------------------|------------------------|--------------|
| 1. Chair         | Antoine Munyakazi Juru | (Rwanda)     |
| 2. 1st Secretary | Milabyo Mughima Basila | (South Kivu) |

3. 2nd Secretary      Simon Buabua Ndaye                      (South Kivu)

## **2. The work itself**

The committee examined the draft co-operation agreement between the Chamber of Commerce and Industry of Rwanda and the Congolese Business Federation signed in Kinshasa on 12 August 1997 with the aim of increasing and extending economic and commercial co-operation links between Rwanda and Congo.

Having examined this document, the committee proposed that it should serve as the legal basis to promote economic and commercial co-operation between the province of South Kivu and the Prefecture of the City of Kigali.

The committee also took note of a document drawn up by the Rwandan participants relating to the strengthening of economic and commercial links between the east of the Democratic Republic of the Congo and Rwanda. Following some discussion, the committee acknowledged the relevance of some of the proposals made in this document and suggested that it should serve as a guide for future activities relating to the economy and commerce.

After this the committee went on to deal with some urgent matters:

### **1. With regard to the two Chambers of Commerce**

- The Rwandan participants undertook to simplify the formalities for lorries transporting goods to South Kivu.
- Regarding the ban on lorries transporting salted fish to South Kivu from passing through Rwanda, the Rwandan participants drew attention to the fact that it was temporarily prohibited to import fish into Rwanda because of the poisoning of Lake Victoria and that steps were being taken to find a solution to this problem.
- The two sides agreed that Rwandan economic agents wishing to set up business in South Kivu must scrupulously abide by the economic legislation of the Democratic Republic of the Congo.
- The two sides should co-operate to provide training for bank clerks in South Kivu and support the revitalization of the banking sector. The Rwandan Chamber of Commerce and Industry would alert the City of Kigali's economic agents to this need.
- The two Chambers of Commerce agreed to exchange every necessary piece of information to combat fraud, which could only be of any benefit to individuals.

### **2. With regard to the Congolese Customs and Excise Office (OFIDA) and the Rwanda Revenue Authority (RRA)**

The committee suggested:

- (a) harmonizing South Kivu and Kigali's customs rules;
- (b) sharing experiences by organizing training seminars and colloquies with a view to improving customs techniques;
- (c) promoting co-operation between the investigative services of each body's customs authorities with a view to stamping out fraud;

- (d) organizing regular meetings between the customs authorities and the economic agents of the two entities;
- (e) simplifying administrative procedures at the customs posts on the border between Rwanda and South Kivu.

### **3. In the energy field**

The committee proposed:

- providing the population with increasingly improved access to electricity;
- signing an agreement between Electrogaz and SNEL to install electricity in Kamanyola;
- sharing energy-related expertise, equipment and materials;
- co-operating in arranging exchanges of water treatment equipment owned by traditional entities;
- rehabilitating energy-related research (methane gas at Lake Kivu, turf, ethanol, bio-gas, etc.).

### **Conclusion**

The committee proposed that a follow-up committee on economic, commercial and financial affairs be set up and meet at least once a month. It was suggested that the next meeting should be held the following month in Bukavu.

The committee members welcomed the spirit of fraternity and mutual understanding which had prevailed throughout their work and were convinced that this spirit would contribute a great deal to promoting trade between South Kivu and Kigali.

#### **I.1.8. Social and cultural workshop**

The committee was made up of the following 15 members:

1. Mwenyemali Kasilembo (South Kivu)
2. Maman Tshisekedi (South Kivu)
3. Mulindwa Itongwa (South Kivu)
4. Balthazar Muhigirwa (South Kivu)
5. Joseph Mbonekuba (South Kivu)
6. Aloys Mwitende (South Kivu)
7. Vianney Makuza (Rwanda)
8. Rwigamba Barinda (Rwanda)
9. Jean Butoto (Rwanda)
10. Anastasie Nyirabukeye (Rwanda)
11. Marie-Rose Nirere (Rwanda)



12. Gérard Rutali (Rwanda)
13. Mary Ashimwe (Rwanda)
14. Constance Rwaka (Rwanda)

### **Membership of the Bureau**

1. Prof. Rwigamba Barinda Chair (Rwanda)
2. Mwenyemali Kalisembo Vice-Chair (South Kivu)
3. Balthazar Muhigirwa Secretary for South Kivu (South Kivu)
4. Anastasie Nyirabukeye Secretary for Kigali (Rwanda)

### **Working methods adopted:**

The committee dealt with the following series of topics drawn from the 2 core documents:

1. Education
2. Health
3. Women and families
4. Youth
5. Vulnerable groups
6. Sport and leisure
7. Culture, information and the press

Recommendations adopted in each area were as follows:

#### **1. Education**

Bearing in mind the present situation, the committee recommended:

- that teachers should be recruited through a twinning arrangement supervised by a monitoring body specially set up for the purpose;
- that the sum of teachers' social contributions should be paid into their accounts after they leave, die, etc.;
- in the area of higher education, universities and scientific research, the committee would like to see:
  - exchanges of teachers and research workers;
  - sharing of the results of research;
  - exchanges between various higher education establishments;

- exchanges of students in training or work placements;
- proposals to send students from Kigali to the ISDR (the Higher Institute of Rural Development) in Bukavu.
- an important recommendation was made concerning children who had recently finished humanities classes in South Kivu but whose examination answers could not be corrected because of the war.

The committee recommended that everything be done to ensure that the 1998 and 1999 state examinations could be corrected, for example by turning to UNESCO.

## **2. Health**

- Exchanges of medical staff
- Transfer of the sick under the SUREMED arrangement
- Training 3rd year medical students to specialize in surgery, paediatrics, gynaecology and internal medicine in Kigali
- Sharing information on strategies to combat AIDS, other sexually-transmitted diseases, malaria and other illnesses.

## **3. Women and families**

Following a description of the problems of South Kivu's mothers by a member of the committee, the following recommendations were made:

- The women of South Kivu should establish contact with Rwandan women's associations, particularly the collective *Pro-femme twese Hmwe*, to benefit from their experiences.
- Exchanges should be organized.

## **4. Youth**

*[Translator's note: page missing]*

### **I.2 Infringements of the right to life and casual killings**

- **On 16 April 1999 at Mpene Kusu**, Moire and Salome's throats were cut by the Mai-Mai militia for collaborating with the RCD.
- **On 22 April 1999 at Nyalukungu/Shabunda**, Mai-Mais executed Mrs. Bitondo, Kisama, Kabusango and Nsinga (all of whose throats were cut) while Kisambale was burnt alive for witchcraft.
- **On 25 April 1999 in Mwamba**, Mr. Mungalama and the Reverend Kabusuku's throats were cut.

- **In May 1999 in Kitutu**, Mai-Mais cut the throats of Ms Ngozi (for witchcraft), the local traditional chiefs, Muganza Musali, Banamukika, Ombeni Kisegenyo and Mr. Wabenga, and Mrs. Kamwanga for slovenliness and refusing to fight the RCD.
- **On 5 May 1999 in Shabunda-Mpenekusu**, RCD members cut Mr. Mathias Kingambwa's genitals off then executed him for conspiring with the Mai-Mai.
- **On 10 May 1999 in Kazombo**, 3 people were murdered by the RCD.
- **On 12 and 17 May 1999 in Binkutu, Lusenge and Nyalukungu**, 12 people, including two men called Bernard and Baudouin, were murdered by the RCD for collusion with the Mai-Mai.
- **On 25 May 1999 in Kingulube**, Dalida Mukuzu was murdered for collaborating with the Mai-Mai.
- **On 31 May 1999**, 100 people living in the area between Kingulube and Shabunda-Centre were massacred by RCD forces.
- **On 15-16 May 1999 in Uvira**, Tutsi soldiers from the RCD murdered 12 people, including Ndaye Risasi, aged 25, and Kalenga Ebochwa, as punishment for the death of a Tutsi soldier at Kilimabenge.
- **20 June 1999** saw the murder of a man identified only as a messenger from Uvira bishopric.
- **On 24 June 1999 in Rubanga** (Ruzizi Plain), RCD Commander, Jaguar Kamonyo carried out executions using the "necklace" method; he also burnt alive two former members of the FAC, Déogratias Bwima (aged 39) and Jojo Fataki.
- **On 30 June 1999 in Bukavu**, Mushagalusa was arrested by RCD soldiers for taking part in the peaceful demonstration against the raising of new flags over the town. He was deported to Rwanda and there has been no news of him since.
- **On 31 May to 6 June**, after an armed clash between the Mai-Mai and RCD forces, the latter burnt down 18 villages in Shabunda territory including Mpenekusu, Mwamba, Kiloza, Wasezia, Mikaba, Lugezi, Nyalukungu, Idemba, Kyanama, Penekasingi, Mizombo, Tangila, Kizinga, Kipombo, Lukamba, Kibanda, Idumbo, and Muggingini.

Under the same heading of casual killing we should mention the report of the conference of South Kivu's *chefs coutumiers* (traditional chiefs) held at Bukavu sports centre from 4 to 9 October 1999 which described the following dismal situation:

- approx. 240 people killed in Kasika, Mwenga.
- approx. 60 people killed on the Ruzizi Plain in Uvira Territory.
- approx. 72 people killed in Burhinyi, Mwenga.
- approx. 136 people killed in Kitutu, Mwenga.
- approx. 40 people killed in Luhwinja, Mwenga.
- approx. 134 people killed in Kaziba, Walungu.
- approx. 40 people killed in Nyalukungu, Wakabungu.

This incomplete list which was read out in the presence of the rebel governor of South Kivu provides plentiful evidence of the level of violations of the right to life in South Kivu.

### I.3. Arbitrary arrest, abductions and unlawful detention

- **4 April 1999**, Bagira: abduction of the Reverend Paul Bashombana Cikirwa on suspicion of being an Interahamwe. In fact he is simply a Hutu living in the Congo. There has been no word of him since.
- **On the night of 4 to 5 April 1999**: looting by RCD forces in the villages of Mabingu and Kabushwa in Kabare/Bukavu territory.
- **5 April 1999**: A team of 27 soldiers under the command of Didier Mulikuya invaded Funu (Garanua) at around 7 p.m. The soldiers arrested all the young boys, women, men and children that they came across and robbed those who had anything worth taking. They claimed to be aiming to break up a small group of Mai-Mai who were learning how to use firearms. Ironically, not a single firearm was found in the locality; the innocent people who had been arrested were released only after they had given the commander money.
- **7 April 1999**, Funu: At around 7.15 p.m. soldiers stole Mr. Jean-Jacques Sainzonga's watch, identity papers and belt.
- **10 April 1999**: Mr. Théophile Sainzonga was standing in front of his own house when soldiers robbed him of his watch, 10 US dollars and his shoes.
- **Also in April 1999**: The owner of *Lumière*, a shop in the shopping centre in Cimpunda ONL (housing project) was shot three times in the leg after soldiers had ransacked his shop.
- **On 5 April 1999**: The wife of the late Tabaro Sandoka living in Cimpunda was threatened by three soldiers who stole a packet of cigarettes from her and promised her that she would "follow" her husband in a few days' time simply because she had refused to be swayed by these collaborators' threats. The case has been referred to the military and civilian authorities in Kadutu but no-one dares to trouble these three youths from Cimpunda ONL for their activities as collaborators. Mr. Tabaro Sandoka was killed by six Tutsi soldiers on his way from the Cimpunda shopping centre where he was selling cigarettes. His murderers stole US\$100, NZ 1,600,000 and 10 packs of cigarettes from him.
- **In early April** the chief of the district of Nyamugo, Mr. Kibikibi Walumona, died as a result of tortures inflicted on him by the soldiers of Commander Chuma (a former Mai-Mai now working for the aggressors).
- **Also in April 1999**, Father Emmanuel Musoda, the Cimpunda parish priest, was threatened repeatedly by soldiers from a nearby military camp supervised by Commander Justin Nardin Lubala. He was accused of making political speeches in church.
- **In late April 1999**, the family of a Congolese citizen Mr. Tebura, living on Buhende Avenue in Cimpunda was visited once again by Rwandan soldiers. They were looking for one of Mr. Tebura's sons, whose nickname is *le Pasteur* (the minister) and had lived for some years in Rwanda, but was separated from his wife. Since the events of 1994 he has frequently been troubled by Tutsi soldiers under the command of his wife's partners. His wife is concerned that he will claim back the property he left behind in Rwanda. The Rwandans are now accusing *le Pasteur* of being an Interahamwe so that they can kill him immediately if they happen to catch him.

- **In the same month** the Ciriri parish priest, Father Prothée, was escorted away by soldiers like a common thief along with ten or so members of his congregation. The grounds for the arrest was the list of names of victims of military harassment which had been drawn up by members of the congregation along with details of objects that had been seized. They were released after being tortured in response to pressure from the congregation, other priests, and, above all, the archbishop.
- **In late April and early May 1999**, the chief of Nkafu district in the municipality of Kadutu, Mr. Patient Bagalwa, was arrested four times in the space of a month-and-a-half by Commander Jean-Marie (a Rwandan national) then by the head of the judge advocate's department, Inspector Kandudie.

On each occasion he was subjected to inhuman and degrading treatment in front of his family and congregation. Soldiers working with Mr. Tembetembe, a neighbourhood chief in his district, accuse him of being in secret contact with the Mai-Mai.

- **On 9 May 1999**, Mr. Jagen (Mr. Karashima's grandson), an accountant employed by Ibanda municipality, was tied up by deserters at around 5.30 a.m. He was released some 100 metres from his home having handed over a sum of NZ 1,500,000 (about US\$150). Five days later a search for him was being organized by Commander Chris from the intelligence service based at the Brigade.
- **On 14 June 1999**, Commander Justin Nardin Lubala's replacement at TV Camp, Commander Adolphe Bila, organized a round-up in Cimpunda and Nyakaliba . His soldiers arrested a large number of children, young people and adults. The people were accused of throwing stones at soldiers.
- **On 15 June 1999**, the chief of Mosala district, Mr. Pascal Mazinge, avoided a number of RCD traps. Later he was suspended from office by the mayor of Kadutu at the instigation of the RCD leadership for having disturbed a meeting between the military authorities and the traditional leaders of Kadutu. He was accused of making no effort to adhere to the RCD's ideas. When he attempted to hand in his resignation, he was threatened by the security forces.
- **On 25 June 1999** saw the arbitrary arrest and unlawful detention of Mr. Djuma Emedi and Mr. Idi Abedi for submitting a request to Commander Machumu for their bus to be returned. They were accused of conspiring with the Mai-Mai.
- **3 July 1999** saw an attempted robbery by RCD rebels at the convent of the missionary nuns of Africa housed in the Wima upper secondary school in Bukavu. The nuns were saved by civilians who ran to their rescue. Mr. Butonyi was shot dead by a fleeing RCD soldier.
- **On 22 September 1999**, the RCD authorities in Goma arrested Mr. Patient Bagenda Balagizi, Secretary General of the NGO, the South Kivu Anti-Bakwi Committee, as he was passing through Goma on his way to Entebbe in Uganda. He was released only at 6 p.m. after a rigorous interrogation in which he had to answer for all the visas for journeys he had made since the beginning of the year, his business and leisure activities, his acquaintances in Kinshasa, his membership of the South Kivu Civil Society and his supposed intention to travel to Kinshasa. He was also questioned about certain contacts the Goma authorities claimed he had had with the chargé d'affaires at the Congolese Embassy in Nairobi.

He also had to report to the Directorate General of Internal Security at the building known as the *Chien méchant* (the vicious dog) for two days running from around 10 a.m. to 3 p.m.

It was not until late on Friday 24 September 1999 that the Deputy Director General, Mr. Justin Kozanga, allowed him to return to Bukavu without his passport and identity papers and with a

promise that the investigation into his activities would continue. In the meantime, he must manage without his identity papers and his passport until the “investigation” is over. Let us pray to God that he will get them back one day.

#### **I.4. General insecurity**

Kivu is still divided between areas under Mai-Mai and RCD influence. This creates barriers between the two sides which it is practically impossible for ordinary citizens to cross without being harassed in various ways. As a result most people have opted to stay put in the cities or the countryside and hardly move around anymore at all.

The Mai-Mai will not let any traffic through at all on the roads to Bukavu, Uvira and Goma in an attempt to asphyxiate the rebel and occupation forces in the towns and cities.

On the Bukavu-Kamituga-Shabunda-Kindu road, all traffic is blocked between the villages of Tubimbi and Mungombe. This means that the people (including the RCD rebels) are forced to use an aircraft provided by Mrs. Aziz Khursum (the director of the Uzabuco tobacco factory in Bukavu who has been running a gold-trading office in Kamituga since February 1999. She was also involved in arms trafficking for the Burundian rebels of the CNDD between 1994 and 1996). The situation is also making it difficult to get supplies of food, medicine and other essential products into the town of Kamituga and the rural area around Mwenga and Shabunda.

On other roads in Kivu (Bukavu-Goma-Butembo and Bukavu-Uvira-Fizi) traffic is thin but it does exist. However, there is practically always some danger in using these roads, because the various warring factions (RCD, Mai-Mai, former Rwandan armed forces) have set up police road blocks and carry out sporadic raids on lorries transporting goods. The following are some examples:

- **On 13 July 1999** a group of former Rwandan soldiers, Interahamwe and their Mai-Mai allies attacked and robbed six goods lorries on the Ngomo escarpment taking away booty valued at over US\$20,000.
- **On 4 July 1999**, at Cigogo, between Nyagezi and Mumosho (on the Bukavu-Uvira road) they robbed another 3 vehicles including one belonging to Catholic nuns.
- A customs post has been set up on the Bukavu-Butembo road to collect duties on goods arriving from the Congolese town of Butembo. Since July 1999 a container of Dubai wax has been subject to a duty of US\$21,000 here whereas the equivalent cost only US\$2,100 in June. The lower rate still applies in the areas of Kivu under the control of the RCD, Rwanda, Burundi and Uganda.

#### **I.4.1. The army and the police of the DRC under Rwandan, Burundian and Ugandan occupation**

##### **(a) The army**

The army is an instrument of terror under the orders of the Rwandan aggressors in the territories under their control. Every three months, the soldiers are switched from one location to another. Before they leave, they cause a great deal of human suffering and material damage, particularly those based in Ciriri and the TV camp in the municipality of Kadutu, who are used to this kind of operation. Because they do not get their pay, they survive by scheming and fleecing the inhabitants with the tacit agreement of their military superiors.

To harass civilians, the soldiers organize patrols from 5 p.m. onwards, dividing up into small groups or teams of 3 to 5. They spread out in the streets and wait in dark corners. Passers-by returning from the market or from work are robbed of their belongings and if they resist, they are beaten, tied up and accused of being a Mai-Mai when they are brought before the authorities.

Mothers returning from market are robbed of the food they are bringing home for their families along with their money and gold chains if they have any. If they have nothing on them that can be stolen, the soldiers may go so far as to strip them and rape them.

Many of the men in the region no longer have their watches or their identity papers. Soldiers steal them and sell them to third parties for a derisory sum. Most of the identity papers are passed on to Rwandan citizens.

Harassment by soldiers takes place chiefly between 6 p.m. and 9 a.m. at the following well known locations:

- Ruvumba Hill (near Lupulu bridge);
- Cimpunda girls' school;
- Burhende road (Nyamulagira);
- the ONL centre, Cimpunda;
- Funu playing field;
- Mahamba Hill;
- Kadutu cross-roads;
- A bend in the road by the Kadutu recreation centre;
- Kibonge Square;
- Kadutu market;
- On Industrial Avenue in front of the offices of the PIR (Rapid Intervention Police) and the police courts (TP);
- In front of the Cheche social club;
- The section of road between the Wima upper secondary school and the Economat;
- The junction of the Kaduru road and the roads leading to Wima School and the ISTM;
- Kadutu girls' school.

**(b) The police**

Officers of the PNC (the Congolese National Police Force) working in South Kivu province generally have a higher standing with the people. We appreciate their presence in our day-to-day lives, particularly during round-ups. On the other hand, most senior police officers bow to the authority of the aggressors to save their jobs and, if they wish to be promoted, they have to act as slaves following their orders unquestioningly.

It is for this reason that some officers are obliged to punish anyone who does not adopt the RCD's ideas.

Many police captains have been illegally suspended or even thrown in jail because they have refused to obey their superiors' unpopular orders.

Among the PNC officers in South Kivu who have undergone degrading treatment as a result of actions which are claimed to undermine RCD policy are officers Lwabanji and Ngongo from the police camp and inspector Saidi.

### **(b1) The PIR (Rapid Intervention Police)**

The PIR operates under the aggressors' orders. The PIR office is based on Industrial Avenue in the old town hall. Many of its officers are *inciviques* (collaborators) from the Civil Guard or the SARM, the Second Republic's "Service for Military Action and Intelligence" and/or criminals and delinquents taken from problem neighbourhoods. They have no education or morals and so they think they can do anything and get away with it. The Kasali and Nkafu inhabitants of Nyamugo are ill-at-ease in the presence of these RCD murderers. They say: "This is a rebellion in which no holds are barred; we live in the jungle and those who feel strong bully the weak".

In their enthusiasm to fleece the public, soldiers and PIR officers will take up any case they come across whether it is true or false. They have also become judges and converted their offices into a court room in which they hear criminal and civil cases. People are known to have been detained for two or three weeks without a trial. Public prosecutors do not have access to military lockups and cannot enquire about a case which is being looked into by a criminal investigator working for the military.

Before being released, prisoners have to pay fines ranging between US\$15 and US\$150 depending on their case and their social status. It is common for PIR officers to burst into a bar and arrest the owner and all the customers on the pretext that they are holding a "Mai-Mai meeting". Once the customers have been arrested they are robbed of all their belongings. When arresting people, the PIR frequently claim that they are suspected of being Mai-Mai.

In response to all this harassment from the police and the army and on the initiative of some young members of the Cimpunda youth federation, a forum was established in April 1999 bringing together some of Kadutu's associations. It has been named the Kadutu Youth Forum and not only is it a platform for the development of the community but also and above all it carries out lobbying campaigns.

In retaliation to the barbarian acts committed by patrolling soldiers some youths started to conduct night-time and day-time operations against these collaborators; they even managed to face up to their tormentors. These operations prompted the military authorities to arrest many young people in the course of a round-up on 14 June 1999. These arrests will not be appreciated by the population. Secret meetings have been held to devise plans to rescue prisoners held in TV Camp and enable the population of the municipality of Kadutu to move around freely during the day and the night.

Faced with the mounting tension in Cimpunda, the military authorities of the Brigade panicked and organized a meeting with the people of Cimpunda Hill from which it barred access to all Tutsis. The meeting ended in a stalemate.



## **I.5. Restrictions on freedom of expression and denial of the right to information**

### **I.5.1. Radio Maendeleo, Bukavu**

Radio Maendeleo, which is called a “radio of the people” or a “community radio”, is run by South Kivu development NGOs. Among the highly reputable journalists who work for the station are Kizito Mushizi Nfundiko (director), Paulin Bapolisi (former chief adviser to the late Professor Jean-Charles Magabe), bombardier Kamengele Omba, Jules Bahati (the “golden tongue”) and Aziza Bangwene.

This radio station is a vital means of expression for all of South Kivu’s social classes. It is the most popular radio station in the area, primarily because of its objective news coverage. Unfortunately, it has a bad reputation among the enemies of peace because of its radio news bulletins and other programmes such as Jules Bahati’s mouthpiece for youth issues, the *Micro des jeunes*, Father Jean Bosco Bahala’s Catholic programme, the Lufaheri sketch, Kamengele Omba’s Sunday programme on which he invites leading members of the community to enlighten the public about the week’s events or controversial issues, and finally the programmes produced by various human rights associations.

Because of these programmes which undermine the RCD’s policies, the authorities have repeatedly threatened to close Radio Maendeleo down. The Governor of South Kivu, Norbert Bashengezi Katintima and his so-called minister of the interior, Joseph Mudimbi, have repeatedly threatened Radio Maendeleo’s journalists in press releases. In early July the authorities appointed Mr. Jérémie, a former BBC journalist, as a supervisor, responsible for listening to everything broadcast on the radio station and reporting back to the RCD. The station’s equipment was then taken away to an unknown destination.

Recently, at the beginning of September 1999, it was reported that the director of Radio Maendeleo, Kizito Mushizi Nfundiko, and some of its journalists including Kamengele Omba had been arrested.

This is a perfect example of how the media are being persecuted and silenced in the occupied territories while at the same time the authorities claim to promote democracy. What kind of democracy is this?

### **I.5.2. Human rights associations**

#### ***Groupe Jérémie***

On the afternoon of 4 June 1999 a group of soldiers armed to the teeth and led by commander Didier Mulikuwa broke into the headquarters of the *Groupe Jérémie*. They forced the door open and pillaged practically everything they found on the premises. After the operation they sealed the door and began searching for the group’s activists. The group was already being examined by criminal investigator Chihenga at the 222nd Brigade’s intelligence office. The case was subsequently transferred to an ordinary criminal jurisdiction (Bukavu public prosecutor’s office). Ironically, this was mainly because the military authorities found no evidence with which to charge the members of *Groupe Jérémie*. Another factor was a fear of local and international pressure. The case was assigned to a judge who is a member of the GAAP (the “political action group”) which is a branch of the RCD.

The authorities were looking for the following human rights activists from *Groupe Jérémie*: Georges Bahaya, Moreu Tubibu, Mr. Jean-Baptiste Mulengezi, Maheshe from the Alfajiri lower

secondary school, Remy Mitima and Mr. Déogratias Kiriza. Paradoxically, the authorities claim that the group is endangering state security.

### ***Héritiers de la justice***

This association is also threatened by the RCD authorities and its activists force themselves to work despite the intimidation. For example, Mr. Jean-Paul Bengeya has been repeatedly harassed and threatened by Commander Elias, a Tutsi in charge of security in South Kivu province. The commander has a private jail at his home on Avenue Nyofu in Nyawera; he has converted one of his rooms into a lockup.

Early September 1999 saw the arrest of Mr. Raphael Wakenge, a human rights leader and activist with *Héritiers de la justice* who was released after one week of imprisonment at Bukavu Central Prison.

### **I.5.3. Members of the South Kivu Civil Society**

The Civil Society deserves praise for the many roles it plays, above all that of promoting and protecting the interests of its members and the whole population. Alas, some of the more active members have received death threats from the RCD's political and military authorities who are always looking for some reason to eliminate them physically. The main targets have been activity leader Gervais Chirhalwirwa (known as "uncle"), Patient Bagenda, Oscar Baharanyi, activity leader Prosper Birhakaheka, activity leader Paulin Bapolisi, Dr. Balegalmire and the pharmacist, Mr. Bapolisi.

In the last two weeks of May 1999, the governor of South Kivu once again threatened some of the activists that he would do everything to destabilise political life in South Kivu. For example, in early June 1999, Dr. Balegamire narrowly escaped an assassination attempt organized by the provincial authorities of South Kivu. The failed mission was to be carried out by Rwandan soldiers but when they arrived at his house he was absent.

#### **(d) The Catholic Church in Bukavu under threat**

The clergy of Bukavu bishopric have been subjected to harassment and death threats. The Catholic church has a duty to continue to fight against immorality to prevent all violations of human dignity, particularly during these difficult times for the whole of the eastern part of the DRC.

In response to the stance taken by the church, the RCD authorities, from the governor right down to the municipality, have publicly attacked His Excellency Emmanuel Kataliko the Archbishop of Bukavu and his vicar-general. Neither have the abbots and priests of the town and country parishes been spared. The authorities have to attack the Catholic church to protect and preserve their power to influence and terrorize the people. Examples are the desecration of the churches of Burhale and Kasika and the threats made to the following clergymen:

- Father Emmanuel Musoda of Cimpunda parish;
- Father Prothée of Ciriri parish;
- Father Georges Maroyi (who escaped from Uvira bishopric) and Father J. Bosco Bahala, both now working in Kadutu parish;

- Father Gianni of Chaï parish;
- Father Georges of Muhungu parish;
- Father Balegamire of Kabare parish;
- Father Eliézère of Bagira parish.

This is not a complete list of the clergy whose lives have been threatened. Some communities of local and foreign nuns have also been threatened, particularly at night. Several times the Archbishop of Bukavu has been summoned to the governor's residence to answer questions and receive orders. In particular he has been asked to transfer certain troublesome priests such as Jean Bosco Bahala.

At a security meeting in Kadutu, the deputy mayor, Mr. Biganza Sadock (who is a Rwandan citizen), suggested that Kadutu parish and the Dominican chapel in which Father J.B. Bahala preaches be closed down. If nothing changed, then the priest would be publicly executed on the *Place de l'Indépendance* (formerly *Place du 24 Novembre*).

This Rwandan official also said the following: *"When Archbishop Muzihirwa died, the Vatican talked about it for a week and then it was all over. We could arrest certain people and execute certain priests. The Vatican would protest for three or four days but nothing would change and in the meantime we will have got the situation under control"*.

Every Sunday, the RCD sends out spies to all the parishes to listen to everything that is said in the sermons and report back immediately once Mass is over. This has happened several times in Cimpunda and Kadutu. Furthermore on one particular Sunday in April 1999, before the 3rd Mass, Kadutu parish was invaded by vans full of soldiers armed with rocket-launchers and machine guns. They came and harassed the priests and the congregation before heading off for Cimpunda.

The insecurity which threatens the Catholic church should concern all of the Congo's official churches prompting them to come together and fight as one man. They should do their duty, which is to protect and ensure the well-being of human beings. Against a background of increased gagging of public expression, the RCD has been trying to destroy the Catholic church ever since the very beginning of hostilities. This is for the simple reason that the only body which, fortunately, continued to function after the collapse of the Mobutu regime was the Church. It is the people's only hope. In response the authorities have destroyed parishes, looted convents, and assassinated priests, ministers, nuns and believers, thus destroying the very foundations of the Church. Most priests have now been forced into exile and/or hiding. Christendom stands alone against hatred, anguish and mistrust. Any Christian morals observed hitherto are now in jeopardy.

## **I.6. Abuse of public office**

On 7 August 1999, in total defiance of basic democratic standards, the Congolese Rally for Democracy (RCD), acting through the intermediary of Mr. Norbert Basengezi Katintima, the Governor of South Kivu appointed by the aggressors and rebels, set up a Provincial "Barza" (Assembly).

It has 67 appointed members including only 54 women and the Governor immediately appointed the members of the provisional bureau of this new institution himself, taking no account of the will of the people. Strangely, the leadership of the institution was assigned to two members of this provisional bureau who were selected simply because they were the oldest and the youngest members.

Some of the members of the Barza, which claims to be promoting peace in South Kivu, have already gained a major reputation for plotting and intrigue and it will not be long before their true shark-like nature will re-emerge and they will attempt to take up another lucrative but no less short-lived post. They are so possessed by political greed that they feign ignorance of the sacrosanct principles of the Universal Declaration of Human Rights under which:

“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures” (Article 21.3).

Therefore, the only person who is entitled to become a provincial or national member of parliament is someone who has been elected somewhere, or in other words, who has received a mandate from some electoral constituency or another, under an electoral law ratified by some form of consultative preliminary.

Accordingly, any Barza member, deputy or parliamentarian who is simply assigned to an area at whatever political rank, owes his office to the authority that appointed him and legally created him and therefore he can act only in the interests of his begetters.

The Civil Society of South Kivu noted that the establishment of a Barza in South Kivu was a total sham amounting to a confiscation of the power of the supreme sovereign of South Kivu in so far as it should be associated with and/or form part of a national process of institutional reform in the DRC. Accordingly, on 23 August 1999, the provincial co-ordinating office of the Civil Society sent a letter (No. BCSK/020/99) to the governor of South Kivu, in which it said that it could not accept an abuse of public office and **demand the dissolution of the Barza of South Kivu** on the ground that it was a plutocratic, sadistic and cynical oligarchy, made up solely of the inhabitants of Ibanda as if this single municipality could pacify the whole province. It concluded that genuine peace should reside in the very heart of our rural districts where, day-in, day-out, the people are despoiled, hounded and butchered by one side or another according to the outcome of our demented fratricidal battles.

### **I.7. Incitement to ethnic hatred**

In a number of areas in South Kivu the people live in a general state of trauma as a result of the massacres, rapes and pillaging carried out by the various forces that have occupied them. This was the message passed on by 15 of South Kivu's traditional chiefs from COBASKI during their conference of 4 to 9 October 1999 at the Bukavu Sports Centre which was held under the patronage of the Governor of South Kivu. The situation exacerbates and incites hatred between Banyamulenge communities and the tribes of South Kivu. These Bami chiefs highlighted some of the harmful consequences of this hatred in the region, in particular:

- some 10,000 war refugees assembled in Uvira;
- some 10,000 Bafumiru war refugees who have fled to Ruzizi Plain;
- some 3,500 war refugees who have fled to Burundi (most of them settling in Cibitoke province);
- some 11,000 Rwandan Viura war refugees from Moba and Kabalo in northern Katanga forced to move to the Ruzizi Plain in South Kivu;
- 80 or so Bahuvu war refugees from Kalehe forced to move to the island territory of Idjwi in South Kivu;

- some 50,000 war refugees from the chiefdom of Wamuzimu;
- hundreds of thousands of Congolese refugees from South Kivu exiled abroad, particularly in Tanzania;
- some 80,000 homeless persons in the chiefdom of Basile;
- a number of priests and nuns confined to Luhwindja, Mwenga and Murhesa, Kabare;
- others.

All of these problems reveal the policies of those who govern South Kivu and stem from hasty administrative and political decisions at variance with the aspirations of the people whose direct representatives are not consulted. This is what lies at the base of the hatred, the unhealthy atmosphere and the suffering that the people of South Kivu are having to endure (including the destruction of Bami homes, murder attempts on certain Bami and the cowardly assassinations of traditional chiefs including Mwami Lenge in 1996 and François Mwami Bwami Nalwindi in August 1998 and all their repercussions).

In our opinion, the resurgence of tribal wars between the Bembe and the Rega and the ongoing conflicts between the Banyamulenge community and the population of South Kivu as a whole are the ultimate outcome of incitement to hatred in the disaster-stricken and battered province of South Kivu.

### **I.8. Vicious, barbaric destruction**

Since the outbreak of war in the DRC on 2 August 1998, South Kivu has continued to be subjected to unprecedented humanitarian crises. In this report, which covers the period from April to September 1999, we shall merely pass on the following incomplete list of alarming incidents described at the conference of traditional chiefs held at the Bukavu sports centre from 4 to 9 October 1999:

- Some 545 houses burnt down in Wakabongo I;
- Some 62 houses burnt down in Luhwindja;
- Some 50 houses burnt down in Bavira;
- Some 700 houses burnt down in Wamuzimu;
- Systematic destruction and looting of a number of health facilities (hospitals and medical centres);
- Destruction and looting of a number of homes of traditional chiefs (Bami);
- Destruction of a number of school buildings and looting of school teaching equipment and materials;
- Destruction of roads, rendering them impassable (including farm tracks), and poor and inadequate transport facilities, adding to problems by creating bottlenecks preventing goods and people from moving around freely.

Of the 1,300 inhabitants of the aforementioned burnt-down houses, some are now dead whereas others have fled into the bush where they will be homeless, in distress, and prey to all sorts of bad weather and parasitic diseases, in short, abandoned to their sad fate.

## **II. THE HUMAN RIGHTS SITUATION IN NORTH KIVU PROVINCE (FOCUSING EXCLUSIVELY ON MASISI TERRITORY)**

*[Translator's note: page missing]*

Luanda (farmer). 9 people were killed on the road from Kitchanga to Mweso in the chiefdom-community of the Bashali. Among the victims were Mr. Mbaire Kahunde (49), the chief of the village of Luhanga.

### **On 6 April 1999**

The assassination of **Father Paul Juakali of Mweso parish** in the bishopric of Goma. The people of Goma were appalled to learn of the sad and untimely death of the extremely young, dynamic and likeable figure of Father Paul Juakali who had made a name for himself because of his well-balanced yet highly topical, and apposite sermons. Our sadness grew when we learnt that Father Paul was not allowed to die a dignified death but viciously "hacked about" by armed men before they finished him off. The 29-year-old priest was travelling in a parish car along the road from Pinga Hospital where he had been asked to drive a patient home to the village of Ngingwe (17 km from Pinga) when he was dragged from the car and separated from the other passengers by a number of armed men. He was tortured with knives before being finished off with a bullet which passed right through his skull from the lower jaw to the occipital bone traversing the brain. According to the witnesses' statements, there were 6 men and they killed Father Paul only after they had robbed him of everything he had including US \$ 400. They had a photo of him so that they would not get the wrong man. Eyewitnesses also said that Father Juakali's killers were from the so-called "Self-Defence Forces" which operate in Masisi territory.

In the same month 37 unarmed civilians are said to have been killed at Lukweti in the chiefdom-community of the Bashali.

### **From 23 to 28 April 1999**

31 young people were killed in Masisi-Centre in the community of Oosso-Banyungi as well as 12 others from Goma on the road from Sake to Masisi.

### **May 1999**

On 25 May 1999, 50 people were killed at Sake in the chiefdom-community of the Bahunde. Kiyana Bulenda is the only known victim. The rest were buried in a communal grave and have not yet been identified.

In the second half of the month, 14 people were killed at Kalembe in the chiefdom-community of the Bashali by the "Self-Defence Forces" (FAD). Among the victims were Mrs. Mukewa (69), Mr. Maneno (43), his wife and his children, and Mr. Kazimiri (71). All their belongings were looted and the other people in the village were so traumatised that they had to desert the village and take refuge in Pinga and Kitchanga (other villages in Masisi territory).

— 3 people were killed at Kiusha Muongozi in the chiefdom-community of the Bashali. Among the victims was Mr. Kinkone (69).

- 4 people were killed in Nyabiondo. Among the victims were a schoolboy in the first year of secondary school and Mr. Biloto, the son of Maneno.
- 6 people were killed in Kilambo in the chiefdom-community of the Bashali and several other unidentified persons are reported to have been massacred by the FAD in a local church.
- 4 boys suspected of being Interahamwe were killed in Loashi in the community of Osso-Banyungu.

## **June 1999**

On 16 June 1999, Mr. Baba Rife was cravenly murdered along with two other people who have not yet been identified in Bweremana, the main village of the chiefdom-community of the Bahunde.

Since 2 August 1998 more than 382 unarmed civilians of Masisi territory are reported to have been murdered in cold blood by forces working for the RCD, particularly the FAD.

**NB.:** Whereas Part IV of Protocol I to the Geneva Convention protects both civilians and civilian objects, the civilians of Kivu in general and Masisi territory in particular are victims of a failure by the warring parties in the DRC to respect international humanitarian law. And the astonishing thing is that whenever one massacre or another is exposed the only reaction one gets is that “there were only x deaths”, in an attempt to play the matter down and clear the criminals.

### **II.2. Arbitrary arrests and detention and abductions**

In Masisi it is enough to be suspected or unjustifiably accused (often to settle an old score) of being a Mai-Mai or an Interahamwe in order to be arbitrarily arrested, abducted, tortured or even murdered. Reliable sources have told us how many people have been abducted or gone missing to be subjected to inhuman treatment and found a week or a month later if ever again.

In Kitchanga for example a number of people are reported to have been unlawfully detained in Kahe, on the premises of the war-damaged tea factory which used to belong to the international trade and industry association, SICIA. They are now said to be in the hands of members of the RCD-sponsored Rwandan Army (APR) on suspicion of being Mai-Mai or Interahamwe or possession of firearms.

**On 8 June 1999**, members of the APR working for the RCD sealed off the market town of Kitchanga from 4 to 11.30 a.m. on the pretext that they were searching for civilians in possession of fire-arms. The whole population was traumatized by this incident in which they were surrounded by APR soldiers armed to the teeth. No arms were found but the search was stepped up afterwards.

Following this incident, some of the chiefs and prominent personalities of Masisi territory were forced to flee Masisi for the city where they have no right to any assistance. As a result some of these once wealthy people have had to resort to begging in Goma or Sake, getting by and living as street-dwellers or tramps.

In view of everything that is happening to the Bahunde in Masisi, some people cannot help thinking that the RCD has a hidden agenda in this territory, namely the systematic elimination of these people who have long been prevented from considering themselves the only native community in the area. Since the Bahunde refuse to give in, despite all the harassment to which they have been subjected since 1990, the RCD appears to have decided to implement a “final

solution”, in other words a fully-fledged process of ethnic cleansing. However, they are doing this very discreetly outside the eye of the media, on the pretext that they are “hunting down Interahamwe wherever they can be found”. These accusations do appear to be founded because, as early as September 1998, human rights activists were observing the following:

The instances of abduction, arbitrary arrest and expulsion which are currently taking place in the city of Goma and its outskirts have aroused considerable concern. There have been too many violations of the rights to peace, security and justice which are guaranteed to every community under national and international law and too many death threats and other abuses. To be more specific we would like to highlight the following examples of arbitrary arrests, expulsions and abductions:

- Mama Maombi Feza, a nurse, was arrested on 14 September 1998 for having attended to a wounded man. She was set free only after repeated calls for her release, including an appeal from the Bishop of Goma.
- Mr. Kizungu Bulere Kiana was arrested on an unknown date and taken to the Brigade’s 2nd office in connection with a dispute over a plot of land. His adversary has accused him of being a Mai-Mai rebel and so he is still being held.
- Mr. Bonhomme Balume was arrested for harbouring a Masisi village chief suspected of colluding with Mai-Mai rebels and is still being held<sup>3</sup>.
- The elderly Mr. Salumu of Sake was abducted with his son. Mulonda, Mutima, Mrs. Bulondo, Pascal, Mwendabandu, Mr. Desire Muiti, Kashani, Miancho and many others have also been abducted.
- Mama Malira Bahati was abducted at 2 a.m. on 13 September and taken to Gisenyi, Rwanda, where she was saved by divine providence having been thrown into a stream of urine and a pond<sup>4</sup>. We would remind you that life belongs to God alone and that such schemes amount to genocide.

#### **II.4 General insecurity**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 28, UDHR (Universal Declaration of Human Rights)

Insecurity has been exacerbated in Masisi territory as a result of the presence both of armed groups including Interahamwe, former Rwandan soldiers and Self-Defence Forces (RCD militia groups) and certain members of the Congolese Armed Forces who are still loyal to the central government in Kinshasa. All of these groups organise

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<sup>3</sup>The village chief in question was imprisoned and tortured for a long period and is no other than Mr. Mwanda-Bandu Venant who expressed public indignation at the statements of the Governor of the Province when he mocked the inhabitants of Masisi after some of them had been massacred. After Rwandan soldiers had burnt down the villages and murdered civilians, the governor visited the area to assess the damage. It was at this point that he claimed that the inhabitants of Masisi had carried out these crimes themselves and he called them “Wapumbafu”.

<sup>4</sup>Note that all of these victims are civilians who have nothing to do with the Mai-Mai or the Interahamwe. Their only sin is that they are all from Masisi territory.



occasional looting raids on shops and motor vehicles, particularly those taking the following routes: Goma-Sake; Goma-Rutshuru-Kanyabayonga; Sake-Masisi; Sake-Bweremana; Sake-Kitchanga-Mweso-Kalembe-Pinga; and Sake-Ngungu-Ufamando.

### **II.3. Cruel, inhuman and degrading treatment**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 5, UDHR

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 10, UDHR

It should be said that, in Masisi territory, everyone who is murdered is first tortured before being murdered or finished off with a bullet.

**On 6 April 1999**, Father Paul Juakali was tortured and hacked about with knives at Ngingwe (17 km from Pinga on the road from Mweso) before being finished off with a bullet by six armed men from the RCD-sponsored "Self-Defence Forces".

In the second half of May 1999, Mr. Camarade Mabwire, a butcher, fell victim to a shooting in which he was wounded in the leg by patrolling forces working for the RCD. The victim was taken to the CBK hospital in Goma for medical treatment.

Several other cases of violations of Article 5 of the UDHR have occurred in the various prisons and remand centres in Goma and Masisi territory. The following table drawn up by human rights activists for February 1999 speaks dismal volumes even though it is far from complete:

#### **Murders by RCD forces in Masisi Territory in February**

<u>DATE</u>	<u>VILLAGE</u>	<u>NUMBER OF</u> <u>VICTIMS</u>	<u>COMMENTS</u>	
11/02/99	Loashi	10	Including 6 schoolchildren shot and/or drowned	
	Ngesha	4		
	Busoro	3		
	Lushebere	2		Including one victim who died under torture
	Bukombo	2		
	Nyabiondo	3		
18/02/99	Lwibo	1		
	Lukweti	47	At the market	
19/02/99	Mahanga	154	At the market	

### **Some of the victims who have been identified**

#### **Loashi:**

Kwabo Busanga, around 25 years of age (farmer); Hélène Bandu (pregnant); Luanda Lubira, 32 (cleaning lady); Muhombo Balaa and his two children, among them one of the drowned schoolchildren; Kaendo Lubira, 43 (son of Mr. Mashini); Vumilia (cleaning lady), Charles Bolingo, 43 (farmer); Rujori.

#### **Ngesha:**

Maombi (cleaning lady) and her child; two women who are known to have been passing through but have not been otherwise identified.

#### **Bushoro:**

Kamusehe (farmer), around 55 years of age, who died under torture, and a passing nurse who has not been otherwise identified.

#### **Lushebere:**

Kulu Kyabinduka (farmer), around 60 years of age, and Siméon, around 30.

#### **Lwibo:**

Baeni (farmer), around 45.

#### **Mahanga:**

Mabondo (carpenter), around 40, and Brigitte (cleaning lady), 38.

### **II.5. Violations of the right to freedom of expression and denial of the right to information**

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

UDHR, Article 19

Despite the various abuses and cases of human rights violations carried out by the RCD and armed gangs in Masisi territory, nobody dares to condemn them or speak out about the situation for fear of being abducted or executed. The unarmed civilians of Masisi territory live in terror and the churches, which used to act as their spokespersons, have now opted to say nothing or sometimes been forcefully silenced<sup>5</sup>.

As one trustworthy clergyman has said, the Catholic Church and the traditional chiefs appear to have been singled out as targets by the warlords.

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<sup>5</sup>Mutongo church was forced to close after the murder of the much-loved parish priest, Father Ndyababo Boneza Conrad, on 12 December 1994.

Likewise, the priests of Mweso do not now dare to go to their parishes because they were so shocked by the recent murder of their colleague, Paul Juakali.

“It is my impression that, over and above the specific crimes which each side rightly or wrongly accuses the other of committing, there is a strategy aimed at destroying everything that the people regard as sacred. Once the core around which a people’s cohesion and common identity is built is destroyed, it is thought that it will be easier to subject these defenceless and directionless peoples to the arbitrariness of totalitarian ideology and a system which intends to prevail at all costs. In this context, the Catholic Church and the traditional chiefs are the obvious target for a power which wishes to wipe the slate clean of all Christian and traditional values. The method it uses is to disorganize the people, striking at the very roots of their identity to be able to subjugate them even more. After this it imposes its new values. But the question is which ones.”<sup>6</sup>

It is for this reason that any traditional chiefs who still dare to say anything to defend the interests of their prostrate people become the targets of threats, persecution and intimidation from the RCD’s political authorities. Most of Masisi’s traditional chiefs have fled to Goma where all their movements are carefully monitored in something amounting to a kind of house arrest.

To undermine completely the influence of the legitimate traditional chiefs in the administrative area of Masisi, the current RCD leadership has had no hesitation in replacing eligible rulers by members of the MAGRIVI (the Agricultural Society of Virunga), a process which the Sovereign National Conference unanimously condemned<sup>7</sup>. Its members have been recognised as guilty parties in the other war that has been bathing the Congo in blood since 1990, the “Kanyarwanda”<sup>8</sup>.

The following are some cases in which traditional rulers have been replaced by members of the MAGRIVI:

In the chiefdom-community of the Bashali, Mr. Erasto Binwagari from Busumba in Bashali-Mukoto now calls himself a Mwami and acts as the chief of the chiefdom-community of the Bashali, replacing the traditional Mwami, Bashali Wa Mukoto Nyanguba.

- Mr. Mbarare: *Chef de Groupement* (area chief) of Kibachiro
- Bamenya: *Chef de localité* (local chief) of Kirumbu
- Ngenda Semajeri: *Chef de localité* of Kahira
- Munyaganizi and Nzabonimpa: heads of the village of Mbui
- Madui: *Chef de localité* of Mweso
- Kikeri (one of the people behind the massacre of 7 May 1993 at Kibachiro-Karole in which 250 young Hunde lost their lives): *Chef de localité* of Lubula-Bwimire
- Utazirubanda Kabagema: *Capita/* chief of the village of Kitobo-Kitchanga

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<sup>6</sup>E. Kataliko, Archbishop of Bukavu, in his statement of 1 May 1999 entitled “Solidarity of the Catholic Church of Bukavu with that of Rwanda in relation to the arrest of Mgr. Misago Augustin”.

<sup>7</sup>See the conclusions of the Vangu Mambweni report (HCR-PT).

<sup>8</sup>People who do not understand the real situation in North Kivu believe that the current war started in 1993. In Masisi the war actually started in the period prior to 1 October 1990, the date of the official outbreak of war in Rwanda. Rwanda was as cunning as a fox and managed to rid itself of the war and its torments by passing it on in the manner of an injection of HIV to what can be considered its “brother” country through the intermediary of Congolese “bicucu”.

In the area of Bashali-Kaembe, the heads of the various settlements were granted official recognition by the administrator of the territory based in Mweso, Mr. Zacharie Bizumyremyi Ukobizaba, on 22 February 1999.

**Responsibilities were divided up as follows:**

- Thomas Munyagishari: head of the village of Nyamitaba;
- Oscar Nkurikiyinka: head of the village of Tunda/Lubale;
- Bonaventure Kisangani: head of the village of Lushangi-Burumo;
- Wenceslas Turikinko: head of the village of Busihe-Kalonge;
- Kamanzi Kayitani: head of the village of Mutobo;
- Joke Mbendubundi: head of the village of Musongati;
- Jean-Claude Habyarimana: head of the village of Burungu.

**The following traditional chiefs were dismissed:**

Luanda Bahati, Sereme Ndabigiro, Bonane Kaembe, Bulenda Mapfumo, Kulu Wabo, Mateso Kaembe and Mrs. Safi Bulenda (represented by Maonero Kisa Kisa).

In the community of Oso-Banyungu, the traditional chief of the Bapfuna *groupement*, Mr. Michel Bakungu Pfuna-Mapfuna was replaced by Mr. Munyabariba (a Rwandan Hutu).

These Rwandan immigrants and resettled persons — generally Hutus — who have taken unlawful control of some of the *groupements*, settlements and villages in Masisi territory wrongly accuse the dismissed Hunde and Nyanga chiefs of possessing firearms. The aim of this ploy is for them to be hunted down and physically eliminated. Some chiefs have already lost their lives and those on the hit-list have fled Masisi and taken refuge in Goma where the authorities keep a close eye on them. When the time is ripe, they too will be wiped out.

## **II.6. Impunity and abuse of public office**

### **II.6.1. Impunity**

Massacres, assassinations, murders, inhuman and degrading treatment, looting of civilian property, extortion and fleecing, unlawful and arbitrary arrest and imprisonment, torture, rape, misuse of public property and other human rights violations are being carried out in Masisi territory in North Kivu in complete impunity. The whole situation seems to indicate that the inhabitants of this territory are regarded as animals whose only right is to die.

- No enquiry has been opened into the death of Father Paul Juakali who was sadistically tortured with knives before being finished off with a bullet at Ngingwe on 6 April 1999. And yet three armed Hutus suspected of being involved in the priest's death were captured and handed over to the administrator of the territory living in Mweso, Mr. Zacharie Bizumyremyi Ukobizaba (a Hutu himself), and the military commander in Mweso (who is a Tutsi) by the chief of N'Suka/Kalonge, Mr. Célestin Kibira Biandja. The three suspects were released with their weapons and without any form of trial. Following their release it was not long before they

threatened the chief who had handed them over with death, saying that he had denounced them. They are reported to have sworn that they will continue to block the road between Mweso and Pinga and kill any Hunde or Nyanga who dared to try to use this road.

- No charges have been brought against the APR members working for the RCD who were responsible for the shooting and wounding of Mr. Camarade Mabwire, now in the CBK hospital in Goma. Many other cases of impunity have been recorded in Masisi particularly with respect to the so-called self-defence forces who carry out a whole range of crimes with the full knowledge of the political, administrative and military authorities.

### **II.6.2. Abuse of office**

Under a resolution of the former Zairian parliament, the HCR-PT, of 28 April 1995, the MAGRIVI (Agricultural Society of Virunga) was supposed to be eradicated from Congolese territory and some of its leaders were to be expelled from the Congo with the possibility that legal proceedings would be initiated against them for having incited immigrants and resettled persons to an insurrection against any attempt to impose the Congolese nationality act and called for civil disobedience in the administrative territories of Masisi, Walikale, Rutshuru, Nyiragongo, Karisimbi and Goma in North Kivu, and Kalehe in South Kivu. The native inhabitants of the area were understandably surprised when the RCD authorities began appointing these people who had been declared *persona non grata* in the Congo to positions of responsibility.

Among them are Mr. Nzabara Matseta, the Mayor of Goma, and Mr. Zacharie Bizumuremyi Ykobizaba, the administrator of Mweso territory, who have conspired with the RCD authorities to legitimize the authority of the MAGRIVI in spite of the fact that it was condemned by the Congolese people at the CNS (the Sovereign National Conference). In this connection, see the description above of the repression of traditional authority through the dismissal of traditional chiefs.

### **II.7. Incitement to hatred**

Whereas sub-paragraph 2 of Article 20 of the International Covenant on Civil and Political Rights states that: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law", tribal and ethnic hatred is rife in Masisi territory and the surrounding area. The hatred stems from grudges harboured since the war that broke out in 1993 between the native Hunde, Nyanga and Tembo groups and Rwandan immigrants and deportees. These grudges are the root cause of the massacres, assassinations, murders, looting and other human rights violations carried out and orchestrated by forces working under RCD orders, particularly the latter's militia groups.

Nothing happens by chance in the RCD. During various peacekeeping tours and assignments only the native population has been disarmed by the authorities and to date not a single attempt has been made to disarm the Hutus. Quite on the contrary, our impression is that they are regularly supplied with arms and ammunition by the authorities in office.

The aim of this operation is not only to usurp traditional power but also to silence those members of the native population who refuse to join their movement.

## **THE HUMAN RIGHTS SITUATION IN ORIENTALE PROVINCE**

### **III.1 Overview of the situation between 1 January and 30 March 1999 (to be published)**

#### **III.1.1. Loss of dignity/sabotage of the right to a wage**

The social situation in the territories occupied by the RCD is still precarious. The people are sunk in destitution and to cap it all they have to endure humiliation, harassment and physical and moral torture from the soldiers of the RCD and its allies.

There is also some dissension between the Congolese rebels and their allies. In statements on the radio on 5 April 1999, Mr. Balengela Tango-Tango, commander of operations of the 7th rebel brigade asked the Congolese people to come to the assistance of the FAC-RCD Congolese Armed Forces because the Congolese were increasingly subjected to humiliations in their own country at the hands of foreign soldiers (from Rwanda and Uganda).

To back up his appeal he referred to the case of Vice Governor M. Yogba who arrived on a trip to Isiro and was immediately ordered by Ugandan soldiers to lie on the bare ground, then get up and get back in the plane that had brought him from Kisangani. It would seem that the Ugandans forgot that he was on an "official" tour of the various districts of Orientale province. Alongside these humiliations undermining people's dignity, the RCD's allies ride roughshod over the laws of the Congo.

For example under Congolese law, foreigners are not authorized to visit the country's mining regions unless they are given express authorization to do so by the state. In Kisangani the people have been dumbfounded to see the constant stream of Rwandan and Ugandan machines and lorries passing through on their way to the nearby diamond and gold mines.

Under Article 23.3 of the Universal Declaration of Human Rights everyone who works has the right to a fair and decent wage corresponding to his efforts and satisfying the basic needs of the worker and his family.

In the territories occupied by the RCD public employees have forgotten what a wage is. Every time civil servants or state-employed teachers dare to demand their wages they are asked to be patient and wait until Kinshasa, the capital of the Democratic Republic of the Congo, has been taken.

#### **III.1.2. Absence of the right to medical treatment**

Ever since the Second Republic, hospitals have had to make do without State grants and funds to cover operating costs. Now there is no more money to pay wages. This situation has caused the corrupt practices which were decried during the Mobutu regime to resurface.

The isolation of Orientale province caused by the rebel occupation has made the situation even worse. Medical treatment has become the exclusive right of businessmen and those who have the character to influence groups of men whom they can easily exploit.

Pharmaceutical products provided by UNICEF only help line the pockets of health workers. We have it from reliable sources that these products have been misappropriated in Kisangani, Isangi and Yangambi.

### III.1.3. Absence of the right to education

Several schoolchildren have had to leave school because their parents are no longer able to pay the fees that schools demand. RCD leaders based in Orientale province have simply asked 1997-98 school-leavers to start at university or in higher education institutions without their certificates — these people are referred to as the *sans papiers*. Even the national education system has been Balkanized.

The question is whether UNESCO will be able to validate their degrees from university or higher education institutes. The same thing is worrying schoolchildren for whom 1998-1999 is their final school year. For the moment they are carrying on studying but they cannot be certain that they will successfully complete their secondary education.

### III.1.4. Insecurity and police harassment

All the warring parties keep on claiming that they are fighting for the freedom of the people. For some the people need to be liberated from the dictatorship of President Laurent-Désiré Kabila. For others they have to be freed from the Rwando-Ugandan invasion. And for still others they have to be relieved of the hegemony of the Hima-Tutsi empire.

But the actual truth is that the people, particularly in the territories occupied by the RCD, are left to fend for themselves. They live in total and utter insecurity. Not a single day passes without the sound of gunfire and not a single night without some private homes being “visited” by soldiers.

Very often these visits are accompanied by gunfire but never are the soldiers troubled by those who claim to protect the people and their property.

#### **By way of example:**

- **Between 25 and 28 January 1999**, three households in Kitenge II neighbourhood were the victims of night-time visits accompanied by gunshots. The houses in question were No. 29 on Boulevard Kiwele, Mr. Nzuzi’s house at 17, Avenue Likinda, and Mr. Basila’s at 53, Avenue Botalimbo. This neighbourhood is only a few metres away from the military air-base but these civilians were left to fend for themselves and given no help to protect their property. The robbers abandoned the operation once they had managed to steal some items of value.
- **On the night of 11-12 March 1999**, two men in uniform, armed to the teeth, attacked the home of Mr. Ngubi at 20, 13ème Avenue Transversale, in the district of Kabondo. They stole NZ 35,000,000 (US\$100), 10 items of Wax clothing and other items of value.
- **On 10 March 1999**, a 10-strong commando group besieged the Monga neighbourhood in Kabondo district. The Basai family was rescued thanks to the human chain popularized by the Friends of Nelson Mandela (ANM).
- **On the night of 16-17 January 1999**, several heavily-armed men in uniform besieged the Public Works and Regional Development (TPAT) offices. They removed the corrugated iron cladding from some of them, making off with some 200 sheets. As things stand, this kind of activity can take place in broad daylight without being interrupted.

### III.1.5. Abductions

In defiance of international law provisions on the situation of civilians during periods of armed conflict, civilians in the DRC are not protected, particularly in the eastern part of the country. They are often subject to human rights violations on the pretext that they are acting as scouts for the enemy or that military targets have not been clearly identified. One example is the case of the village of Makobola where Rwandan soldiers killed over 500 people on 7 January 1999 because they were unable to distinguish soldiers from civilians. To date neither the UN nor the OAU nor the government of the DRC nor even the RCD (the Congolese Rally for Democracy) has conducted an investigation.

#### **Here are a few other examples:**

- **On 10 January 1999**, the deaths of 16 civilians in Kisangani were blamed on government bomber plane whereas in fact these 16 people were killed by shells fired at the plane by the RCD (cf. ANM report of 10 January 1999 on the bombing of Kisangani).
- **On the night of 19-20 January 1999**, Mr. Simon Engwande of 46, 17ème Avenue Transversale in Kabondo district died at the Protestant hospital from 6 bullet-wounds in the chest caused by a soldier who had shot him when he had refused to allow him onto his land.
- **On 1 February 1999**, the body of an unidentified man with traces of bayonet wounds was left to decompose at the morgue in Kisangani General Hospital and eaten by dogs.
- Mr. Bassay, around 27, who drove a bicycle taxi and was the son of an employee of the Yangambi University Institute of Agronomics was shot dead on the premises of the company, Busira Lomami, in Isangi (125 km from Kisangani on the River Congo). The Ugandan soldiers who had arrested him told his family that he was in secret contact with Congolese government soldiers.
- **On 9 February 1999**, four unidentified persons accused of witchcraft and two others arrested for unlawful possession of firearms were buried alive in a communal grave in Isangi (125 km from Kisangani).
- In Yangambi, some 97 km away from Kisangani, there is a militia group called Esende Buka which has set itself the goal of “killing all witches”. It operates in broad daylight with the tacit agreement of the local police. Among the victims of this group are Mr. Omangaoto, aged around 60, who was stoned to death in front of soldiers who simply looked on and fired into the air as the local children gathered round him yelling in triumph. There is also Mrs. Toleya, the single mother of a large family, who teaches at the Yangambi girls’ school. She was brutally dragged from her classroom by a group of youths and thoroughly beaten in front of her pupils. She was saved thanks to the intervention of the Yangambi ANM office.

### III.1.6. Extortion and vicious destruction

Abductions are among the most common methods used to intimidate opponents into accepting the authorities’ line.

- **On 25 January 1999**, Mr. Molisho, a public prosecutor at Kisangani Regional Court, was abducted by a large group of armed men in uniform. He was accused of being in contact with Mr. Jean-Pierre Bemba, the commander of the rebel group called the MLC (the National Movement for the Liberation of the Congo).



- The same reason was given for the abduction of Mr. Biona Wa Biona, a metropolitan police inspector and commander of the city of Kisangani. The latter was also accused of being in contact with some of the dignitaries of the MPR, including Mr. Kpama and Mr. Nzimbi who were both high-ranking officers in the SARM (the Mobutu regime's military intelligence service).
- **On 25 January 1999**, the mayor of the municipality of Mangobo, Mr. Loela was wanted by officers of the law in connection with rumours that the people of his municipality were secretly preparing a protest march against the possible abduction of their mayor. He gave himself up to the authorities and was held for a number of days.

As we have always said, many Congolese politicians are concerned only with their own personal interests. Their talk of liberating the people is merely a smoke-screen.

While the major authorities are greedily pouncing upon the riches in the ground, the minor officials, policemen and soldiers are making do with the riches of innocent civilians.

They resort to inhuman methods to get their hands on other people's property. They organize arbitrary arrest and detention, they torture and some go so far as to kill.

**The following examples speak volumes:**

- **On 7 January 1999**, at Banalia, 128 km from Kisangani, Congolese RCD soldiers and their allies systematically looted the whole place then went on to rape women in the surrounding villages.
- **On 9 January 1999**, three armed men in military uniform extorted property from the people of Kabondo district in Kisangani. They began in the evening and did not stop until the small hours of the morning. Among the victims was Mr. Katsuva, the owner of the pharmacy on 6ème Avenue, Kabondo, who lost NZ 5,500,000 (US \$ 157) and a large number of pharmaceutical products.
- **On 14 January 1999**, a group of armed men in military uniform occupied the village of Kondolole, some 180 km from Kisangani on the river Lindi. They took possession of a dugout belonging to the company *Etablissements Jidex* containing goods belonging to traders who travelled regularly to the diamond quarries in the area.
- **On 8 January 1999**, priests returning from Kisangani to the Church of St Elizabeth in Banalia were stopped and robbed by soldiers on two occasions. On the first occasion, some 40 km from Kisangani, they lost a sum of NZ 5,000,000 and on the second, 50 km further on, the soldiers took a bag containing several items including a radio cassette player and their food supplies for the next month.
- **On 20 January 1999**, Mrs. Mariam, who is better known under her pseudonym of Mama Kadafi, was visited by a group of armed men in uniform. Having completely ransacked her home and fired three shots they demanded that she hand over a sum of US\$10,000. The men took away several items of value. The victim lives in the Kiwele block behind the veterinary surgery in Makiso district.
- **On the same date**, Mr. Amisi Rashidi of 67, 1ère Avenue in Kabondo district, who is a student at the Kisangani Institute of Medicine (ITM) was visited by a group of armed men in uniform. They made off with two Sharp radios and his wife's case having raped his sister.

- While based in Yangambi, Ugandan soldiers removed the corrugated iron cladding from four residences belonging to the National Institute of Agronomic Studies and Research (INERA). They sold this material to the inhabitants of the housing developments. Once they had left, the police who were brought in to replace them proceeded to go around and get the cladding back. The police did not have a list of the people who had bought cladding and so they began removing the cladding from all the houses built in the town in 1998. A delegation of the Kisangani ANM who were staying in Yangambi received complaints from Mr. Mboole and Mr. Kambale who had bills confirming that their cladding was bought in Kisangani before 1998. In the major cities the officers of the law show a degree of restraint towards civilians but in the provinces, or in other words the countryside, the people are constantly harassed.

For every offence there is a fine of at least NZ five million (US\$14), often supplemented by two or three goats and five or six chickens or ducks:

- **On 21 January 1999**, Mrs. Kitundu, a married mother of five children around 45 years of age living in the Lever Plantation work camp at Lokutu some 200 km from Kisangani was shot at point-blank range by a policeman who had discovered her cutting down palm nuts. The victim's husband, Mr. Kasiala, who was immediately alerted by the other women working on the plantation, went straight to the scene and stabbed the policeman to death. The incident was taken up by the administrator of the territory who went to Lokutu with a group of police officers who then looted the housing development and arrested several innocent parties. They were released on condition that they paid a fine of NZ 5,000,000 (circa \$US155). It should be noted that, in this kind of situation, the victims' goats and chickens are the first things to be taken away.
- **On 3 March 1999**, Mr. Basila, a 34-year-old married father of three, living in Basoko (237 km from Kisangani) was arrested and ordered to pay a fine of NZ 7,000,000 plus two goats. He was charged with asking the wife of a policeman referred to only as "Mr. Alpha" to come to his house and collect the bill for the arak (a local liqueur) he had just drunk.

### **III.1.7. The repercussions of the bombing of Kisangani on 10 January 1999**

On 10 January 1999 at 9.50 p.m., a plane dropped bombs on the city of Kisangani.

"The Friends of Nelson Mandela for the Defence of Human Rights" (ANM) has looked very closely into this incident and feels that it must alert the national and international community about the way in which several families in Kisangani lost relatives in the incident.

Based on investigations in the field, it can be confirmed that the bombers belonged to the government forces who were launching a counter-offensive with a view to dislodging the rebel forces of the RCD (the Congolese Rally for Democracy) from Kisangani. Accordingly, they concentrated their attack on some of the city's strategic points such as the Simi-Simi II military air-base, the Hotel Zongia, where some of the rebel authorities were based, and the international Bangboka airport.

During the operation, bombs fell behind the training room at the Kisangani Sanatorium, about 500 metres from the hangar at the end of the runway at Simi-Simi air-base, and on the premises of Mr. Didier Kanima at 1, 5ème Avenue, Makiso district, in the *Quartier des musiciens*, about 10 metres from the Hotel Zongia.

The RCD's attempts to shoot the plane down caused damage to property and losses of civilian lives.

The first shell fired at the plane landed on the premises of Mr. Ilongo-Longo on 28, 2ème Avenue, while the second exploded on the premises of Mr. Epidi Djafard at 36, 3ème Avenue Dépotoir in Tshopo district.

**The following people were killed or wounded as a result:**

**I. Dead:**

<b>Name</b>	<b>Sex</b>	<b>Address in Tshopo</b>	<b>Marital status</b>	<b>Age</b>
1. Loleka (father)	M	28, 2ème Ave.	Married	60
2. Loleka (son)	M	28, 2ème Ave.	Single	12
3. Bandole Metaleke	M	20, 2ème Ave.	Single	18
4. T.F. Basosila	M	23, 2ème Ave.	Married	43
5. Jean-Paul Mbula	M	29, 2ème Ave.	Single	13
6. Passy Lokita	F	30, 3ème Ave.	Single	19
7. Sylvie Lokita	F	30, 3ème Ave.	Single	16
8. Jean Longala	M	33, 3ème Ave.	Single	Over 30
9. Botwetwe	M	23, 2ème Ave.	Single	36
10. Manu Mazumunu	M	21, 2ème Ave.	Single	42
11. Nora Dalige	F	19, 2ème Ave.	Single	12
12. Liense Zakalo	F	2ème Ave.	Single	20

**II. Wounded:**

<b>Name</b>	<b>Sex</b>	<b>Address in Tshopo</b>	<b>Marital status</b>	<b>Age</b>
1. Okito	M	28, 2ème Ave. Dépotoir	Single	Over 25
2. J.-Louis Mangwangu	M	28, 2ème Ave. Dépotoir	Single	Over 25
3. Pascal Botsho	M	28, 2ème Ave. Dépotoir	Single	Over 27
4. Keni Mozart	M	28, 2ème Ave. Dépotoir	Single	12
5. Bandole Bamiwa	F	20, 2ème Ave.	Single	20
6. Célestin	M	23, 2ème Ave.	Single	Over 25
7. Mama Lyly	F	25, 2ème Ave.	Married	Over 30
8. Nene	F	25, 2ème Ave.	Single	Over 18
9. Jean Tulanga	M	29, 2ème Ave.	Single	20
10. Lutambula	F	19, 2ème Ave.	Married	Over 35
11. Manu "le blanc"	M	25, 2ème Ave.	Single	13
12. Manu	F	25, 2ème Ave.	Single	11
13. Bolanda	M	30a, 2ème Ave. Dépotoir	Single	29
14. Mukuphar	M	2ème Ave.	Married	-

**III. Damage to property:** Six houses were destroyed as well as a number of items of value inside.

Under international humanitarian law, warring parties must guarantee the protection of civilians and their property during wars. Neither are warring parties ever permitted to launch attacks on civilians or use them as human shields. (This universal principle has never been applied in occupied DRC).

### **III.2. The war in Kisangani: an outrage against peace and telling evidence of international collusion in the present crisis in the Congo**

#### **III.2.1. General comments**

As the 20th century draws to a close much of the human suffering in Africa in general and the Democratic Republic of the Congo in particular can be put down to armed conflicts in which human rights are trampled upon. Most of the time it is innocent civilians who pay the cost.

Current events are showing once again that if a problem is left without being thoroughly resolved, it results in a spiral of violence which leads in turn to war and senseless killing.

The fighting between Rwanda and Uganda in Kisangani is a case in point.

At a time when the attention of the entire population of the occupied territories is focusing on the conclusions of the verification committee, which will also issue a final opinion on the question of the signature by rebel groups of the Lusaka cease-fire accords, Kisangani is mourning and burying its dead.

#### **III.2.2. Position of the allies and consequences of the fighting between the Rwandan and Ugandan armies on Congolese soil**

##### **Agreements between the allies**

If we look back at the war which is currently ravaging the DRC, we see that the Congolese Rally for Democracy (RCD) had two allies from the outset in the form of Rwanda and Uganda. The two countries claimed that their presence deep in Congolese territory over 1,500 km from their frontiers was justified by a concern for the security of their borders. Just like the Alliance of Democratic Forces for the Liberation of the Congo, the RCD and MLC rebels have never told the people who their allies are.

However, the public claims that the two allies came to an agreement in their draft accord on the administration of the occupied territories. Uganda was to be responsible for the political and economic management of the northern part of these territories comprising Equateur and Orientale provinces and the northern part of North Kivu province, namely Beni, Butembo and Lubero, while Rwanda was to deal with the south, in other words South Kivu, East and West Kasai, Katanga, Maniema and the remaining part of North Kivu.

*[Translator's note: two pages missing]*

The fighting had the following disastrous consequences:

- a gross violation by Rwanda and Uganda of UN Security Council Resolution 1234 of 9 April 1999;
- a gross violation by Uganda of the Sirte Peace Accord (Libya);

- the collusion of the United Nations and their inability to make Rwanda and Uganda respect the international charter of human rights and the constitutive charter of the United Nations;
- the sabotage of 3 million doses of vaccine destined for thousands of children from nought to 5 years of age as part of the National Polio Vaccination Campaign in Orientale province;
- the death of more than 175 innocent victims, including scores of young people, women and children;
- the destruction of public and private amenities as a result of fighting using heavy artillery;
- a power cut and all the problems associated with this for the City of Kisangani.

### **III.3. Former Mai-Mai fighters being wiped out in Kisangani, Orientale Province**

In its task of promoting and protecting human rights in the Democratic Republic of the Congo the ANM has looked once again into the plight of the former Mai-Mai soldiers in Kisangani.

It should be recalled that the Mai-Mai are Congolese citizens from South Kivu province who have been fighting for some years now to counter the expansionist aims of the Tutsis in the provinces of North and South Kivu.

During the first war, the so-called war of liberation, these Congolese citizens fought on the side of the Alliance of Democratic Forces for the Liberation of the Congo (AFDL) led by the current president, Laurent Désiré Kabila.

Once Kabila had taken power, they were incorporated into the Congolese Armed Forces (FAC) and accommodated at the Kapalata military training camp in Kisangani where, under the vigilant eye of Rwandan instructors, over two thousand of them died. It was in this connection that the ANM launched an urgent appeal on 2 January 1998 entitled as follows:

“Do the Mai-Mai militia have cholera or are they suffering from malnutrition?”

Now history seems to be repeating itself. When Kisangani fell into the hands of the rebels (the Congolese Rally for Democracy), the former Mai-Mai soldiers were taken to the military camp known as “Base” over 9 km from the centre of Kisangani.

Following the rumours that were circulating and its own investigations, the ANM has reported that the Mai-Mai have been left to their own devices and are being gradually wiped out. They roam the streets of Kisangani from morning to night. Some of them look for a small job to earn enough to eat, others are forced to take to begging, while others still abandon themselves to total destitution.

The 150 sick Mai-Mai transferred to Kisangani General Hospital have been almost totally abandoned. They are denied medical treatment, food and even prescriptions.

In this degrading situation, many of them are weak, starving, and disease-ridden and every day one of them dies.

The most shocking case is that of Mr. Heshima, a man around 20 years of age, who died at the door of the Higher Institute of Medicine (ISTM), some fifty metres from the hospital.

In view of the ongoing situation on the ground, the public's suspicions that the former Mai-Mai soldiers are purely and simply being exterminated may be founded, despite the fact that they too are covered by the Geneva Conventions and international humanitarian law.

Faced with the growing number of victims, ANM has launched an urgent and heartfelt appeal to the national and international community to assist the following 77 former Mai-Mai:

**List of former Mai-Mai soldiers in danger of dying at Kisangani General Hospital**

1. Ngenda	27. Bosongo	53. Samusoni
2. Paruku	28. Bosembayi	54. Bisuru
3. Kitisao	29. Soudanais	55. Masikirizano
4. Mikayeke	30. Safari Jacques	56. Milieza
5. Madudu	31. Baribonera	57. Nzabirinda
6. Muzuhuke	32. Udino	58. Dine
7. Mapendo Kambale	33. Musubao	59. Sibomana
8. Faustin Kambale	34. J.P. Lwansa	60. Janvier
9. Patrice	35. Basengo Nyembo	61. Shirambere
10. Jackson	36. Musafiri	62. Mateso
11. Biyamungu	37. Kayumba	63. Bazirake
12. Nzabanita	38. Mulemba	64. Kabalira
13. Habiyana	39. Kibonge Mutwale	65. Turinabo
14. Amabu	40. Safari Tshelubala	66. Turidumwe
15. Dume	41. Lokalanga	67. Nguba
16. Ilunga	42. Yamnonga Ngugandje	68. Sadiki
17. Mbo	43. Moyinda	69. Etienne
18. Bamuparabi	44. Kasangai Sossa	70. Kambale
19. Kalombo	45. Rubunda Ngagidje	71. Habimana Rusasa
20. Kavuma	46. Marie Salisali	72. Roger Dunia

*[Translator's note: 1 page missing]*

*[...]*

Details of these heinous crimes came from sources including a little girl who had escaped and was taken for appropriate medical treatment to the Sendwe General Hospital in Lubumbashi (the administrative capital of Katanga).

#### **IV.4. Arbitrary arrests and abductions**

August 1999 was a deadly month for the people of occupied northern Katanga. It saw the **sudden abduction of 40 Franciscan nuns** from Sola in northern Katanga by members of the occupying Rwandan army, as well as the abduction of Father Baudouin Waternane (a Belgian

subject), a sacristan and a seminarist from Sola parish, and the headmaster of a local school. After several days of investigation 18 sisters have been found again but the other 22 are still missing.

**N.B.:** As far as the human rights situation in the occupied part of northern Katanga is concerned, apart from the killings and the abductions that have been recorded, the humanitarian situation is also totally disastrous. Several hundreds of families are now homeless, over **114 houses have been burnt down**, various churches and schools have been quite simply destroyed and a number of girls have been forced into prostitution or raped.

The humanitarian problems in this part of the country are acute.

#### OVERALL CONCLUSION

The large-scale violations of human rights and international humanitarian law in the occupied provinces of the DRC provide telling evidence of the United Nations' inability to manage international conflicts when faced with the agonizing indecision of the imperialist powers involved, who are more preoccupied with sub-regional geo-strategic interests than the lives of human beings.

In a limited period of six months, the provinces of the DRC occupied by Rwanda, Burundi and Uganda have been the scene of criminal acts, senseless massacres of civilians, killings of every other kind and all the other possible forms of large-scale human rights violations that might be imagined.

**Tragedy is everywhere:** Homes have been torched, thousands of civilians have become war refugees, hundreds of access roads to farming land have been abandoned, seasonal food shortages are on the increase, freedom of expression has been muzzled as never before, public amenities have been destroyed, natural resources and other national assets have been systematically looted, and millions of people have been traumatized. This is a huge humanitarian crisis whose ins and outs are liable now more than ever to result in human slaughter given the popular resistance to all of the activities of the aggressors and their Congolese proxies, who seem to have forgotten that:

“You can achieve everything by force except to make yourself loved” and/or “it is better to have a just war than an unjust peace which takes no account of the deep-seated aspirations of the people involved”.

This six-monthly report covering events in the occupied provinces of North Kivu, South Kivu, northern Katanga and Orientale province between **1 April and 30 September 1999** does not claim to be a panacea for all the large-scale human rights violations reported since the invasion of the DRC, but neither can it be regarded as the mere product of speculation. Instead it is intended to provide a data base on the criminal acts carried out on the cosmopolitan and hospitable Congolese people which will certainly be used as a source of information in the future investigations and reparations without which these war criminals will never be held to account for their acts before the inevitable and essential appropriate judicial bodies.

This report should not now be filed away and treated as a closed matter. It should be analyzed and used for the benefit of the peace-loving inhabitants of the occupied provinces of the DRC.

Done in Kinshasa on 30 October 1999.

**For the 152 youth movements and associations of South Kivu, DRC  
which are the members of COJESKI**

**1. Christian Bulambo Wandila**

Provincial administrator of the social committee.

**2. Marcel-Joseph Kamba Nyunyu**

Provincial administrator for ethics and morals.

Special advisor on the preparation, planning and evaluation of development projects.

**3. Fernandez Murhola Muhigirwa**

Provincial administrator of the political committee.

Security adviser to the South Kivu Civil Society.

**4. Willy Tshitende Wa Mpinda**

Deputy co-ordinator.

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**ANNEX 4.18**

**Lotus Group, *The Consequences of Rivalries within the Rebel Alliances and  
Factions in North-Eastern Congo. The Kisangani War, September 1999***

*[Annex not translated]*

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**ANNEX 4.19**

**Lotus Group, *Conflict between Uganda and Rwanda in Kisangani,*  
Kisangani, May 2000**

*[Relevant extracts only]*

**Lotus Group, Conflict between Uganda and Rwanda in Kisangani,  
Kisangani, May 2000**

*[Translation]*

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## **I. Background**

### **1.1. Indirect causes**

#### **1.1.1. The affront to the UPDF (the Ugandan army) during the three-day war**

The battle of Kisangani between the Ugandan and Rwandan armies from 15 to 17 August 1999 ended in a minor victory for the Rwandans in which they gained control of the main transport routes and the entire city of Kisangani.

Ever since this conflict the Ugandans had been harbouring a desire for vengeance stemming from a wish to restore their morale by humiliating the Rwandan soldiers who had pointedly displayed dead Ugandan soldiers in public. They were also keen to salvage their dented prestige and thus regain the trust of the Congolese people by deserving it still more and reassure the Ugandan people that the Ugandan army was superior to the Rwandan one.

#### **1.1.2. Violations of the agreement entered into after the three-day war**

Enquiries conducted by the chiefs of staff of the Rwandan and Ugandan armies, Kayumba and Jeje Odongo, who were hurriedly dispatched to Kisangani to look into what had happened and establish who was responsible for what, resulted in an agreement between the two parties including the following provisions:

- The city of Kisangani was to be demilitarized by withdrawals of troops from both camps to locations 40 km away from the city. Subsequently the city was to be placed under the control of a joint Rwandan and Ugandan military committee.
- Elections were to be held at various levels with a view to establishing political authorities which would be suitably unbiased and bound by no allegiances.
- Public meetings were banned.
- Local radio stations and television companies were expected to use courteous language.

Unfortunately both signatories have since accepted deliberate violations of these rules. Following a vague semblance of some troop withdrawals (the Ugandan army withdrew 36 km along the Buta and Bafwasende road while the Rwandan army moved towards Lubutu and Wanierukula), the two parties made a series of unwarranted advances which brought them closer to the city and enabled them to reinforce their representatives there. Through a lack of political resolve and the fear of losing its control over public services, the RCD/Goma, which is totally reliant on Rwandan support, did nothing to promote or give any practical force to the idea of holding elections.

The two local radios (*Radio Liberté*, which supports the MLC, and RTNC, which supports the RCD/Goma) engaged in personal attacks, offensive remarks and spiteful rhetoric.

In December 1999, the Kabale accords had resulted in a “Common leaders’ front” involving the three factions of the Congolese rebellion, namely the RCD/Goma, the MLC and the RCD/ML. In these accords it was decided that the three groups would meet in Kisangani on 4 February 2000 to continue their discussions on Kabale II.

As the meeting date approached, the Ugandans and Professor Wamba’s RCD/ML were systematically maligned on RTNC radio. In an interview on the RTNC’s regular programme “Vie et Société” in late January 2000, the Governor of the Province appeared neither to acknowledge nor

even accept the existence of the RCD/ML. He went on to say that the co-ordinating office of the RCD/ML should have been evicted from the CADECO buildings.

In a similar vein, the people were encouraged to demonstrate their displeasure with Professor Wamba and the Ugandans. Twenty or so saleswomen even organized a march from the city hall to the Franco-Congolese alliance building to signal their disapproval at the continued presence in Kisangani of Wamba, who is blamed for all the deaths during the three-day war.

On the afternoon of the same day, some of Orientale Province's traditional leaders, who claim to be Kisangani's natural rulers but whose political ideas are not far removed from those of the RCD/Goma, issued a memorandum in which they refused to allow rebel meetings to be held in Kisangani and called for Mr. Wamba to be expelled. In response, the Ugandan army sent out a tank to patrol the streets of Kisangani for a day and Ugandan soldiers were placed on alert.

## **1.2. Direct causes**

### **1.2.1. Occupation by the Ugandan army of the Kapalata training centre, renamed the P. E. Lumumba Training Centre**

Kapalata is a major police training centre 6 km from the city centre on the right bank of the River Tshopo. Following the collapse of the Mobutu régime and the fall of Kisangani in 1998 it was not being sufficiently used. It had been empty for months and so it was an obvious target for the Ugandans in their quest to approach and surround the city.

All of this coincided with the presence in the city of Commander William Balengele Kazadi, known as Tango Tango, the former commander of the 7th Brigade which had broken away from the RCD/Goma to back Wamba. The presence in Kisangani of the person who was already being sounded out as the potential instructor of the Congolese branch of the Wamba army at the P. E. Lumumba Training Centre was tantamount to provocation. On 20 March 2000, during an official visit to Kisangani, Mr. Lambert Mende, who was the head of the RCD/Goma's mobilization and propaganda department at the time, granted an interview on Radio RTNC in which he described the commander as a *persona non grata*.

The same day, an incident was narrowly avoided at Tshopo bridge between the Ugandan army and Congolese police officers who intended to remove the centre's new occupiers by force. Spokesmen for the Congolese National Police said that the centre had been made available to them and they had already carried out some work on it but it had not been intended to use it until certain logistical problems had been resolved.

### **1.2.2. The embargo on the city of Kisangani**

Around mid-April, shopkeepers in the habit of travelling to and fro between Kisangani and Bumba to purchase provisions for the city including smoked fish, salted fish, rice and maize put about information to the effect that the MLC had declared an embargo on the city of Kisangani and no more goods would be allowed through the border-posts at Bumba. It was not long before the price of the goods concerned began to rocket. Not only . . .

*[Translator's note: whole section missing here]*

— At the Sergeant Ketele camp, in Makiso district near the edge of Kabondo district.

— At Simi-Simi airport, Plateau Médical, Makiso district.

- At the former official residence of the provincial governor at Plateau Médical, occupied by Rwandan soldiers since their arrival in Kisangani.
- At Bangboka Airport

In addition, the fact that they controlled the city centre gave them the advantage of being able to move around and spread out via the main routes in the various districts.

.....

## **2.2. How the fighting was conducted**

Unlike the three-day war, when the belligerents used both heavy artillery and light infantry, the main weapons used this time were highly destructive 60 and 80 mm mortars and rockets.

According to other sources, hand-to-hand combat necessitating the use of individual weapons took place on the road to Bangboka Airport and at the airport itself.

## **2.3. The end of the fighting**

Calm was restored that same evening as the result of a cease-fire agreement negotiated by the high command of the warring parties whereas neither party had moved one inch from its starting position.

However it should be said that the soldiers on both sides had far less room for manoeuvre this time round and could not easily move into areas occupied by the enemy. It was inadvisable for aircraft to attempt a landing at either airport without the permission of the Ugandans unless they were prepared to risk being shot at.

## **III. The damage done**

The extent of the damage done to people and property in the course of these conflicts provide a perfect illustration of the degree of destruction and violence to which the two armies are prepared to go. It may be understandable that armies will fight, even outside their own territory. But the matter becomes far more alarming when they aim shells at targets that clearly have nothing to do with the conflict.

Volunteers quickly began working to get the wounded to hospital. Some of them were supported by humanitarian groups. Others had their medical costs covered by their families. Health workers (doctors and nurses) made enormous sacrifices, putting their lives in danger by going out on the streets in search of first-aid products.

The day after the clashes, Kisangani ICRC gathered the wounded at the university clinic and Kisangani General Hospital, distributed bandages to the hospitals it visited and began cleaning up the areas in which fighting had taken place and removing the waste caused by the clashes.

According to preliminary estimates arrived at by the Lotus Group on the basis of reports which it has verified on the ground, the fighting resulted in 32 deaths, 80 wounded and damage to 33 houses and other buildings.

### 3.1. Loss of human life — 20 direct deaths

.....

### 4.1. Violations of international humanitarian law

#### 4.1.1. Outrages to human dignity

##### Arbitrary arrest and unlawful detention

Peaceable citizens suspected of conspiring with the Ugandans or the Rwandans — yesterday's allies who had now become a convenient enemy — were arrested and treated with no respect for their human dignity. Among them were:

- Mr. Kasongo, the manager of the Congolese Oil Company, of 1, Avenue des Cocotiers, Makiso. He was arrested on Sunday 7 May 2000 by soldiers from the RCD/Goma and released on 9 May 2000 following a number of local raids. His companions in misfortune, Mr. Kabuluku, Mr. Katumba and Mr. Kabemba, were released on 11 May 2000 having been interned at Ketele Camp. They were accused of being in league with the Ugandans.
- On 9 May 2000, Mr. Ramazani Mwenyewe, the owner of the private school, the *Complexe Scolaire du Progrès* and a resident of the Saïo Building at 41, 3ème Avenue bis, in the *Quartier des musiciens*, Makiso, was arrested while putting up posters calling for the withdrawal of Rwandan and Ugandan troops from Kisangani. He was taken to the residence of the Commander of the 7th Brigade then transferred to Ketele Camp the day after his arrest. He was released on Tuesday 16 May 2000. Everything he had on him at the time was confiscated including a watch, a bicycle, his shoes, his clothes and a sum of US\$600 with which he was intending to pay his teaching staff.
- On 20 May 2000, Mr. Gauthier Liambi, a journalist from Lubunga District working for Radio Liberté, was abducted for reasons linked to his professional activities by Congolese RCD soldiers under the orders of the Congolese Commander Sadam of ANC Bureau II posted at Lukusa Camp in Lubunga.
- Mr. Bernard Luhayo Pene Kamba, a journalist working for Radio Liberté of 62, Avenue Baraka in Lubunga district, has had property looted by Congolese RCD soldiers. He is now wanted by the authorities and has gone into hiding.
- Mr. Jefferson Amundala, a journalist and the director of Radio Liberté, living in Kisangani city centre, has had his motorbike and other items of value stolen by Congolese RCD soldiers. He is also wanted by the authorities and has gone into hiding.
- Gabriel Mutabala, a journalist working for Radio Liberté and a student at Kisangani University, was robbed of his bicycle by Congolese RCD soldiers on his way home from classes.
- Nanga Bambanayo, a journalist at RTNC was arrested on 24 May 2000 for broadcasting news that RCD soldiers arriving by foot along the Ubundu road in the company of Vice-Governor Abibu Sakapela were terrorizing the local population. Mr. Bambanayo himself was a member of Mr. Abibu's delegation which was returning from a mission in Ubundu.
- Mr. Baudouin Ndeke, the co-presenter of the programme "Masolo ma Nzanga" on RTNC, was arrested on 5 May 2000 eleven kilometres along the Bangboka Airport road then taken to Ugandan army headquarters in Kisangani at la Forestière on the ground that he was one of the



journalists who were insulting the Ugandans all day and all night. He was released the same day on the evidence of journalists from RALI-FM.

- Mr. Doudou Lifetu, 25 years of age, living at 70, 15ème Avenue in Tshopo district was arrested on 14 May 2000, seemingly on the orders of the secretary of the Commander of the 7th Brigade. He was asked to pay a debt of \$US200 to his father and released a few days later.
- During the week of 8 to 14 May 2000, Mr. Gérard Afino, who lives in Basoko but was in Kisangani on business, was harassed because it was claimed that he had once transported coffee for the Ugandans in his motorised canoe. He was cleared of all suspicion but only after the arrest of his brother Kamaito, of Kitenge Block II, 23, Avenue Opala, in the Plateau Médical neighbourhood of Makiso district.

### **Harassment and threats**

Some people have been threatened because of their professional activities or their position in society. Among these are the journalists, Liabo, Théophile Mbuyi, André Losana, Maman Dorothee Magwamboa and Barnabé Nzale as well as a number of human rights activists. The latter are repeatedly taken to task by the two local radio stations for sitting on the fence. In the circumstances of mutual antagonism, each side would like to see the human rights organizations acting in their own interests.

#### **4.1.2. Violations of the right to property**

- Two motorbikes belonging to Ugandans were confiscated by unidentified Rwandan soldiers from the garage of the Archbishopric of Kisangani on Avenue General Mulamba.
- A bicycle belonging to Brother Gustave of the Archbishopric of Kisangani ridden by the journalist Gabriel Mutabala was also confiscated.
- A red Pajero belonging to Mr. Empereur Kennedy of 70, 15ème Avenue, Tshopo, was commandeered, seemingly on the orders of the commander of the 7th Brigade. It would seem that the vehicle was seized because Mr. Empereur owes the commander's secretary US\$200 and is rumoured to have joined the Bemba camp.

There have been night-time raids on private homes, particularly in the Kilima Ya Bahindi neighbourhood of Makiso district.

#### **4.1.3. Infringements of the right to freedom of movement**

Since 4 May 2000, Ugandan soldiers have prevented everyone from crossing Tshopo bridge. As a result, many people on both sides of the river have been separated from their families and friends for days, living far away from their usual homes. Furthermore, for security reasons, people living around the Ugandan positions on the right bank of the River Tshopo have been ordered to leave their houses and withdraw to a distance of 10 kilometres.

*[Translator's note: section missing]*

... the DRC, in total keeping with the principles of the United Nations with regard to the sovereignty and territorial integrity of States.

The Kisangani Office of the United Nations Mission in Congo (MONUC) condemned the initial attacks by Ugandans on Rwandans.

The Command of the Ugandan Army in Kisangani broadcast a three-part statement on the MLC station Radio Liberté demanding:

- that the SNEL (the Congolese national electricity company) re-establish the electric current to Ugandan army headquarters at la Forestière;
- that the RTNC (Congolese National Radio and Television) stop insulting the Ugandans and apply professional standards of journalism;
- that the authorities of the RCD/Goma remove the barrier set up 6 kilometres along the Bangboka Airport road.

The population is fed up with the Ugandan and Rwandan military presence and has expressed its dissatisfaction in the following ways:

- On 28 May 2000 there was a popular uprising when the Ugandans refused to open the bridge on the River Tshopo despite the media campaign on the process of demilitarization. When a MONUC vehicle was allowed across the bridge the local inhabitants removed struts from either side of the bridge so as to prevent the vehicle from returning and force the MONUC officer to act as their spokesperson vis-à-vis the Ugandans.
- On 29 May 2000 following the death of Mr. Jean Masudi Beyaya, a priest at the neo-apostolic church, living at 40, Avenue Kirundu in Lubunga district, who was shot dead at point-blank range at around 8 p.m. the previous evening, the people paraded his corpse around the main streets of the city, ending up at the residence occupied by the MONUC officers. Throughout this procession they chanted slogans against the RCD soldiers and their Rwandan allies.

The churches took advantage of this event to boost the inhabitants' morale encouraging them to continue to pray to the Creator, who may be the only person able to resolve the Congo's problems. Ministers, evangelists, priests and other servants of God begged for God's grace to achieve the liberation of the people of the Congo as with the Moabites and the Ammonites.

## **5.2. Nationally**

The government in Kinshasa has described the situation as atrocious. It claims that a vast plan for the extermination of civilian populations and the destruction of the city of Kisangani is being put into practice.

## **5.3. Internationally**

On a visit to Kampala, Mr. Aldo Ayello, the European Union representative to the Great Lakes region, condemned the fighting and demanded that Rwandan and Ugandan troops be withdrawn from the Congo.

The United States accused Uganda of provocation for having triggered the conflict. This was liable to affect their diplomatic relations.

The much anticipated meeting between Presidents Museveni and Kagame at Mwanza in Tanzania on 14 May 2000 produced few hopeful signs; they merely reiterated their undertakings to demilitarize the city of Kisangani but made no further comments and left it up to their respective

chiefs of staff to agree on practical arrangements. This was all in spite of the fact that, some days before, the chiefs of staff had suspended talks pending the conclusions of their superiors.

## **VI. Reasons for the preoccupation with Kisangani**

Kisangani is a historic city which has been the scene of many significant events:

- In 1955-56, Kisangani saw the political beginnings of Patrice Hemery Lumumba who was later to become a national hero.
- In 1964, the Mulelist uprising, which had spread to many parts of the country, met with a crushing defeat in Kisangani by the Congolese National Army supported by Belgian soldiers.
- In March 1997, with the fall of Kisangani, the last pocket of resistance of the Mobutu régime was destroyed, opening the way for the AFDL to conquer other large cities and prepare a swift assault on Kinshasa.
- By capturing Kisangani, the RCD was able to forge another image of itself and escape the yoke of North and South Kivu.
- It was also in Kisangani that the Ugandans nurtured the political emergence of Mr. Jean-Pierre Bemba and his MLC and forcefully established Professor Wamba in May 1998 as his views began to diverge with those of the RCD/Goma.
- With the gulf created by the establishment of the RCD/Kis, rivalries for the actual control of the city of Kisangani were enhanced. But why is it that the Congolese rebels and their allies are so keen to control Kisangani?

### **6.1. Political reasons**

Because Kisangani has such an influence on other parts of the province, controlling Kisangani may encompass other areas, especially since what is done in the chief city of the province is considered to be more binding over the province than any measures taken elsewhere.

Furthermore, the city's multi-ethnic, cosmopolitan dimension and anti-establishment views deriving from the presence of a major state university and a number of other higher education establishments make for constructive and frequently more objective debate enabling politicians to work in a more integrative and open environment.

Looking forward to the essential negotiations prior to the re-establishment of peace in the DRC, the influence of local and regional authorities may come into play when power is shared out or at least when it comes to taking into account the arguments of the delegates during the various discussions. The same applies to the governments whose armies are fighting in the DRC since some of the conditions for their withdrawal may be decided with reference to the size of the towns they occupy.

### **6.2. Economic reasons**

*[Translator's note: another section missing here]*

... permanent confiscation by the military and economic powers would make Uganda and Rwanda's acts of aggression a part of international custom.

The demilitarization of Kisangani may seem to provide a solution to the crisis but the major question that remains is the political and administrative control of the city by the RCD/Goma and Rwanda's sphere of influence. If this problem, which has been a crucial factor in both wars, is not resolved then the two other branches of the rebellion (Wamba's RCD and Bemba's MLC) will be forced to adopt strategies of equivocation and circumvention in the absence of any satisfactory compromise likely to be respected by all the parties. On the other hand, solving this problem is tantamount to acknowledging the political and administrative rights of the antagonists over the city of Kisangani which the RCD/Goma would find it difficult to accept since it regards itself as the city's "sole liberator" or at least its conqueror. Hence the danger of a new conflict for MONUC to deal with.

Kisangani's current difficulties provide a foretaste of the context in which the subsequent process of national dialogue and hence the process of pacifying the whole country will take place.

.....

### **7.3. The arguments of the rebels' allies**

There is a constant in the reasons the Ugandan and Rwandans give for their presence on Congolese territory. They each claim to have been providing security for their governments against attacks from Hutu rebels, Ugandan rebels and the authorities in Kinshasa while at the same time liberating the Congolese people from the dictatorial governments of Mobutu and now Kabila with a view to establishing a democratic system in the Congo.

As members of the United Nations, the Ugandan and Rwandan allies argue that they are waging a war in self-defence under Article 51 of the Charter and would seem at the same time to be granting themselves a right to interfere in the Congo's internal affairs for humanitarian reasons which would amount to a duty to come to the assistance of the oppressed Congolese people, a right which does not yet form an integral part of the international legal system.

The first argument actually stems from a desire to settle problems of minorities and majorities by armed force thus leading to civil wars with international ramifications. This is the logical upshot of an all-out struggle for power in which an ethnic minority and majority are incapable of dividing up the power of the state legitimately.

The second argument is less convincing because the four governments now at war in Africa's Great Lakes Region (Uganda, Rwanda, Congo-Kinshasa and Burundi) are authoritarian regimes which have emerged from violent coups characterized by gross human rights violations and problems with coping with rebellions. Given this, some of them cannot claim to be in the position to give lessons in democracy to others. It should be recalled that the Democratic Republic of the Congo had been following the guidelines of the Sovereign National Conference and in so doing was experimenting with a liberal, multi-party form of politics in contrast with others who had opted for solutions by armed force and one-party systems.

The so-called allied Ugandan and Rwandan military occupation reflects a kind of transitional situation or a job half-done because it demonstrates the glaring inadequacy of public international law when faced with new circumstances expressed in the form of combined rebellions and foreign acts of aggression.

The deterioration of the present situation in the DRC combined with the vicissitudes of international diplomatic disputes may trigger off a conflagration throughout central or southern Africa which could result in serious crimes such as genocide, war crimes and crimes against humanity and the possibility of a large-scale ethnic war.

#### 7.4. The leadership conflict

President Mobutu's demise has now resulted in a leadership conflict both within the Congo and throughout the Great Lakes region. One well-informed observer of the region, Laurent Monnier, recognized President Mobutu's directorial skills which derived from his practical expertise in managing the balances of power which govern the world, acquired during his long experience of power-brokering to ensure his own survival and that of his wealthy clients, a goal which Mobutu fully realized in the Congo and in the Great Lakes region as a whole.

The military and economic powers are now said to be seeking a strong man to succeed Mobutu Sese Seko in the region, but looking this time towards Rwanda and Uganda and not the Democratic Republic of the Congo, which lost its geostrategical importance with the fall of communism. This assumption seems to be borne out by the way in which the leaders of these powers have been talking about the region's political make-up. Rwanda and Uganda would appear to be considered to be providing the Congo with the choice of how it is going to rehabilitate itself. They seem to be expected to choose the Congolese president, supply the country with a decent army and present it with its diplomatic options. In short they are to act as regional patrons in the new political world order.

At national level the rebel chiefs controlled by Kigali and Kampala are jostling with President Kabila, the former ally of Presidents Kagame and Museveni, to take exclusive control of the presidential office vacated by President Mobutu. However, at regional level, Kagame and Museveni are fighting over a position vacated by the former Zairian president, namely that of the "top man" in the Great Lakes region.

In this quest for regional dominance, President Museveni appears to have a formidable opponent in the figure of Mr. Kagame, the young Tutsi president of the Rwandan Republic dominated by the Tutsi minority and receiving the patronage and support of the world's major capitalist powers. The fact that Uganda was given a harder time than Rwanda over the Kisangani crisis could only be of any surprise to a casual observer. In the meantime, by controlling the various Congolese rebel groups, both countries have been trying their hand at a form of third-world-style imperialism by exploiting the Congo's natural resources in the areas which they claim to have liberated.

To resolve this regional crisis, of which the situation in Kisangani is merely a by-product, it is essential for the international community to do as much as possible to ensure that the Lusaka Agreement is applied.

Efforts also have to be made to induce the conflicting governments to resolve their problems democratically and respect everybody's territorial integrity.

The Charter of the United Nations and the Universal Declaration of Human Rights still raise great hopes of preserving peace. It is to be hoped that the great powers will halt . . .

*[Translator's note: another section missing]*

#### Conclusion and recommendations

- .....
- to accept their responsibility for the security of people and their property;
  - to bring all perpetrators of serious human rights violations to justice and co-operate with the MONUC office in Kisangani.

**To Kisangani's local radio stations:**

- to help bring calm to the city of Kisangani by advocating peaceful co-existence between peaceable leaders and peoples;
- to broadcast only factual information;
- to apply professional standards of journalism.

**To the people of Kisangani:**

- to champion respect for the Lusaka cease-fire agreement;
- to work to establish a culture of dialogue and peace everywhere in Kisangani and at all levels;
- to perform their duty to remember and testify to all the acts of oppression and violations committed by the warring parties;
- to co-operate with and support the MONUC office in Kisangani in its efforts to bring peace to the city.

**To the international community:**

- to make absolutely certain that the Lusaka cease-fire agreement is respected;
- to be impartial in acknowledging and establishing the facts and the responsibilities of all the parties to the conflict in the DRC;
- to set up mechanisms for the enforcement of peace in the event of repeated gross violations of the peace agreements signed by those involved in the conflict;
- to urge the United Nations Security Council to establish an International Criminal Tribunal for the DRC in view of the seriousness of the crimes committed since 1996;
- to provide practical, financial and military support for MONUC;
- to provide humanitarian aid to the people of Kisangani and the regions most seriously affected by the current armed conflict in the DRC.

Done in Kisangani on 29 May 2000

For the Lotus Group  
Gilbert Kalinde ABELI,  
Secretary.

Dismas Kitenge SENGGA,  
Chairman.

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**ANNEX 4.20**

**Lotus Group, *Rapport sur la guerre de six jours à Kisangani, July 2000***

*[Annex not translated]*

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**ANNEX 4.21**

**MONUC, *Historic record of Kisangani cease-fire operation, 19 June 2000***

**Annexe RRDC 84**

**United Nations Observers Mission in the DRC :  
Historic record of Kisangani Cease-fire Operation  
(Extraits)**

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UNITED NATIONS OBSERVER MISSION  
IN THE DEMOCRATIC REPUBLIC OF CONGO

19/6/2000

HISTORIC RECORD OF KISANGANI CEASE-FIRE OPERATION

*The historic record is a summary of the principal military and political events related to an operation or campaign. The Chief of Staff who implements the Operation is obliged to produce and present this document, which is one of the most noble and honorable of his duties. This Commander present on the ground has the opportunity to reveal the facts, show the brilliant actions and call all those who are mentioned to appear in front of the public opinion and for posterity.*

GENERAL STAFF OFFICER MANUAL, MADRID 1810

I. INTRODUCTION

A. Political situation

- The conflict in Congo has many different aspects and factors and is not the object of this document to analyze them. However this introduction is needed to understand the overall scenario where the Kisangani cease-fire episode had occurred.
- In 1996-1997 a regional alliance composed of Rwanda, Uganda, Angola, Burundi and Eritrea toppled Marshall Mobutu Sese Sekou and replaced him with Laurent Desire Kabila in May 1997. The alliance formed three years before broke down and reformed around the questions of whether or not President Kabila should remain in power.
- The Lusaka Agreement was signed on 10<sup>th</sup> July 1999 by six countries (DRC, Zimbabwe, Angola, Namibia, Rwanda and Uganda) and by four witnesses (the United Nations, the Organizations of African Unity, the Southern African Development Community and the Government of Zambia).
- During the implementation of the Lusaka Agreement the tension between Rwanda and Uganda resulted in a series of clashes, particularly in the area of Kisangani. Precisely at the moment when the delegation of the Security Council was visiting the region to address the Lusaka Peace process, the latest fighting at Kisangani broke out. After this episode the international community demanded both countries reach an agreement to cease the hostilities and allow the entire peace process to continue.



- At 0500 Hrs. UPDF started a very heavy bombardment over Kisangani town. It continued up to 0700 Hrs. having more than 300 direct impacts on the houses downtown. RPA fired back with minor intensity.

- At 0700 Hrs. RPA artillery increased the volume of fire over the Tshopo River Bridge during three hours.

- At 1030 Hrs. Col. KK from RPA arrived at our HQ claiming intelligence that Brig. Gen. Kazini had been personally organizing the UPDF officers and their artillery materiel since the previous afternoon to launch the early morning coordinated heavy bombardment over RPA troops in town. He presented the following cease-fire agreement from his government:

"Instruction from H.E. the President of Rwanda:

- The RPA Sector Commander in Kisangani is to ensure that his forces observe maximum cease-fire with effect from 1600 Hrs. Kisangani time.
- Even if the RPA forces are attacked by small arms firing or shelling, there shall not be any retaliation until when H.E. the President of Rwanda has been consulted. This restriction extends to self-defense actions.
- MONUC shall be assisted in all possible ways to relocate on RPA/UPDF sides.
- MONUC shall report on all incidents of cease-fire violations or any acts not complying with the demilitarization of Kisangani program. In specific terms, apportioning responsibility to concerned Parties for any act committed.
- Brig Gen. Kayumba shall communicate to the RPA Sector Commander as soon as possible in the modalities of relocation areas in Zone Two as per the original demilitarization program. This must be done as soon as he has consulted with the MONUC Force Commander and the UPDF Army Commander.
- Instructions will be given as to which of the Kisangani RPA Local Commanders are to be withdrawn to HQ."

- At 1100 Hrs. the representative of UPDF at JCC passed to me a message concerning cease-fire agreement from his government as follows:

"Instructions from H.E. the President of the Republic of Uganda.

- The COS of UPDF, Brig. Gen. James Kazini, has been directed by H.E. the President of Uganda to cease-fire at 1600 Hrs. Kisangani time on the 8<sup>th</sup>. June 2000.
- Thereafter MONUC /JCC should proceed across the River Tshopo to observe any act of violation of the cease-fire.



- The end of the bombardment by both Parties and the opening of the Tshopo River Bridge to the local population consolidated our public image. The pass back home of 50,000 persons was mostly signed at the bridge by the military salute of our MILOBs and the popular expression of "MERCI MONUC".

#### **E. Humanitarian International Law**

- According to the International practice and most common cases on history when foreign regular armies are to fight in a town the civilian population must be given an opportunity to evacuate the area, preventing them of get trapped in massive artillery bombardments, permanent light weapons fire and buildings destruction.

- As the physical and psychological effect on the population of Kisangani is too wide to be condensed in this document the following are just a few facts witnessed by our MILOBs to be considered by the interested humanitarian agencies:

- From the very beginning of the hostilities both RPA and UPDF were shelling and continuously firing machineguns on the Tshopo Bridge neighborhood, where the concentration of houses is extremely high
- RPA placed their mortar and artillery batteries within the downtown homes and also at the Riviere Gauche right next to the line of our HQ, firing tracer ammunition during the night
- UPDF fired their mortars and artillery over international illegitimate targets during their bombardments, i.e. a school killing many children and wounding many others (1<sup>st</sup> day), UN Operational HQ ( 2<sup>nd</sup> day), Cathedral and team site Kilo 2 (3<sup>rd</sup> day), Kisangani Hospital (4<sup>th</sup> day), etc.
- On the second day of the hostilities a group of Congolese nuns had to move to La Procure due to the fact that RPA soldiers looted their house. Similar situation was suffered among others, by the Congolese family of Ms. Alice Mustum whose life-long savings (about USD\$100) were taken away by force.
- On 12<sup>th</sup> June we received a complaint from the Director of the Tshopo River School giving accounts of about 200 teenagers that had been taken to the northern bank of the river by UPDF during the consolidation of their bridgehead. So far no further notice of their whereabouts.



- On 13<sup>th</sup> June four foreign nuns (Sor Giovana from Italy, Sor Caroline from Mexico, Sor Angeles and Sor Mariluz from Spain) reported at our HQ that RPA settled their defensive positions around their convent at La Plateu turning them into human shields.
- Not only adults were seriously affected but also infants, such as about sixty children who were wandering within La Procure clueless of their relatives wellbeing. In addition, two children were found still hugging their mother who was lying dead for about two days.
- To make matters worse some alive ammunition was left behind after the UPDF withdrawal causing the death of three children who were playing with hand grenades. This ammunition was finally collected and properly disposed by both RPA and UPDF after the reiterated requests of our MILOBs and the International Committee of the Red Cross' delegate.

## **F. Command**

### **1. Chain of Command**

- It was remarkable the permanent and unconditional backing during the crisis given to our MILOBs at the field by the highest political level from the SRSG, Ambassador Kemel Morjane to the UN Secretary General himself.
- From the military, the MONUC Force Commander, Gen. Montaga Diallo, in permanent contact with us put constant pressure on both RPA and UPDF highest military authorities to stress the need of coming into a cease-fire. The MONUC COS, Col. Hamish McNinch, within a close supervision and friendly direction gave us the necessary freedom of maneuvering, essential to succeed.
- The attentive attitude of both the Chief Administrative Officer Mr. Paul Ardaganian and the acting Chief of Integrated Support Services, Lt. Col. Carlos Polcaro, made us feel pretty confident on the capabilities of working out any major logistic problem.
- It was a pleasure to work together with Col. Steve Gagnon and Col. Zureck Julian who consciously performed their duties representing the MONUC authority at Kisangani.
- All the Team Leaders were the key to carry out the cease-fire operation, through their permanent assessment and outstanding command of the respective MILOBs .
- As Chief of Staff of the Operational HQ of MONUC at Kisangani and on behalf of all MILOBs I commanded, I am glad to express our gratitude to everybody's cooperation at MONUC HQ during the crisis.



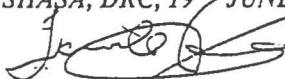
- The civilian population of Kisangani was affected "in extremis" and fully relied on MONUC's presence to sustain the horror and sufferings of such a war. Both RPA and UPDF committed violations of the international law, which can be judged by interested humanitarian agencies. DRC Government imposed restrictions to the humanitarian help by not allowing flights to Kisangani without passing through Kinshasa
- The close pursuit of international press, particularly BBC and CNN, was a positive factor to the resolution of the crisis. Unfortunately, the local press highly influenced the population against MONUC's purposes.
- The MONUC was able to overcome the situation of peace enforcement with equipment and organization of Peacekeepers, thanks to the professional and at times heroic spirit of MONUC MILOBs.

#### IV. RECOMMENDATIONS

- Due consideration be given to the role of international press in publicising such conflicts, it is imperative at local level a Radio Broadcasting to be established by MONUC like in the case of UNTAC.
- MILOBs cannot perform full-day monitoring tasks without the close protection of an armed force. Considering the Jungle terrain of Kisangani Sector and based on my personal experience as troop commander and local military governor in Cambodia, I recommend deploying there ASAP a 2 Coys light force of professional soldiers trained to operate with helicopters.

*As representative of a UN peacekeeping mission I believe in the fundamental truth of all religions and fully respect all those who choose to be non-believers. I am deeply impressed by the faith and courage shown by the people of Kisangani, who survived many years of catastrophic war imposed on their homeland by foreigners. Following a tradition of my country, I wish to say my words as witnessed by the Lord and offer all my services as Chief of Staff of Kisangani MONUC Operational HQ to the Virgin Mary of Verdun, Minas, Uruguay.*

KINSHASA, DRC, 19<sup>TH</sup> JUNE, 2000

  
Lt. Col. Danilo Paiva

**ANNEX 4.22**

**United Nations Security Council, *Third report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, document S/2000/566, 12 June 2000**



## Security Council

Distr.: General  
12 June 2000

Original: English

### **Third report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo**

#### **I. Introduction**

1. By paragraph 19 of its resolution 1291 (2000), the Security Council requested the Secretary-General to provide a report every 60 days on progress in the implementation of the Lusaka Ceasefire Agreement and of that resolution. The present report, which has been prepared in accordance with that resolution, reflects developments since the Secretary-General's second report on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2000/330 and Corr.1 of 18 April 2000).

#### **II. Political developments**

2. On 30 April, the President of Algeria, Abdelaziz Bouteflika, as current Chairman of the Organization of African Unity, convened a summit in Algiers, on the situation in the Democratic Republic of the Congo, with the participation of President Chissano, President Konaré, President Kabila, President Mbeki, President Obasanjo, and a representative of President Chiluba, as well as the neutral facilitator, Sir Ketumile Masire, and my Special Representative, Kamel Morjane. The objective of the meeting was to help move the peace process and the inter-Congolese dialogue to a new stage. Participants issued a statement in support of the Lusaka Agreement and the inter-Congolese dialogue. They encouraged the facilitator to pursue his mission and urgently appealed to the parties to fully cooperate with the ongoing efforts to organize and convene the dialogue. They also called for respect for the ceasefire and for the United Nations to move to the next phase of

its mission in the region. South Africa and Nigeria expressed readiness to consider contributing military personnel to MONUC.

3. From 4 to 8 May 2000, a Security Council mission led by the Permanent Representative of the United States of America, Ambassador Richard Holbrooke, visited the Democratic Republic of the Congo and neighbouring countries pursuant to a letter dated 24 April 2000 from the President of the Security Council to the Secretary-General (S/2000/344), which also contained the mission's terms of reference. The report of the Security Council mission is contained in document S/2000/416 of 11 May 2000.

4. During their visit, the members of the Security Council mission met in Kinshasa with President Kabila and with representatives of Congolese civil society, religious groups and political parties. Three of the members (the Permanent Representatives of Namibia, the Netherlands and the United Kingdom of Great Britain and Northern Ireland) visited Kananga, which had been identified as one of the four possible sites for the deployment of a MONUC battalion.

5. Immediately following their meeting with President Kabila, the members of the mission witnessed the signing of the status-of-forces agreement between MONUC and the Government of the Democratic Republic of the Congo. The agreement was signed by the Special Representative of the Secretary-General and the Minister for Foreign Affairs of the Democratic Republic of the Congo, Yerodia Abdoulaye Ndombasi, in the presence of President Kabila.



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6. In their subsequent visits to Lusaka, Harare, Kigali and Kampala, the Security Council mission then met with President Chiluba, President Mugabe, President Kagame and President Museveni. In Lusaka, the mission met with the members of the Joint Military Commission, and then with the Political Committee. At that meeting, the Permanent Representative of France stated his intention, subject to the views of the Security Council as a whole, to invite the Political Committee to meet in New York during the French presidency, in the month of June. The meeting is scheduled for 15 and 16 June.

7. In their meetings with Presidents Kagame and Museveni on 7 and 8 May, the Security Council mission participated in intensive discussions with both Heads of State, which resulted in an agreement by Rwanda and Uganda to withdraw their forces from Kisangani following the clashes that had broken out between them early in May. However, the fighting later resumed and has since intensified (see paras. 11 to 13 below).

8. The Security Council mission also met with representatives of the Congolese Rally for Democracy (RCD) and RCD-ML (also known as RCD-Kisangani), at Kigali and Kampala respectively. (The movement known as RCD-Goma has now resumed its former name of RCD.) Another faction of this movement, known as RCD-National, has reportedly been formed by a former senior official in RCD-Goma, Rogers Lumbala Tshitenge. On 7 June, it was announced that two former members of RCD-ML had left the party to form a new group called the Congrès des progressistes pour la libération (CPL). The leader of the Movement for the Liberation of the Congo (MLC), Jean-Pierre Bemba, despite having received an invitation from the mission to meet with its members in Kampala, did not appear, citing logistical difficulties.

9. On 3 June, President Kabila and President Kagame met at Eldoret in Kenya under the auspices of President Moi. The meeting was apparently the culmination of a series of discreet contacts involving a number of African capitals. While it is not clear that any substantive agreement emerged from the meeting, it appears to have ended in a cordial atmosphere. The two Heads of State reportedly discussed the Interahamwe and the release of prisoners of war.

10. The Political Committee met again on 8 June in Lusaka to discuss, *inter alia*, the preparations for its

meeting with the Security Council in New York on 15 and 16 June. Members also discussed the release of prisoners of war, the fighting in Kisangani and around Mbandaka, the inter-Congolese dialogue and the JMC's proposals for the implementation of the disengagement plan. These, however, were not approved.

11. During the period 9-12 June, as the present report was being completed, a series of violent demonstrations took place outside MONUC headquarters in Kinshasa. Several hundred demonstrators, apparently protesting against MONUC's supposed inaction during the fighting in Kisangani, threw stones at the headquarters building and the United Nations vehicles parked outside, smashing a number of windows. MONUC staff working in the building narrowly escaped injury from flying glass. Though local police stood by, the protests appeared to be coordinated by individuals in the crowd.

12. MONUC lodged a vigorous protest with the authorities, reminding them of their obligation to guarantee the safety and security of United Nations staff.

### III. Military developments

#### Fighting in Kisangani

13. Persistent outbreaks of heavy fighting in the city of Kisangani, Orientale Province, have caused an estimated 150 civilian deaths and more than 1,000 casualties, as well as severe property damage. The belligerents concerned, the Rwandan Patriotic Army (RPA) and the Ugandan Peoples Defence Force (UPDF) have continued to fight in spite of repeated efforts that I and others have made to arrange a ceasefire.

14. On 8 June, together with the United States Permanent Representative, Ambassador Holbrooke, I contacted President Kagame and President Museveni to urge them to order an immediate cessation of hostilities and a withdrawal of their respective forces in accordance with the agreement they signed with MONUC on 21 May. Though they agreed to do so, and the fighting subsequently eased in intensity, the two armies later resumed combat.

15. The fighting in Kisangani has been particularly destructive, with both sides using artillery, mortars and automatic weapons. In addition to the civilian deaths



and injuries and to the death of many soldiers in combat, this has resulted in serious damage to the power station, the hydro-electric dam, the cathedral and at least one hospital in the city. Large numbers of dwellings, including those occupied by the MONUC military observers, have been destroyed or seriously damaged. Electricity and water supplies have been cut off, and outbreaks of cholera are feared as residents use river water for their needs.

16. Serious fighting initially erupted in Kisangani in early May between the UPDF and the RPA, causing heavy loss of life among Congolese civilians. Despite the agreement reached by the Presidents of Rwanda and Uganda and a written agreement, brokered by MONUC, to withdraw their forces and demilitarize the city, heavy fighting subsequently broke out again on 5 June, even as the two forces were in the process of pulling back from the city.

17. On 12 June, reports indicated that Ugandan forces had withdrawn northwards from Kisangani and a cessation of hostilities appeared to have been put in place. United Nations and other humanitarian agencies have made arrangements for a flight of urgent food and medical supplies to be delivered to Kisangani as soon as security conditions permit. This will require action to secure the airport and provide unloading and delivery services to the agencies who will then distribute the supplies. In order for this effort to succeed, a reliable ceasefire will have to be maintained.

#### **Kisangani demilitarization agreement**

18. On 21 May, pursuant to the statement released by the Presidents of Rwanda and Uganda on 8 May during the visit of the Security Council mission, the military commanders of the two sides at Kisangani signed an agreement with MONUC to demilitarize the city. In accordance with the agreement, Ugandan and Rwandan units began withdrawing from their positions on 29 May with a view to pulling back to positions 100 km away from the city. It was in the midst of these preparations that fighting broke out on 5 June.

19. The plan called for the deployment of MONUC military personnel to Kisangani, including its two airports, port and military camps. MONUC military observers were to monitor and verify the simultaneous withdrawal of the Ugandan and Rwandan armed forces to designated locations.

20. Following the agreement, MONUC increased its presence in Kisangani from one to four 4-man teams of military observers, four staff officers and two civilian officials, and initiated preparations to dispatch a battalion to Kisangani. Though these preparations are now in abeyance as a result of the continuing fighting in the city, four additional observers have been dispatched to Kisangani and more are on standby.

#### **Fighting in Equateur Province**

21. Despite substantial compliance in other parts of the country with the ceasefire agreement of 14 April, starting early in May elements of MLC began a major southward advance along the Ubangi River, which forms the border with the Republic of the Congo (Brazzaville). This advance had continued despite assurances given on 23 May to the Special Representative of the Secretary-General by the MLC leader that his troops would halt their forward movement. During that meeting, Mr. Bemba had informed the Special Representative that his forces had been acting in response to attacks on them by the Government, and that they could not withdraw without exposing the local people to retaliation.

22. On 25 May, government forces and their allies announced that they had attacked MLC to stem their advance. This clash represented a major violation of the ceasefire agreement, as well as a serious threat to Mbandaka, since the MLC advance to the confluence of the Ubangi and Congo rivers to the south of the city cut the riverine route linking it with the capital.

23. While the Government counter-attack has apparently succeeded in driving some of the MLC forces back towards their original lines, some MLC forces are still understood to be in a position to interdict the resupply of Mbandaka by river. On 5 June, the Government and their allies requested the MONUC observer team in Mbandaka to convey a message to the MLC Chairman threatening to push back MLC troops by force if they did not withdraw to the positions held at the time of the signing of the Lusaka Agreement.

#### **Fighting in the Kivus**

24. MONUC is also concerned about reports of fighting in the Kivus, where clashes between armed groups and Rwandan troops, as well as armed attacks on civilians (see para. 25 below) have taken place. Inter-ethnic clashes are rampant throughout most of

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North and South Kivu. RCD and their allies, who are nominally responsible for security there, seem unable to prevent killings by the former Rwandan Government forces (ex-Forces Armées Rwandaises (FAR)) and Rwandan and Burundese rebel groups, including the Interahamwe. The local armed group, known as the Mayi Mayi, is also involved in these attacks.

25. On 9 June 2000, a United Nations-led mission to the Haut Plateau area in the vicinity of Fizi-Uvira found that inhabitants there had effectively been under siege since March 2000. Only one route was now considered safe, and then only one day a week in each direction with military escort. The inhabitants have been subjected to repeated attacks by the Mayi Mayi and their Interahamwe and Burundese rebel allies, resulting in the forced displacement of some 35,000 people out of an estimated original population of 80,000. The Interahamwe have also reportedly conducted attacks at Masisi and other parts of North Kivu, resulting in civilian deaths and large-scale displacements. The Interahamwe may also have struck inside Rwanda itself.

#### **Deployment of the Mission**

26. The United Nations Organization Mission in the Democratic Republic of the Congo now has a total of 228 military observers and military liaison officers deployed in and around the Democratic Republic of the Congo (see annex), including about 200 within the country, at Kinshasa and 11 other sites (Boende, Bunia, Gbadolite, Gemena, Goma, Isiro, Kananga, Kindu, Kisangani, Lisala and Mbandaka). The remaining 28 officers are stationed in the capitals of surrounding countries (see chart and map attached). MONUC is also examining the possibility of establishing a logistics base in the east of the country, perhaps at Goma, as well as a medical facility there. Much of the equipment required for the second phase of MONUC has already been procured.

27. As has been stressed in earlier reports, the deployment of United Nations troops in the Democratic Republic of the Congo presents particularly acute problems of logistics. The degraded state of the infrastructure in the country, the effective blocking of its inland waterway system by the conflict and the lack of roads make it necessary initially to conduct all deployments and sustainment by air. This fact has placed particular importance on the provision of specialized units to prepare and ensure the security and

safety of airstrips in the interior, without which deployment cannot take place. The specialized units concerned include cargo loading and handling, meteorology, airspace management, movement control, water processing, fuel management, air crash rescue and firefighting teams.

28. In response to repeated requests, a few troop-contributing countries have offered to provide the infantry battalions and some of the specialized units required for the deployment of the second phase of MONUC. Currently the most glaring deficiencies are in cargo handling units and air crash and rescue capabilities.

29. Agreement in writing has been reached with troop-contributing countries in respect of three of the four battalions to be deployed in the second phase (Morocco, Pakistan and Senegal). The Secretariat has been in close contact with South Africa to follow up a request to that country to provide an infantry battalion and a number of specialized units.

30. On the basis of the offers received, the Department of Peacekeeping Operations drew up a plan envisaging that the first deployments of specialized units and a protection capability in Kisangani would begin in July. Deployments of the remainder of the battalion in Kisangani and the specialized units and infantry contingents in the other three locations would then follow from late July to October. This plan depended for its timely fulfilment on three conditions: the strict adherence of the parties to the ceasefire, their full cooperation with MONUC in ensuring security and freedom of movement and providing the necessary premises for United Nations facilities, and the readiness of the troop-contributing countries to ensure that the units they had contributed possessed adequate strength, equipment and training. Unfortunately, none of those three conditions has been met.

31. In accordance with normal procedures, the Department of Peacekeeping Operations subjects offers of troops and specialized units to an evaluation to ensure that the contingents concerned possess the necessary equipment and training to discharge their duties. This process has become particularly important in view of recent experiences in Sierra Leone.

32. Department inspections have found serious logistical deficiencies in the units scheduled to be dispatched to the Democratic Republic of the Congo. One country which had undertaken to provide four

airfield crash rescue units subsequently withdrew the offer and proposed only one unit instead. Another, which was supposed to provide an infantry battalion, has none of the 20 armoured personnel carriers required, and lacks significant amounts of other *matériel*, including generators, engineering equipment and radio-equipped jeeps. Some of the required equipment might be supplied by another donor country, but the timing and other details remain unclear. A third potential troop-contributing country, which had committed itself to providing a battalion, has informed the Department that it has no engineering equipment.

33. The first deployment of United Nations formed units was to have been at Kisangani. However, in view of the fighting that has erupted there in recent days, it is not considered possible or prudent at this stage to proceed with the necessary preparations. The fighting around Mbandaka and clashes in Kivu also have to be taken into account in this regard.

34. The restrictions imposed on the Mission's freedom of movement have become a major issue with MLC, RCD and the Government. MLC has blocked the efforts of MONUC to deploy a team to Basankusu in Equateur Province, while RCD has refused permission to MONUC to land at Kongolo airport and to deploy a military observer team in the town. That decision also effectively blocks the stationing of a MONUC team at Kabalo, as had been planned. In Government-controlled territory, MONUC was refused permission to land at Mbandaka even for the purpose of medical evacuation. The Government also refused to allow the deployment of a military observer team to Mbuji Mayi.

35. In spite of its signing of the status-of-forces agreement with MONUC during the visit of the Security Council mission, the Government of the Democratic Republic of the Congo has also refused the Mission's request to replace the current system of flight authorizations on a case-by-case basis with a system of advance notifications en bloc, a system which will be essential for the management of the large fleet of aircraft envisaged in the second phase. Furthermore, the local civilian and military authorities in the locations proposed for the deployment of MONUC battalions have not yet complied with the Mission's requests for assistance in identifying suitable premises, including the use of areas of Kinshasa airport that would be necessary for deployment.

36. In mid-May, MONUC took steps to secure the release of a team from the Office of the High Commissioner for Refugees (UNHCR) detained by troops of the Forces armées congolaises in Mbandaka. Although MONUC was assured of the UNHCR team's release, the team was in fact transferred to custody in Kinshasa. The team was not released until 26 May, after my Special Representative had raised the matter with President Kabila.

37. In accordance with the relevant Security Council resolutions, including resolution 1291 (2000), the Department of Peacekeeping Operations has circulated to all peacekeeping missions, including MONUC, information concerning United Nations policies on HIV/AIDS. MONUC has also been asked to advise on measures that could be taken to help stem the spread of the disease. Incoming United Nations military personnel routinely receive instruction in precautions against the spread of HIV/AIDS. At a meeting with the Minister of Health of the Democratic Republic of the Congo on 3 June, my Special Representative proposed that MONUC medical staff, together with World Health Organization personnel, work with the Ministry to develop sensitization programmes and procedures to distribute condoms.

#### **IV. Humanitarian aspects**

38. The number of persons in critical need of food in the Democratic Republic of the Congo is estimated at 16 million, or roughly 33 per cent of the country's population. The prolonged conflict and massive uprooting of rural populations has produced similar malnutrition rates among internally displaced, host communities and urban populations alike. There are more than 1.3 million people displaced, partly because of the highly volatile situation in the Kivus. About 5 million persons throughout the country are completely or partially isolated from their traditional supply routes by insecurity or, in the case of Kisangani, by the after-effects of the fighting that broke out there early in May. The same factors have restricted the access of humanitarian workers to populations in need. In May, the International Committee of the Red Cross and Médecins sans frontières were forced for over three weeks to interrupt their support to nutritional centres in Kisangani.

39. In Ituri, despite the progress made in promoting respect for humanitarian principles among the local

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authorities, the dispute over land allocation has led armed mercenaries — occasionally helped by foreign forces — to prevent displaced persons from returning to their land. Armed clashes also broke out despite the request for a humanitarian truce to allow students to take their national examinations. Furthermore, part of the population on the right bank of the Tshopo River had to flee their homes when heavy fighting broke out in their vicinity.

40. The towns of Uvira and Fizi in South Kivu have remained inaccessible to UNHCR because of increasing insecurity. There are reports of a refugee influx from the Democratic Republic of the Congo into Burundi.

41. In Equateur Province, the clashes between Government and MLC forces in the northern parts of the province have put Mbandaka under constant threat and restricted the use of the Ubangui and Congo rivers to deliver relief supplies. The fighting has also hampered efforts to deal with a cholera outbreak brought to Mbandaka by barge passengers from Kinshasa. Over 100 cases have been registered since 16 March. Humanitarian personnel from the Office for the Coordination of Humanitarian Affairs, the World Food Programme, MONUC and the Food and Agriculture Organization of the United Nations are in the process of establishing a humanitarian office in Mbandaka to help improve access and staff security.

42. At a meeting with my Special Representative on 3 June, the Minister of Health of the Democratic Republic of the Congo drew his attention to the rapid spread of HIV/AIDS in the country, particularly in those parts where foreign troops were stationed. In some towns, infection rates were reportedly estimated to be as high as 90 per cent, with even many schoolchildren infected. The frequent incidence of rape and the absence of condoms contributed to the spread of the disease.

43. MONUC and the humanitarian agencies are continuing to experience difficulties arising from the official Government exchange rate, which effectively magnifies the cost of conducting activities in the Democratic Republic of the Congo. An approach is being made to the Government to secure a more favourable and realistic exchange rate, as was called for in the status-of-forces agreement signed on 4 May.

## V. Human rights

44. The human rights situation throughout the Democratic Republic of the Congo continues to give serious cause for concern. Although the Government has announced a moratorium on the carrying out of death sentences, the arrest of Government opponents, trade unionists and journalists continues, and many political prisoners remain in jail. In this connection, the Minister of Information has declared his intention to introduce a law abolishing imprisonment for press offences.

45. Meanwhile, the pace of military executions continues unabated in both Government-controlled territories and rebel-held areas, and there is also no indication when the projected Appeals Chamber of the Military Court will become effective. The continuing executions of Government soldiers appear to confirm reports of a growing number of desertions from the Forces armées congolaises. MONUC has initiated discussions on reform proposals with the judges of the Military Court.

46. Although it is difficult to confirm recent reports by Amnesty International that the human rights situation has recently deteriorated, there is disturbing evidence of the excesses of various State security institutions, which have sweeping powers of arrest and detention, with detainees having little recourse to the law. The prohibition of political activities is still in force despite the provisions in the Lusaka Ceasefire Agreement concerning the inter-Congolese dialogue.

47. This further undermines the hopes that were placed in the Democratic Republic of the Congo upon the appointment of a Minister of Human Rights, who it was believed, was going to contribute to the improvement of the human rights situation in the country. It is difficult to reconcile the prevailing situation with the requirements of the Lusaka Ceasefire Agreement, which envisages the participation in the national dialogue of various opinion groups, civil organizations and the political opposition.

48. The human rights situation is further aggravated by a justice system controlled at every level by the State, and unable to grant defendants the most elementary procedural guarantees.

49. In the rebel-held areas, recent outbreaks of heavy fighting, especially in Equateur Province, reportedly involve severe human rights violations. According to

several reports from local human rights non-governmental organizations in the eastern region of the country, rebels, the Ugandan and Rwandan armies and non-signatory armed groups engage in regular acts of violence, the systematic use of torture, rape and robbery, the restriction of movement and enforced deportation.

50. The Permanent Representative of the Democratic Republic of the Congo has written to the President of the Security Council (S/2000/453 and 468) to draw his attention to the massacre of civilians in Katogota (South Kivu). This incident has now been confirmed by a team of United Nations investigators, comprising a Human Rights Officer and a Humanitarian Affairs Officer. While there is compelling evidence that the massacre did occur, the investigators could not determine the exact number of victims.

## VI. Child protection

51. Recent reports from MONUC military observers appear to indicate that the Government of the Democratic Republic of the Congo, the Congolese rebel movements and the armed groups continue to recruit and train children in their armed forces. Though no figures are available, MONUC is aware of accounts that at least one front-line unit may contain a large proportion of boys and girls aged from 12 to 16. These children, though armed, are unpaid and have been accused of taking what they need from the local civilian population by force. Gathering further information about such units will be a major priority of the MONUC child protection staff.

52. The Ministry of Defence has informed UNICEF that President Kabila has yet to sign the decree on the *Coordination nationale de démobilisation et de réinsertion*, which would declare the Government's willingness to demobilize child combatants and refrain from recruiting children into its armed forces. MONUC has strongly urged the Government to sign this instrument, and will seek to engage the other parties to sign similar decrees in turn.

53. The Child Protection Section of MONUC, together with UNICEF, the World Health Organization, UNHCR, the World Food Programme and other agencies and non-governmental organizations, has been developing plans for the implementation of a series of national immunization days. These are to be held from

7 to 9 July; from 11 to 13 August; and from 13 to 15 September throughout the entire territory of the Democratic Republic of the Congo. It is intended to immunize some 11 million children aged 5 years or under. MONUC is prepared to provide assistance in accordance with its capacities.

54. During the reporting period, the child protection advisers contributed to the conduct of orientation and training seminars for incoming military liaison officers on issues relating to war-affected children.

## VII. Inter-Congolese dialogue

55. On 25 April, the neutral facilitator of the inter-Congolese dialogue, Sir Ketumile Masire, briefed the Security Council on the approach he intended to follow in carrying out his mandate. He presented a broad outline of his work plan, consisting of three phases. During the preliminary consultative phase, which ended in April, the facilitator had contacted all Congolese parties and groups expected to participate in the dialogue. During the second phase (May-June), the Congolese parties would seek to reach agreement on crucial issues such as the venue, draft agenda, level and type of participation, rules of procedure and structure of the dialogue. The inter-Congolese dialogue itself would constitute the third phase. It is scheduled to commence no later than 3 July and to last 45 days.

56. Following his visit to New York, the facilitator travelled to Kinshasa on 11 May, where he met with President Kabila and with representatives of the unarmed opposition and civil society. He also met with the leaders of RCD at Goma, RCD-ML at Bunia and MLC at Gbadolite before returning to Kinshasa on 21 May. In part the facilitator's discussion with the Congolese parties and groups concerned the planning of the preparatory meeting to be held at Cotonou to finalize arrangements for the inter-Congolese dialogue. Before his departure, the facilitator invited the Congolese parties and groups concerned to attend the Cotonou meeting on 5 and 6 June.

57. The facilitator left Kinshasa on 24 May without seeing President Kabila, but met instead on 23 May with the Minister for Foreign Affairs.

58. The Government of the Democratic Republic of the Congo, which had been critical of the facilitator's work plan, did not attend the Cotonou meeting. Furthermore, on 5 June government officials prevented

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representatives of civil society and the unarmed opposition from departing from Kinshasa to attend the meeting.

59. On 6 June, representatives of MLC, RCD, the unarmed opposition and the *forces vives* from rebel-controlled territory issued a statement at Cotonou deploring the absence of the Government and the Government's refusal to allow other participants from Kinshasa to take part. The statement called for the convening of a second preparatory meeting on 3 July at Gaborone under the chairmanship of Sir Ketumile Masire.

60. MONUC has taken steps to place the expertise of its staff at the disposal of the facilitator, including the provision of both financial and political advice. In consultation with the facilitator, the Secretariat has made arrangements for a senior adviser, Albert Tévoédjre, to travel with him during some of his consultations and to assist him on an ad hoc basis in the organization of the preparatory meeting in Cotonou. MONUC has also agreed to provide air transportation for the facilitator, and to help arrange such transportation from other sources, subject to eventual reimbursement from the trust fund. MONUC also offered the use of an aircraft to transport members of political parties and civil society from Kinshasa to Cotonou after the Government prevented them from travelling.

61. However, notwithstanding this support, pending resolution of the problem of the assured longer-term financing of the facilitator's activities, funding shortages persist. Notwithstanding the recent provision of some \$0.3 million from the Trust Fund for the Support of the Peace Process in the Democratic Republic of the Congo to cover air transportation costs, the facilitator's current operations are being funded by the Government of Botswana on a temporary basis, on the understanding that they will eventually be reimbursed from donor contributions. At a meeting he held with donor countries in Kinshasa during his recent visit, the facilitator raised doubts as to how long he could continue to operate without the necessary funding. It is understood that, at his request, some donor Governments have agreed to consider depositing funds directly into a fund established for the facilitator's use in Gaborone.

62. On 9 June, the Information Minister of the Democratic Republic of the Congo, Didier Mumengi,

issued a statement describing the fighting in Kisangani as genocide against the Congolese people. The statement criticized the neutral facilitator for remaining silent in the face of this fighting and announced that the Government was withdrawing its confidence in Sir Ketumile Masire. The statement called on the Organization of African Unity to propose a new neutral facilitator.

## VIII. Financial aspects

63. As indicated in my second report to the Security Council on MONUC (S/2000/330, para. 72), the General Assembly, by its resolution 54/260 of 7 April 2000, granted me commitment authority, with assessment, in the amount of \$200 million to cover the Mission's immediate requirements and to enable it to initiate logistical preparations for the phase II deployment as mandated by the Council. I have subsequently informed the General Assembly that some \$58.7 million of this amount is expected to be committed for MONUC during the period ending 30 June 2000 and have requested its authorization to use the remaining \$141.3 million during the period beginning 1 July 2000, pending submission to the Assembly at its fifty-fifth session of my comprehensive budget proposal for the Mission. The Assembly action on my request is expected shortly.

64. As at 31 May 2000, unpaid assessed contributions to the MONUC special account amounted to \$169.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$2,010.3 million.

## IX. Observations and conclusions

65. The situation in the Democratic Republic of the Congo, and the prospects for further progress in the peace process, have become particularly uncertain. Fighting around Mbandaka in Equateur Province, fresh clashes in Kisangani and fighting in the Kivus have cast into doubt the implementation of the ceasefire agreement signed at Kampala on 8 April despite widespread adherence to that agreement elsewhere in the country.

66. The Government's decision not to participate in the preparatory meeting for the inter-Congolese dialogue, its attempts to block the participation of the

unarmed opposition in Kinshasa and the chronic shortages and delays in the provision of resources for the facilitator's operations raise serious doubts concerning the future course of the dialogue. This is especially unfortunate in view of the close relationship that exists between the success of the inter-Congolese dialogue and progress in the peace process generally, including the implementation of the military aspects of the Lusaka Ceasefire Agreement. These difficulties have been compounded by the Government's announcement, on 9 June, of its withdrawal of confidence in Mr. Masire and its request to the Organization of African Unity to nominate a new neutral facilitator.

67. Notwithstanding these developments, I express my appreciation to those donor Governments that have already disbursed their pledges to the facilitator and to those that are actively considering making disbursements, whether bilaterally, to the United Nations trust fund, or directly to the special account established in Gaborone for this purpose. I take this opportunity to restate my full support for the activities of the facilitator and my earnest hopes for the success of the inter-Congolese dialogue.

68. The people of the Democratic Republic of the Congo desire peace. The Government, the rebel groups and the Governments of the belligerent countries must demonstrate that they also desire it. Their repeated undertakings to cooperate with MONUC are not always supported by action. The denial of full freedom of movement to MONUC and the deeply regrettable outbreaks of violence in demonstrations outside MONUC headquarters in Kinshasa cast further doubt on the Government's attitude towards the deployment of United Nations peacekeeping troops. I reiterate in this connection the responsibility of the Government to ensure the security of United Nations personnel in the territory it controls.

69. Furthermore, the continued outbreaks of fighting in violation of the ceasefire and the difficulties experienced in the inter-Congolese dialogue augur ill for the timely deployment of the second phase of MONUC. Nevertheless, the Secretariat will continue its preparations for deployment in the hope that conditions will soon permit it. I will keep the Security Council informed accordingly.

70. Deployment is also subject to delays arising from the difficulties faced by the troop-contributing

countries that had undertaken to provide battalions and other units. Many of the contingents concerned lack essential equipment, without which it would be irresponsible to deploy them. For all these reasons, and in view of the recent experiences in Sierra Leone, I have ordered a full review and reassessment of the troop levels and other requirements before deployment takes place.

71. Much as the signing of the status-of-forces agreement between the Government of the Democratic Republic of the Congo and MONUC during the visit of the Security Council mission in May is to be welcomed, it has failed to result in full freedom of movement for MONUC operations. The denial of flight clearances for medical evacuations, as occurred on 30 May, is particularly objectionable. Regrettably, MONUC has also faced the denial of its freedom of movement from MLC and RCD in recent weeks.

72. The fighting around Mbandaka, which represents a clear breach both of the Lusaka Agreement and the Kampala disengagement plan of 8 April, is also a serious setback to the peace process. I call on MLC and the Government to work with my Special Representative in restoring the ceasefire in Equateur Province without delay. As long as the fighting and uncertainty there persist, the deployment of MONUC phase II elements cannot proceed.

73. The renewed outbreaks of fighting in Kisangani between the Rwandan and Ugandan armed forces are a cause of profound disquiet. The civilian population of Kisangani has already suffered grievously in the crossfire between the two foreign forces that are fighting each other on Congolese territory. I deeply deplore the renewed outbreaks of fighting there and the consequent loss of civilian life and damage to property.

74. The city of Kisangani and its people are in urgent need of large-scale humanitarian assistance. As soon as the fighting has stopped and basic security conditions have been restored, the international community should consider launching a major effort to provide food, shelter and health care, as well as large-scale reconstruction and rehabilitation operations to help repair the damage wrought during the past few days and weeks. It may also be necessary to consider some form of assistance with the civil administration.

75. These emergency humanitarian operations should be regarded as quite separate from MONUC. The Council may wish to consider, perhaps on the basis of a

S/2000/566

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subsequent report, how the United Nations system and donor countries, in cooperation with MONUC, can assist in this effort.

76. The people of the Democratic Republic of the Congo deserve relief from the persistent violations of their human rights to which too many of them have been subjected. In many cases, these can be attributed directly or indirectly to the conflict in that country. I am shocked and saddened by the reports received of executions, torture, rape, robbery, the destruction of property and illegal detentions carried out in various parts of the country. The widespread hunger and displacement afflicting entire populations throughout the country are also a cause of dismay.

77. Only once all the signatories of the Lusaka Ceasefire Agreement have demonstrated genuine commitment to its terms and determination to fulfil the obligations they assumed therein can the United Nations hope to succeed in assisting them to do so. The way will then be open for the deployment of the second phase of MONUC, provided that the necessary facilities are made available, and the military units concerned are fully equipped and prepared to assume their tasks.

78. The meeting of the Political Committee in New York on 15 and 16 June, at the invitation of the President of the Security Council, is a welcome chance for all the parties to undertake a serious re-evaluation of the deteriorating situation in the Democratic Republic of the Congo. It is also an opportunity for the members of the Security Council to make it clear to the parties that their assurances of support for the peace process and guarantees of security and freedom of movement can no longer be taken at face value, but must be reflected in their actions.

79. I invite the Security Council, acting under Chapter VII of the Charter of the United Nations, to demand that the Governments of Rwanda and Uganda order their respective armed forces to desist forthwith from further fighting and withdraw from Kisangani immediately and from the territory of the Democratic Republic of the Congo promptly thereafter. Those two forces should be held accountable for the loss of life and the property damage they have inflicted on the civilian population of Kisangani.

80. I urge the Council, also acting under Chapter VII of the Charter, to demand the subsequent early withdrawal of all other foreign forces in the

Democratic Republic of the Congo, as foreseen in the Lusaka Ceasefire Agreement. The war there has already led to far too much death, destruction, hunger, human rights violations and population displacement. It must end now.

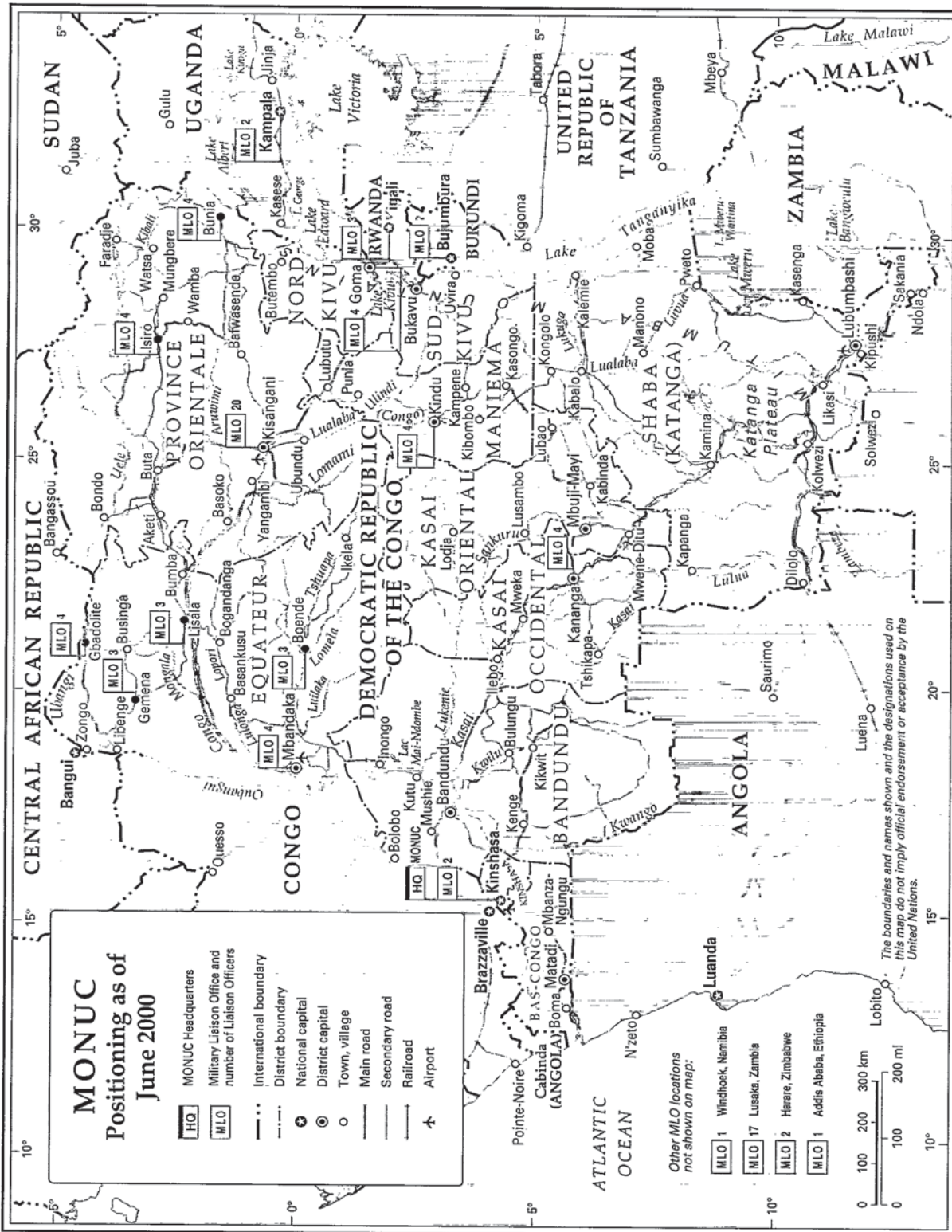
81. I wish to express my appreciation to my Special Representative, to the Force Commander, and to the military and civilian personnel of MONUC and other United Nations personnel operating in the Democratic Republic of the Congo, in particular those who have been deployed to Kisangani. Their contribution to the cause of peace in that country is being made under particularly trying and difficult circumstances.



**Annex**

**United Nations Mission in the Democratic Republic of the Congo:  
contributions as at 5 June 2000**

	<i>Military observers</i>	<i>Staff officers</i>	<i>Total</i>
Algeria	6	1	7
Bangladesh	8	7	15
Benin	6	2	8
Bolivia	2		2
Burkina Faso	2		2
Canada		1	1
Czech Republic	3	1	4
Denmark		1	1
Egypt	11		11
France	2	1	3
Ghana	8		8
India	8	3	11
Jordan	2		2
Kenya		2	2
Libyan Arab Jamahiriya	3		3
Malaysia	3	7	10
Mali	2		2
Nepal	9		9
Niger	2		2
Pakistan	12	16	28
Peru	3		3
Poland	1	1	2
Romania	11	1	12
Russian Federation	5		5
Senegal	13	10	23
South Africa	1		1
Sweden	2		2
Tunisia	6		6
Ukraine	2		2
United Kingdom of Great Britain and Northern Ireland	1	5	6
United Republic of Tanzania	6	1	7
Uruguay	12	7	19
Zambia	9		9
<b>Total</b>	<b>161</b>	<b>67</b>	<b>228</b>



Department of Public Information  
Cartographic Section

Map No. 4121 Rev. 3 UNITED NATIONS  
June 2000

**ANNEX 4.23**

**United Nations Commission on Human Rights, Fifty-seventh Session, *Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 2000/15, document E/CN.4/2001/40, 1 February 2001***

**(Excerpts)**



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2001/40  
1 February 2001

ENGLISH  
Original: SPANISH/FRENCH

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COMMISSION ON HUMAN RIGHTS  
Fifty-seventh session  
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Report on the situation of human rights in the Democratic Republic of the Congo,  
submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with  
Commission on Human Rights resolution 2000/15**

## **Summary**

### **Mandate**

Since 1994, the Commission on Human Rights has been studying the situation of human rights in the Republic of Zaire, now the Democratic Republic of the Congo. This is the seventh annual report of the Special Rapporteur and it is submitted in accordance with Commission on Human Rights resolution 2000/15, which extended his mandate for one year. In resolution A/C.3/55/L.62, the General Assembly requested him to submit a further report in 2001. The Commission on Human Rights also requested him, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances, to conduct an investigation into human rights violations and breaches of international humanitarian law committed between 1996 and 1997 in the territory of the Democratic Republic of the Congo, security conditions permitting. The requirements of the resolution have not been met.

### **Activities**

The Special Rapporteur carried out a mission to the Democratic Republic of the Congo, visiting the area governed by the Government and by two of the rebel groups, which, with foreign support, control over 50 per cent of the territory of the country. He attended a special session of the Security Council on the Democratic Republic of the Congo and was later received by the Security Council at a special meeting under the so-called "Arria formula". He spoke with the highest authorities of the Democratic Republic of the Congo, RCD, MLC, the United Nations, the Facilitator for inter-Congolese dialogue, United Nations agencies and non-governmental organizations. Although he was prepared to undertake more than one mission to the Democratic Republic of the Congo and Geneva, as on other occasions, administrative formalities prevented him from doing so.

### **Main conclusions**

In the Democratic Republic of the Congo, nine armed internal, international and internationalized internal conflicts are going on with the participation of 6 national armies and 21 irregular groups. The most serious conflict is the one which pits Rwanda, Uganda and Burundi, together with the Congolese Rally for Democracy (RCD), against the Kinshasa Government. RCD has split many times and the pro-Uganda and pro-Rwanda factions have fought on Congolese soil, causing death and destruction in a foreign country. In another conflict, the Movement for the Liberation of the Congo (MLC) is fighting the Government of President Kabila. Another conflict, started by Ugandan soldiers, opposes the Hema and Lendu ethnic groups. The victims of all these conflicts are always Congolese. In its resolution 1304 (2000), the Security Council expressly recognized that Uganda and Rwanda have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo. Earlier, it described these two countries as "uninvited".

None of the parties has respected the 1999 Lusaka Ceasefire Agreement, although the forces' positions have remained relatively stable. Without consultations, the Government suspended the Agreement and has seriously hampered the work of the United Nations observer mission, to which it agreed in Lusaka.

### **Violations of human rights attributed to the Kinshasa Government**

The most serious are violations of public freedoms: liberty of person (many persons are arrested for political reasons, regarded as traitors and sentenced as such), freedom of expression and opinion (more than 35 journalists were arrested, threatened or sentenced during the year and the media were warned by the Government about restrictions on what they could say) and freedom of association (non-governmental organizations are not recognized). There have also been cases of torture, some resulting in death. There have been attempts on people's lives, but less frequently than in RCD-controlled territory. President Kabila did not keep his word about suspending the death penalty, which continues to be applied.

The Government has not taken any step in the direction of democracy and political parties which do not adapt to new and inadmissible requirements continue to be prohibited. Without consulting any social or political sector, it established a constituent assembly which is lacking in representativity and in no way reduces the absolute powers assumed by the President when he won out against Mobutu in 1997. The inter-Congolese dialogue agreed on in Lusaka (1999) has been rejected by the Government.

### **Human rights violations in RCD-controlled territory**

In the eastern regions occupied by the "rebel" or "aggressor" forces, there continues to be a climate of terror imposed by the armies of Rwanda, Uganda - and sometimes Burundi - and RCD. As in past years, massacres and other atrocities have been committed against the local population. Foreign soldiers operate with full impunity. Torture has led to a number of deaths. Liberty of person is violated and many non-governmental organization activists were detained or threatened during the year. There are no independent media and the scant information provided by organs of civil society is suppressed. Any dissent or opposition is presented as collaboration with Kabila or as "attempted genocide". There are frequent reports of transfers of Congolese to Rwanda and especially to Uganda, including children (to be drafted into the Ugandan army) and refugees, contrary to the principle of non-refoulement. The death penalty has been applied in a number of cases, and this is a step backwards compared to the situation one year previously. There have been attacks on parish churches and religious centres, priests and ministers have been murdered, meetings in churches prohibited and the archbishop of Bukavu prevented from carrying out his functions.

There is no room at all for political participation. RCD governs as a party-State and it also relies on a paramilitary militia, the Local Defence Unit (ADL), which has carried out many attacks.

### **Breaches of international humanitarian law committed by Government forces**

The Government is responsible for the breaches of international humanitarian law committed by the Mai-Mai, which it has incorporated into the Congolese Armed Forces (FAC). It is also responsible for bombings of civilian populations: Gemena, Boma, Libenge (hospital).

### **Breaches of international humanitarian law committed by rebel forces allied to the uninvited countries**

In reprisal for attacks on soldiers whom the Congolese population calls “aggressors”, RCD forces retaliate by massacring defenceless civilian populations with machetes or knives and guns, causing thousands of victims, most notoriously in Ngenge, Kalehe; Kilambo; Katogota, Kamanyola, Lurbarika, Luberezi, Cidaho, Uvira, Shabunda; Lusenda-Lubumba, Lulingu, Butembo and Mwenga, in November 1999, when 15 women were buried alive after being tortured.

### **Situation of human rights advocates**

The situation of human rights advocates is very precarious and dangerous. Throughout the territory, they are persecuted, detained and threatened and their offices are shut down. In the territory controlled by Kinshasa, they are regarded as allies of the Rwandans or the rebels and, in the east, as allies of Kabila.

**REPORT ON THE SITUATION OF HUMAN RIGHTS IN THE DEMOCRATIC  
REPUBLIC OF THE CONGO, SUBMITTED BY THE SPECIAL RAPPORTEUR,  
MR. ROBERTO GARRETÓN, IN ACCORDANCE WITH COMMISSION ON  
HUMAN RIGHTS RESOLUTION 2000/15**

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### **Abbreviations**

ACL - PT	Constituent and Legislative Assembly - Transitional Parliament
ANR	National Information Agency (Agence nationale de renseignements)
APR	Rwandan Patriotic Army
ASADHO	Association africaine de défense des droits de l'homme
CEDA	Centre d'études, de documentation et d'animation civique
COM	Military Court (Cour de l'ordre militaire)
CNONGD	Conseil national des organisations non-gouvernementales de développement
CRONGD	Conseil régional des organisations non-gouvernementales de développement
CPRK	Kinshasa Penal and Rehabilitation Centre
DEMIAP	Detection of Unpatriotic Activities Police (Détection militaire des activités anti-patrie)
FAC	Congolese Armed Forces
ex-FAR	Former Rwandan Armed Forces
GSSP	Special Presidential Security Group (Groupe spécial de sécurité présidentielle)
ICRC	International Committee of the Red Cross
MLC	Movement for the Liberation of the Congo (Mouvement pour la libération du Congo)
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MPR	People's Revolutionary Movement (Mouvement populaire pour la révolution)
OAU	Organization of African Unity
OHCHR	Office of the United Nations High Commissioner for Human Rights
PALU	Unified Lumumbist Party
PDSC	Democratic Social Christian Party
PIR	Rapid Intervention Police (Police d'intervention rapide)

RCD	Congolese Rally for Democracy (Rassemblement congolais pour la démocratie)
RCD/ML	Congolese Rally for Democracy/Liberation Movement (Rassemblement congolais pour la démocratie/Mouvement de libération)
RCD/Goma	Congolese Rally for Democracy (Rassemblement congolais pour la démocratie)/Goma
REFECO	Regroupement des femmes congolaises
RTNC	Congolese National Radio and Television Corporation (Radio Télévision Nationale Congolaise)
SADC	Southern African Development Community
SCEPDHO	Structure de culture, d'éducation populaire et des droits de l'homme
SOPROP	Solidarité pour la promotion sociale et la paix
UDPS	Union for Democracy and Social Progress
UNHCR	Office of the United Nations High Commissioner for Refugees
UNITA	National Union for the Total Independence of Angola
VSV	Voix des sans Voix

## **I. INTRODUCTION<sup>1</sup>**

### **A. Mandate**

1. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the former Zaire, submits his seventh report to the Commission on Human Rights, in accordance with Commission resolution 2000/15. Pursuant to that resolution and General Assembly document A/54/361, the Special Rapporteur submitted his fourth interim report to the Assembly. The present report covers incidents that occurred up to 11 December 2000.

2. In its resolution 55/117, the General Assembly renewed the Special Rapporteur's mandate and requested him to submit a new report at its fifty-sixth session. Annex I lists the resolutions of the Commission on Human Rights and the General Assembly, as well as all the reports of the Special Rapporteur.

### **B. Activities and administrative obstacles**

3. The Special Rapporteur participated in the special session of the Security Council held in January 2000 to consider the situation in the Democratic Republic of the Congo, convinced that human rights matters cannot be separated from the settlement of conflicts, whose root cause is the violation of human rights. The so-called "Carlsson report" (S/1999/1257) on the actions of the United Nations during the genocide in Rwanda had recently been issued and it highlights the fact that the genocide took place largely because the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, which was released just weeks before the genocide began and which announced that it was in preparation, had not been heeded and no measures had been taken to avoid the genocide. The Special Rapporteur took the opportunity to meet with the officials listed in annex II.

4. The Special Rapporteur then visited Geneva to submit his report at the fifty-sixth session of the Commission on Human Rights. He attended the annual meeting of the special rapporteurs and chairpersons of working groups of the Commission in June and then attended the fifty-fifth session of the General Assembly to submit his interim report. In New York, the Security Council preferred to hear the Special Rapporteur in closed session under the so-called "Arria formula". The Special Rapporteur hopes that the very interesting exchange of views that took place will help the Security Council formulate the decisions it must take in its efforts to bring peace to the Democratic Republic of the Congo.

5. Despite the requests he made, the Special Rapporteur was able to carry out only one two-week fact-finding mission to the Democratic Republic of the Congo and a single visit to Geneva during the year to prepare his interim report. The United Nations administration did not agree that he should carry out a second visit to Europe (to Belgium or Geneva) or that his field trip should last at least three weeks. It was even implied that the Special Rapporteur should carry out the field trip without the help of his assistant. During this trip, the Special Rapporteur held the meetings and visited the places listed in annex III.

6. The Special Rapporteur is compelled to draw the attention of the Commission on Human Rights to the difficult circumstances in which he has to carry out his duties. The only assistance he receives is from an extremely efficient assistant in the Office of the United Nations High Commissioner for Human Rights, who, unfortunately, also has responsibility for five other States. Not only does the assistant have to undertake field trips to deal with her other activities, but she also has no permanent contract and is forced to take a month-long break from work.

7. The President of the Security Council (the Ambassador of the United States of America to the United Nations), the Special Representative of the Secretary-General, the Government of the Democratic Republic of the Congo, the leaders of the Congolese Rally for Democracy (Rassemblement congolais pour la démocratie) (RCD) and the Movement for the Liberation of the Congo (Mouvement pour la libération du Congo) (MLC), eight ambassadors in Kinshasa, senior officials from the United Nations in New York and the heads of United Nations agencies in the Democratic Republic of the Congo expressed concern about the fact that the Special Rapporteur was paying only one brief visit to the country, rightly maintaining that that would affect his credibility.

8. Although his work is not remunerated, the Special Rapporteur has been and is still prepared to carry out his mandate in the best way possible, for which he needs not only more dedicated administrative support, but also, basically, to be able to carry out at least two visits a year to the country that is the subject of his mandate and two missions to the countries with the largest concentration of Congolese.

9. Furthermore, the United Nations administration is making it more and more difficult for special rapporteurs to carry out their work. Subsistence allowances are not paid (only advances are given against payment at a later date, which usually takes longer than eight months).<sup>2</sup> Worse still, extraordinary air-travel itineraries are chosen for missions (instead of a 10-hour non-stop flight from Santiago to New York, a flight is chosen with two stop overs, a change of planes and 15 hours' flying time) and the Special Rapporteur is told of this only 6 hours before departure, when the travel authorization has been issued a fortnight earlier. To give another example, when the Special Rapporteur accepted another non-remunerated assignment to attend a seminar in Ethiopia, he was sent, a few hours before the flight was due to take off, a ticket for Geneva because it was cheaper. As a result of such absurdities, one fellow special rapporteur refrained from introducing his report to the General Assembly in person and another, quite rightly, decided not to continue with his mandate.

10. During his mission to the Democratic Republic of the Congo (13-25 August 2000), the Special Rapporteur visited Kinshasa. He also visited Goma, Bukavu and Kisangani, which are under the control of RCD/Goma, and Gbadolite, which was captured by MLC. Both the Government and rebel authorities permitted him to work and conduct his interviews freely. Obstacles were encountered, however, when he attempted to visit the military and police detention centres in Kinshasa and Bukavu. He also had meetings with or reviewed the reports of political parties and of intergovernmental and non-governmental institutions and organizations (see E/CN.4/2000/42, annexes II-V).

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11. The Special Rapporteur transmitted 60 communications and urgent appeals on behalf of 196 persons to the Government and 12 allegations of human rights violations concerning 20 persons. Nine of these were acknowledged, but he was given no information.

12. RCD authorities submitted two extensive reports to the Special Rapporteur, which the latter welcomes.

### **C. Pending activities and investigations**

#### **Joint mission to investigate allegations of massacres committed in 1996**

13. In paragraph 5 (b) of its resolution 2000/15, the Commission on Human Rights renewed the mandate of the joint mission established by its resolution 1997/58 to investigate, as soon as security considerations permitted and, where appropriate, in cooperation with the National Commission of Inquiry, the violations of human rights and international humanitarian law committed in the former Zaire between 1996 and 1997.

14. The Government also requested the Secretary-General to carry out an investigation into the events that occurred in the locality of Ituri (letter of 8 February 2000), as well as an investigation into allegations concerning the deaths of 15 women who were buried alive or burnt in Mwenga, situated in RCD-controlled territory. Both the Government and RCD requested special investigations into the Katogota massacre. Because of the prevailing insecurity and lack of financial resources, these investigations are still pending.

### **D. International obligations of the Democratic Republic of the Congo**

15. The Democratic Republic of the Congo is a party to the international human rights and international humanitarian law instruments listed in annex IV. The former Zaire has been a party since 8 June 1997 to the Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), but, contrary to the announcement, has not acceded to the second Protocol Additional to the Geneva Conventions. The Government is late in submitting 10 reports to treaty bodies. It has not completed a single report or replied to the communications addressed to it by the special thematic mechanisms.

16. On 25 May, the Government signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and, on 8 September, the Rome Statute of the International Criminal Court. The Special Rapporteur, as well as congratulating the Government, urges it to ratify both instruments as soon as possible.

### **E. Reprisals against individuals who cooperate with the United Nations**

17. The Special Rapporteur denounces the reprisals taken against the following persons who cooperated with him during his visits or who submitted reports to him, pursuant to Commission on Human Rights resolution 2000/20.

18. In territory controlled by RCD/Goma:

Monsignor Emmanuel Kataliko, Archbishop of Bukavu, who was interviewed by the Special Rapporteur, was detained and subsequently exiled to Butembo on 12 February 2000;

Collete Kitoga was arrested in Goma upon her return from the fifty-sixth session of the Commission on Human Rights;

Gervais Chirhalwira Nkunzimwami, Paulin Bapolisi Bahuga, Regine Mutijima Bazalake and Alois Muzalia Wakyebwa, leaders of civil society in South Kivu with whom the Special Rapporteur met on 18 August, were arrested 10 days later;

Marcelin Musemakweli, Muzalia Loochi, Francolis Maheshe, Michel Aissi, Raphael Wakenge, Venantie Bisinwa, Mushagalusha, Baharanyi Bya Dunia, Jules Lwesso, Moïse Cifende, Dunia Yogolelo, Kizungu, Judge Emmanuel Shamavu, Kiza Kamatando, Moro Tubibu, Nestor Bauma and Joli Yaya, leaders of civil society and non-governmental human rights organizations, were arrested and brutally beaten on 9 October for having talks, a few days earlier in Bukavu, with the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson. Many of them also met with the Special Rapporteur during his visit to that city.

19. In territory controlled by RCD/ML:

Sylvain Mudimbi Masudi was arrested in Beni for attending the session of the Commission on Human Rights and was transferred to Uganda.

## **II. THE VARIOUS ARMED CONFLICTS**

20. The Democratic Republic of the Congo is bedevilled by various armed conflicts, some international (the Democratic Republic of the Congo against Rwanda, Uganda and Burundi, which receive RCD support, in the east) and others which are not international, but which have been internationalized by the participation of foreign troops (the conflict between the Bahema and the Balendu in the north-east). Others again are conflicts between outsiders fought in the territory of the Democratic Republic of the Congo (the Republic of the Congo against various opposition militias; Angolan, Burundian, Rwandan and Ugandan rebels against their respective Governments), which should be seen as outsiders' internal conflicts that have become internationalized (see annex V). At least six national armies<sup>3</sup> and 21 irregular armed groups (see annex VI) are involved in the conflicts, which all take place entirely in the territory of the Democratic Republic of the Congo, whose population has been decimated.

### **A. The conflict between the Government and the Congolese Rally for Democracy**

21. The conflict between the Government and RCD, which began on 2 August 2000 following Rwanda's invasion of the Democratic Republic of the Congo, is the most serious of the conflicts, not only because of its political and economic repercussions, but also because it



restricts the enjoyment of the civil, cultural, economic, political and social rights of the entire region. The Security Council, in its resolution 1304 (2000), explicitly recognized that Uganda and Rwanda “have violated the sovereignty and territorial integrity of the Democratic Republic of the Congo”. The Security Council had previously called those two countries “uninvited”.

22. On one side are the armies of Rwanda, Burundi, Uganda and RCD/Goma, together with its paramilitary group, the Local Defence Unit (ADL). During his visit to the country, the Special Rapporteur received evidence of the involvement, on behalf of the armies of Rwanda and Uganda, of Interahamwe deserters and Rwandan Bahutu prisoners, who were released and sent to the front. The mineral riches of the Democratic Republic of the Congo in Katanga, Orientale province and Kasai Oriental have been so depleted by foreign troops and RCD that the Security Council established an expert panel on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo by occupying and rebel forces.<sup>4</sup>

23. The Government has relied for its defence on its own armed forces (FAC) and on counter-rebel militias: it has open and confirmed ties to the Mai-Mai,<sup>5</sup> a group that is gaining in popularity with a local population tired of being subjected to the control of forces they consider foreign. It also has informal ties to other “counter-rebels”: RCD deserters, Rwandan Bahutu Interahamwe (the “Mongol” militia), members of the former Rwandan Armed Forces (FAR) and Burundian Bahutu, among others.

24. The violence always follows the same pattern: it is unleashed by the attacks of the counter-rebels against military forces which they consider to be aggressors. The response of the Rwandan army, RCD and the Burundian army is to attack the defenceless civilian population, committing indescribable massacres, such as those that took place at Katogota, on 15 May, Kamanyola, Lurbarika and Luberizi, or the massacre in July on the Lusenda-Lubumba highway, as well as the events - denied, as others have been, by RCD/Goma - that took place in Mwenga in November 1999, in which 15 women were tortured and buried alive (see the report of the Secretary-General in document S/2000/330, para. 61).

25. Some Banyamulenges (Batutsi of Rwandan origin, not recognized as having Congolese nationality), who started the first war against the dictator Mobutu (1996-1997), have been responsible for violent incidents aimed at RCD, as they were fed up at being the target of the resentment of the Congolese over the abuses committed by the Rwandan Patriotic Army (APR).

26. Security Council resolution 1304 (2000), cited above, demands that Uganda and Rwanda “withdraw all their forces” from the Democratic Republic of the Congo and that this withdrawal should be reciprocated by the other parties. The Secretary-General reported at the beginning of December that neither Rwanda nor Uganda had withdrawn their troops.

### **B. The conflict between the Government and the Movement for the Liberation of the Congo**

27. In Equateur province, MLC, with the support of Uganda and the involvement, for which there is convincing evidence, of the National Union for the Total Independence of Angola (UNITA), is fighting the Congolese Armed Forces (FAC), which are supported by Zimbabwe

and Namibia. It is in this province that the parties have shown the least respect for the ceasefire and indeed the rebel leader has long maintained that he felt under no obligation to observe it. President Kabila contends that MLC has rendered the ceasefire agreement null and void.

### **C. Clashes between Ugandan and Rwandan military forces in Kisangani**

28. The conflict that best illustrates Rwanda's and Uganda's lust for conquest is the one in Kisangani, the third largest city in the country, between the "uninvited armies" of Rwanda and Uganda (supported by RCD/ML). Kisangani was previously under the control of the two RCD factions, but, since the bloody clashes that destroyed the city on 5 and 9 May and 9 June, it has been ruled with an iron fist by Rwanda and RCD/Goma. The cause of the conflict is both economic (both armies want the huge wealth of Orientale province) and political (control of the territory).

29. The Special Rapporteur saw for himself the destruction wreaked on the city by the foreign armies, especially in the fighting in June. In addition to casualties among the soldiers, about 1,000 Congolese civilians died and thousands more were wounded.

30. Calls for a ceasefire, including from the Security Council, went unheeded and moves towards demilitarization were disregarded the very next day. Only the most recent agreement on the withdrawal of the troops from the city appears to have been complied with.

### **D. Tribal conflict between the Balendu and the Bahema**

31. This is a political and artificial conflict caused by the Ugandan presence in the region, but it has been classed as a tribal conflict. Except for some incidents in 1911, 1923 and 1966, these two ethnic groups had lived side by side without major difficulties for nearly three centuries. However, since they arrived in the Ituri region, the Ugandan troops have encouraged and given military support to the Bahema (who are of Ugandan origin) to seize land from the Balendu, who have been in the region longer. All the officials appointed by the Ugandan soldiers are from the Hema ethnic group. The current confrontations, which flared up again in August 2000, have resulted in some 10,000 deaths and the displacement of some 50,000 people.

### **E. Ceasefire agreements and observance thereof**

32. In the previous year's report (E/CN.4/2000/42, para. 18 and annex X), it was reported that, thanks to pressure from the international community, the parties concluded a ceasefire agreement in Lusaka in 1999. As they did not abide by the agreement, the timetable had to be adjusted (Lusaka, 12 February 2000; Kampala, 1 March and 8 April 2000). Only the last agreement was observed, except in the fighting between MLC and RCD. Despite some outbreaks of heavy fighting for example, in October, forces loyal to the Government attacked the positions of RCD and the aggressors in Katanga; in November, the latter re-took Pepa; and, in December, there was fighting in Pweto; the positions held by the belligerents in August 1999 have, on the whole, not changed a great deal. The most serious matter is the continued use of hate speech, about which the General Assembly recently expressed its concern in paragraph 2 (b) of its resolution A/C.3/55/L.62.

68. The population's opposition is illustrated by various acts of protest, such as the strikes held in Bukavu (including the strikes by students on 24 January and from 31 January to 6 February 2000; a demonstration by women in Kisangani on 31 January 2000; strikes in Goma on 14 February and in Uvira and Kindu; and a highly successful week-long beer strike in Bukavu in April). In July the Banyamulenge expressed their displeasure with the massacres of the local population, which had made their own situation worse, by organizing marches in Bukavu and Uvira. Women also demonstrated in Bukavu and Uvira in August to voice their unhappiness with various measures.

69. RCD has frequently split into factions (see E/CN.4/2000/42, para. 43) and efforts at reunification are being made not among Congolese leaders, who appear to be leading the factions, but between the Presidents of Uganda and Rwanda (November 1999 and January 2000). In March, three RCD/Goma leaders defected and were later accused, as usual, of spying by Kabila; subsequently, other internal dissidents broke away and formed RCD/National, which is headed by Roger Lumbala and has its headquarters at Bafwasende, near Kisangani. In October, RCD/Goma abruptly replaced the man who had been its leader until then, Dr. Emile Elunga, with Dr. Adolphe Onusumba, although it received support from Nzanga Mobutu, son of the former dictator.

70. RCD/Bunia also split into factions. In April and August, attempts to depose the head of that group were defeated through the influence, once again, of the President of Uganda and his army, while, in September, the Ugandan army put down an uprising against Chairman Wamba, with the rebels transferred to Kampala. Towards the end of 2000, the split between Wamba's faction and that of his former collaborators, Ateenyi Tibasima and Mbusa Nyamwisi, who are supported by Uganda, which had produced confrontations and roughly 40 deaths, became definitive.

71. The smaller RCD/Bunia faction has also taken steps that have stirred up the population, such as supporting the Hema against the Lendu or the creation of the Kibali-Ituri province to favour the former.

72. In the territory controlled by MLC, the people do not live in terror, but there is one-party rule. The representative of civil society to the dialogue that was to be held in Benin was appointed by MLC. The brief duration of the visit to Gbadolite made it impossible to obtain further information.

## **V. HUMAN RIGHTS VIOLATIONS COMMITTED BY THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO<sup>11</sup>**

### **Right to life**

73. While there have been infringements of the right to life, massacres do not generally occur in the western part of the country as frequently as they do in the area controlled by RCD.

74. Death penalty. On numerous occasions (10 December 1999, 27 January 2000, 23 August 2000 and 2 September 2000), President Kabila or one of his ministers has announced or informed the Special Rapporteur or the United Nations High Commissioner for Human Rights

detained for insisting that their examinations were valid in the Democratic Republic of the Congo; and repeated instances of rape of women detainees, particularly in “Chien méchant”. Those who resist are generally beaten. Rapes by Ugandan soldiers have also been reported in Butembo, especially in Kihinga, Ruenda, Isango, Mutiri, Mukuna and Butalirya districts.

### **Situation of children**

133. As in the Democratic Republic of the Congo, RCD is establishing a commission for the demobilization of child soldiers. However, MONUC has noted that the level of recruitment of children is much higher in the east than in the areas under Kabila. This is the case, for example, in Nyaleke, near Beni, where Ugandan soldiers are training 10-year-old children. What is worse, Congolese children are being deported to Uganda (see para. 117 above).

134. In flagrant violation of article 37 of the Convention on the Rights of the Child, minor children of all ages who are suspected of offences are deprived of their liberty in ordinary prisons, including security services prisons (Eric Mburanumwe Haguna, 12 years old, has been held in Bureau II in Sake, North Kivu, since 14 November).

### **Freedom of conscience and religion**

135. The persecution in RCD territory of Catholic and Protestant churches because of their messages of peace has been particularly serious. One Catholic bishop said that the only thing that united Rwandans and Ugandans was their hatred of the Catholic Church, but this also applies to other Christian churches and to religious organizations in general. In the east, the majority Catholic Church has been the most persecuted: priests have been murdered, the Archbishop of Bukavu was banished, there have been attacks on convents and parish houses and so forth. On 6 February, APR soldiers killed the pastor of a Protestant church (Mumboleo) in Kilambo, North Kivu, and there have been many other similar incidents.

## **B. In MLC-controlled territory**

136. There is minimal information on the region, since there is very little civic activity. There are very few non-governmental organizations and newspapers. The Special Rapporteur spent a few hours visiting the small village of Gbadolite, but was unable to visit other towns where there were more victims of human rights violations.

## **VII. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

### **A. Violations by the Government, allies and related groups**

137. The Government is responsible for the bombing of the Libenge hospital on 27 July, the bombing of Gemena, Boma (14 killed on 22 October), and other bombings that affected the civilian population. It has also shot down aircraft carrying poliomyelitis vaccine (war against MLC).

138. The Government's support for the Mai-Mai makes it responsible for the offences committed by the latter. While they generally attack Rwandan and RCD soldiers, they have also

committed violence against civilians suspected of collaborating with those they regard as “the enemy”. The high degree of popularity they enjoy among the Congolese does not absolve them of responsibility. Incidents involving brutality include those that occurred at Lubero in April and at Nyabibwe, Numbi (50 dead) and Kihuha in July.

139. The Interahamwe and former FAR combatants are responsible for attacks on the civilian population in Loashi, Luhinzi, Rutshuru, Kione, Ngesha, Kahuzi-Biega (nine gorilla researchers killed), Nyabiungu (seven persons killed on 13 October) and Munigi (nine persons killed on 1 November). It is common for women and girls to be raped in the villages attacked.

140. It should be noted that freed Rwandan prisoners who had been held in Kinshasa acknowledged that they had been well treated while held prisoner by the Zimbabweans, to the extent that, as they told the Special Rapporteur, at least four of them preferred to remain in Kinshasa rather than return to their country.

### **B. Violations by RCD, RCD/ML, MLC and allied foreign military forces**

141. The population does not distinguish among the various components of RCD, which it identifies as Rwandan soldiers or Banyamulenge.

142. Any attack by members of the Interahamwe, Mai-Mai or similar groups is met with violence that is utterly disproportionate: innocent civilians having nothing to do with the conflict are massacred and the death toll is high. Mere suspicion of sympathy with the Mai-Mai provokes reprisals against the civilian population: Ngenge (November 1999), Kalehe (December 1999, 23 dead), Kilambo (February, 60 dead), Katogota (May, between 40 and 300 dead), Kamanyola, Lurbarika, Luberezi, Cidaho, Uvira, Shabunda, Lusenda-Lubumba (July, 150 dead), Lulingu (August, 300 to 700 dead, including children, women and many disabled persons) and Butembo (11 September, 24 civilians killed).

143. Church-connected sites, particularly health centres, have been special targets, in grave violation of articles 18, 57 and 58 of the fourth Geneva Convention of 12 August 1949: the Burhale parish house; the Mubumbabo health centre (March); the parish house and maternity clinic at Cihirano (April); the parish house and convent at Kabare and the Kabare hospital (May-June); the Murhesa seminary and parish house (June); the Lwiro health centre (July); the Luhwinja health centre and parish house (July); the Kaniola parish house and health centre (August); the Mubumbano parish house in Walungu (2-3 October 2000); and so forth.

144. Particularly reprehensible is the treatment of prisoners by Rwandan soldiers. The Special Rapporteur visited one Congolese soldier taken prisoner in Katanga who had been beaten, tortured, castrated and abandoned, a practice condemned earlier by the Special Rapporteur (see E/CN.4/2000/42, para. 117). The Special Rapporteur was surprised by the heartlessness and cruelty displayed by the Second Vice-Chairman of RCD, Moïse Nyarugabu, when transmitting the case. Without any proof, he said, “You don’t know how many he castrated”.

145. On other occasions, Rwandan soldiers, when attacking hospitals, have taken wounded individuals suspected of being Mai-Mai out in order to shoot them in the street, as they did in Lubero on 25 August.

146. Humanitarian assistance has been intercepted and diverted to Congolese Tutsi repatriated from Rwanda.

147. Burundian soldiers are accused of killing nine civilians in Sebele in retaliation for a Mai-Mai attack in April.

148. Ugandan troops have also committed massacres, such as the one that took place in a restaurant in Kirima on 28 August, when the owners and 10 customers were killed.

149. Extremely serious incidents occurred during the Ugandan-Rwandan fighting in Kisangani; in addition, combatants from both sides have placed anti-tank and anti-personnel mines around that city and these will wreak enormous devastation among the civilian population in the future.

150. Ugandan soldiers, working together with Hema, have also committed atrocities against civilians (in Libi, for example, where nine persons were killed in March) and taken civilians, including children (Walendu Tatsi), prisoner.

151. Ugandan troops also shelled a boat in which women and children were fleeing the war, killing some 30 persons; no assistance was given to them.

152. Proportionally, the Ugandan forces are more regular in the recruitment of children.

## VIII. CONCLUSIONS AND RECOMMENDATIONS

### A. Conclusions

153. The catastrophe in Central Africa. Central Africa is a region of great riches, but its inhabitants are living in extreme poverty. The dreadful legacy of slavery; the arbitrary partition of borders without regard for territories and limits accepted by the original inhabitants; colonization, with the lack of education and the looting of natural resources it left behind; and the history of unscrupulous dictators - always with support from abroad, however, whether from the former European metropolitan Power or from the great cold war Powers - are the cause of the prices the peoples of Africa now have to pay.

154. Of the nine armed conflicts now going on in the Democratic Republic of the Congo, only three involve inter-Congolese disputes: the Government against RCD (various factions); the Government against MLC; and Balendu against Bahema. And all three were triggered by the participation of invading forces. This is particularly significant because, although the territory of the Democratic Republic of the Congo has nearly 400 ethnic groups and 50 million inhabitants, co-existence has historically been peaceful. No one denies that there have always been disputes about land problems, but these were always settled through action by traditional chiefs (in the case, for example, of conflicts between Balendu and Bahema in 1887, 1911, 1923 and 1966). Only incitement by Ugandan soldiers has dragged these two ethnic groups into someone else's violence.

**ANNEX 4.24**

**United Nations Security Council, *Report of the inter-agency assessment mission to Kisangani (pursuant to Security Council resolution 1304 (2000), paragraph 14)*, document S/2000/1153, 4 December 2000**



## Security Council

Distr.: General  
4 December 2000

Original: English

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### Letter dated 4 December 2000 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 1304 (2000) of 16 June 2000, in paragraph 14 of which the Security Council expressed the view that the Governments of Uganda and Rwanda should make reparations for the loss of life and the property damage they had inflicted on the civilian population in Kisangani, Democratic Republic of the Congo, and requested me to submit an assessment of the damage.

Accordingly, as I noted in my fourth report to the Council on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2000/888, para. 20), I sent a mission to the Democratic Republic of the Congo from 13 to 23 August to assess the loss of life and property damage inflicted on Kisangani as a result of the fighting between Uganda and Rwanda in June 2000.

The mission was led by Omar Bakhet of the United Nations Development Programme (UNDP) and comprised staff from UNDP, the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, and was accompanied to Kisangani by officials of the International Labour Organization and MONUC.

The report, which is contained in the annex to this letter, describes the findings of the team concerning the events in Kisangani, including the fighting which broke out between Ugandan and Rwandan troops in June 2000 and its effects on the population and the infrastructure of the city. It also describes the immediate reaction of the international community, including the humanitarian agencies.

According to the report, over 760 civilians were killed and an estimated 1,700 wounded. More than 4,000 houses were partially damaged, destroyed or made uninhabitable. Sixty-nine schools were shelled, and other public buildings were badly damaged. Medical facilities and the cathedral were also damaged during the shelling, and 65,000 residents were forced to flee the fighting and seek refuge in nearby forests.

The report contains a number of recommendations, primarily relating to the need for additional humanitarian assistance and rehabilitation. I have recommended the implementation to the agencies concerned accordingly.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

*(Signed)* Kofi A. Annan

00-78063 (E) 061200





## Annex

### Report of the inter-agency assessment mission to Kisangani

(Pursuant to Security Council resolution 1304 (2000), paragraph 14)

#### I. Introduction

1. Pursuant to Security Council resolution 1304 (2000), paragraph 14, the Secretary-General dispatched a multi-disciplinary inter-agency team to assess the loss of life and the property damage inflicted on the civilian population in Kisangani, Democratic Republic of the Congo, during the fighting between Ugandan and Rwandan troops which took place from 5 to 11 June 2000. The issue of the reparations for the loss of life and property damage to be made by the Governments of Rwanda and Uganda stated in paragraph 14 of the resolution was outside the terms of reference of this mission. The mission was carried out from 13 to 24 August 2000. The terms of reference for the mission are set out in the appendix.
2. Mission members were selected following consultation with the concerned departments and agencies and were as follows: Omar Bakhet, United Nations Development Programme (UNDP) (mission leader); Joe Comerford, UNDP; Jamie McGoldrick, Office for the Coordination of Humanitarian Affairs; Frank Suttmuller, consultant; Simon Yazgi, Department of Peacekeeping Operations. The mission was accompanied to Kisangani by Lambert Gbossa, International Labour Organization (ILO) and Alan Lindquist, United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).
3. The Kisangani evaluation mission formed two teams from Geneva and New York, leaving on 13 and 15 August, respectively, Mr. Comerford and Mr. Suttmuller having travelled from Geneva.
4. The two teams were due to meet in Kisangani on 19 August 2000, but this did not happen owing to the death of Joe Comerford (of the advance team) in Kisangani. The work of the advance team, to assess structural damage, was halted and the remaining team member was evacuated.
5. Difficulties with flight clearances also delayed the New York team's arrival in Kisangani until 22 August. The current system for flight clearance involves submitting requests at least 48 hours in advance through the Commissaire général, Chargé des affaires de la MONUC. Humanitarian and MONUC flights returning to Kinshasa from rebel-held areas have up until now been required by the Government of the Democratic Republic of the Congo to transit via another country, thus increasing costs and delays.
6. The mission reorganized its plans and continued with its investigations. An assessment of structural damage was carried out but it requires expert follow-up to complete the financial costings. The information gathered and assessments made from those investigations have allowed the mission to conclude its preliminary analysis and recommendations.
7. During its visit the mission met with the Minister of Health of the Democratic Republic of the Congo; the Commissaire général, Chargé des affaires de la MONUC; Ambassador Kamel Morjane, Special Representative of the Secretary-General; Bouri Sanhouidi, United Nations Resident Coordinator; MONUC; heads and members of all United Nations organizations and bodies active in the country (Office for the Coordination of Humanitarian Affairs, UNDP, Office of the United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), World Food Programme (WFP), World Health Organization (WHO), ILO, Food and Agriculture Organization of the United Nations (FAO)) and more specifically in Kisangani (Office for the Coordination of Humanitarian Affairs, FAO, UNICEF, MONUC, WHO, WFP); local administrations; international and local non-governmental organizations; civil society members; and representatives of the foreign diplomatic corps in Kinshasa.
8. Access to government sources was affected by two major events that coincided with the mission's visit to Kinshasa: the funeral of a Vice Minister of Finance and the opening of the Constituent Assembly in Lubumbashi meant that many of the Ministers with whom the mission had expected to meet were unavailable.
9. In the week before the full team's arrival United Nations agencies, MONUC, local administration and

international and local non-governmental organizations undertook a considerable amount of preparatory work that contributed to the investigations of the mission. The preparation allowed the mission to focus its work once in the city and make optimal use of the time on the ground. As a result, and despite the constraints, the mission was able to form what it believes is an accurate description of the situation in Kisangani.

10. The mission wishes to express its gratitude to the Special Representative of the Secretary-General, Kamel Morjane; MONUC staff both in Kinshasa and Kisangani; the Resident Coordinator, Bouri Sanhouidi, and the United Nations country team; Congolese officials; non-governmental organizations; and diplomats who met with the mission, and in particular to the Office for the Coordination of Humanitarian Affairs, whose in-country facilitation and expertise was invaluable.

## II. Summary

11. The Democratic Republic of the Congo is in the throes of a deepening crisis that has, so far, eluded all political and military attempts to solve it. Decades of political and economic mismanagement have resulted in widespread poverty, poor infrastructure and weak and ineffective governmental institutions. The paradox is that these negative development trends are occurring in a country that has immense natural resources. This situation is exacerbated by the direct consequences of a pernicious conflict that has been widely described as "Africa's First World War".

12. As a consequence the country's economy is marked by high unemployment, shrinking production, rampant inflation and monetary instability. The escalating public finance deficit is currently being met by increasing the already heavy foreign debt. Schools and hospitals lack resources and staff, civil servants' salaries have not been paid for many years, and support for basic welfare services is being provided mainly by international aid agencies and hundreds of indigenous humanitarian and church organizations.

13. The recent war in the Democratic Republic of the Congo has involved seven neighbouring countries, intensifying the country's already critical socio-economic and political situation. According to the United Nations mid-term review issued in August, this situation has resulted in a major humanitarian crisis

currently affecting over 20 million people, including 1.8 million internally displaced people and over 400,000 refugees. Observers suggest the current situation in the country may have serious repercussions on the stability of the entire central African region.

14. The city of Kisangani is one of the worst casualties of the most complex war in Africa. As in the rest of the Democratic Republic of the Congo, life expectancy is low and infant mortality rates are high. Access to basic health and welfare services is markedly less than the regional average. Infrastructure is crumbling and much of the country is cut off because of a lack of transport. Preliminary results from recent household surveys in urban areas commissioned by the United Nations indicate poverty and vulnerability to be commonplace.

15. On 5 June, persisting tensions in Kisangani between the occupying forces of Uganda and Rwanda erupted into open and violent conflict, with fighting spreading into residential areas and indiscriminate shelling occurring for 6 days. It was the third and by far the most brutal clash between the two armies battling to control the city, for reasons their leaders could never adequately explain. This has led some observers to suspect that an underlying cause was control of the lucrative diamond industry.

16. Over 760 civilians were killed, and an estimated 1,700 wounded. More than 4,000 houses were partially damaged, destroyed or made uninhabitable. Sixty-nine schools were shelled, and other public buildings were badly damaged. Medical facilities and the cathedral were also damaged during the shelling, and 65,000 residents were forced to flee the fighting and seek refuge in nearby forests.

17. The conflict has intensified the pressure on an already fragile and neglected infrastructure, increasing the hardship faced by the population of Kisangani. The city's electrical supply is tenuous, relying on only one functioning turbine. The water supply is vulnerable as it is dependent on an unreliable electricity supply system. The health centres, already under-equipped and under-funded, have had to cope with the new influx of victims. Transport infrastructure was badly damaged, such as the vital bridge over the Tshopo River that is now in an advanced state of disrepair through over-use by retreating troops and their heavy military trucks and equipment. Landmines were also laid by retreating forces on the bridge and along major routes.

18. Beyond the physical damage, the psychological trauma inflicted on the civilian population by the outbreak of hostilities in Kisangani was immeasurable. Systematic violations of international humanitarian law and indiscriminate attacks on civilians have left residents highly traumatized. Hostilities in June made civilians in Kisangani realize that they were unprotected against such attacks and ill-prepared for the consequences, with very few contingency food items to sustain them through the crisis.

19. The international humanitarian community and its national counterparts mounted an emergency response in the city and surrounding areas. Over 240 tons of relief supplies were airlifted from Kinshasa, Goma and Lubumbashi by the United Nations and international non-governmental organizations. Food and non-food relief items were distributed to the internally displaced persons and affected residents. Congolese medical specialists including surgeons were flown in from the capital to treat the large number of war wounded.

20. While there are some signs that normal life is resuming in the city, large-scale reconstruction of homes and public buildings will be needed before the internally displaced population is confident enough to return to the community. However, it is the uncertain security environment that remains the main obstacle preventing people from resettling into their communities.

21. While humanitarian assistance saves lives and offers grounds for the introduction of confidence-building measures among communities, these interventions are unsustainable. Given the massive logistical and operational costs involved in delivering such assistance by air to locations such as Kisangani and in order to break the cycle of dependency and rebuild self-reliance, rehabilitation support programmes must be implemented.

22. Kisangani offers an opportunity to undertake a series of quick-impact projects to rebuild people's traditional capacities and self-sufficiency in the affected communities. The international donor community must be ready to fund initiatives that stimulate agricultural production and encourage commercial activity through distribution of seeds and tools, food aid programmes supporting public sector staff and their families, and small farmer and microcredit schemes.

23. Such programmes should be targeted so as to meet immediate needs and address the underlying issues of poverty and vulnerability while supporting the peace process.

### III. Recommendations

24. Given the precarious security situation in the country, in Kisangani in particular, urgent efforts should be made to strengthen field security in order to provide a safer working environment for all United Nations and international humanitarian workers on the ground, and in line with the recommendations of the recent mission to the Democratic Republic of the Congo of the United Nations Security Coordinator.

25. The search for peace is not dependent on political negotiations alone. The United Nations must continue international dialogue with the current and potential donors on how to support peace-building initiatives within the country.

26. The United Nations must recognize the need for ongoing humanitarian operations in the Democratic Republic of the Congo, and the vital importance of ensuring that humanitarian and rehabilitation activities are complementary, reinforcing common objectives of saving lives, rebuilding livelihoods and promoting peace and reconciliation. To this end the United Nations should draw up a country strategy in collaboration with civil society and the non-governmental organizations, aimed at rehabilitation of the communities and at promoting peace and reconciliation.

27. MONUC should continue to facilitate the delivery of humanitarian assistance and help to create an environment conducive to the provision of rehabilitation support to war-affected communities.

28. The United Nations should field a follow-up technical mission to Kisangani to obtain detailed costs of the actual damage to houses, public buildings and basic infrastructure identified in this report, and to fulfil all the requirements of paragraph 14 of resolution 1304 (2000).

### Supplementary recommendations

29. On the basis of work already being carried out by the United Nations country team, an innovative and

less orthodox approach to the use of humanitarian and rehabilitation support should be attempted, recognizing the complexities of the situation in the Democratic Republic of the Congo, to reduce the dependency on external assistance and to help create conditions locally for peace and reconciliation.

30. A working group involving key agencies should be established at United Nations Headquarters in New York to support the work of the country team.

31. The international donor community must increase the level of funding for humanitarian assistance as outlined in the consolidated appeals process. However, in Kisangani and elsewhere in the Democratic Republic of the Congo it is imperative to help rebuild people's traditional capacities and self-sufficiency in the affected communities. Such programmes should aim to wean the population from humanitarian aid and establish a sustainable base for rehabilitation, generated at the local level.

32. This would include using food aid to promote agriculture and support staff and their families working in the education and health sectors. It would involve developing close working relations with civil society and local authorities in the implementation of community-based projects, targeting vulnerable groups such as returning internally displaced persons, single-headed households etc.

33. Rehabilitation programmes should adopt a flexible approach that could be phased in and implemented as programmes combining both sustainable development and peace-building initiatives. Kisangani would be viewed as the pilot phase that could then be replicated in other parts of the country and/or region.

34. Major rehabilitation projects are needed to rebuild houses, improve the power supply, water systems and road and bridge infrastructure. Rehabilitation of Kisangani's electricity supply is a priority which should be addressed as a part of a comprehensive reconstruction and rehabilitation plan.

35. Transport routes in the region need to be reopened to facilitate commercial trade and the economic regeneration of Kisangani and other isolated areas. Reopening navigation on the Congo River should be made a country priority, as should the rehabilitation of the railway from Kisangani to

Ubundu. The United Nations should monitor and facilitate trade along newly reopened transport routes.

36. Financial facilities for microcredit and farmer credit schemes should be established in order to allow those affected by the conflict to rebuild their livelihoods in a sustainable manner.

37. As well as the physical damage the mission was informed of significant psychological trauma inflicted on the population of Kisangani by the events before and during the fighting in June. The United Nations must address the psychological dimension of this problem when implementing a reconstruction or rehabilitation programme.

38. International organizations should be encouraged to increase their presence in Kisangani and other locations to improve funding, to support the implementation and as a confidence-building measure for the populations at risk.

#### **IV. The context: an overview of the crisis**

39. The current crisis in the Democratic Republic of the Congo, formerly Zaire, has complex political and socio-economic roots. Since 1998 the country has been the scene of a conflict that has involved seven neighbouring countries, threatens to destabilize the whole of central Africa and has exacerbated the already dire socio-economic and political situation in this former Belgian colony. This has resulted in a division of the country into two zones of influence, preventing a return to a normal political life and the reconstruction of infrastructure and civil society.

40. Several attempts have been made to end the war. After numerous meetings an agreement was signed at Lusaka on 10 July 1999. However, the Lusaka Agreement has been subject to many major breaches caused by fighting between both pro-government forces and rebels, and allies within the factions. A number of high-level diplomatic missions have been undertaken to try to maintain momentum for peace, but they have made little headway.

41. The ongoing armed conflict has prevented any efforts at economic stabilization and growth. Although the Democratic Republic of the Congo has huge potential wealth in the form of natural resources (diamond mines, forests, agriculture, energy etc.), the

economic situation has been in decline since the beginning of the 1960s and the country is today ranked 152 out of 174 in the 2000 UNDP Human Development Index.<sup>1</sup>

42. The country's economic environment is marked by shrinking overall production, rampant inflation, monetary instability and a public finance deficit that is met only by exacerbating the already large foreign debt. Purchasing power has fallen and unemployment is endemic. Increasing numbers of the population are finding themselves economically marginalized.

43. At the same time, humanitarian aid flows have fallen from US\$ 269.1 million in 1992, when structural adjustment was halted, to \$125.6 million in 1998. This represents a spending of just \$6.7 and \$2.6 per person respectively. Key indicators such as life expectancy, infant mortality rates, nutrition and food security, incidence of disease, literacy rates and access to basic services have all fallen much more slowly than the regional average.<sup>1</sup> Poverty and vulnerability are increasing in a country that has the potential to be one of the world's richest.

44. The humanitarian community faces a series of major obstacles in addressing the needs of the escalating number of vulnerable people requiring assistance. Since the beginning of the year, the United Nations consolidated appeals process mid-term review estimates that the number of war-affected people has risen by around 7 million to 20 million, including 1.8 million internally displaced and 420,000 refugees. Following years of socio-economic degradation, the civil war is creating an increasingly dramatic crisis for vulnerable groups that are virtually cut off from traditional food sources.

45. Access to these vulnerable groups is at best intermittent, owing to the precarious security environment and bureaucratic delays in obtaining travel clearance. The international humanitarian community has access to only 40 per cent of the affected population. Resources are limited and serve less than 600,000 of these people with food assistance, although rudimentary health facilities are thought to be available to over 2 million people. There has been a poor donor response to the 2000 United Nations consolidated appeal, less than 25 per cent having been received to date.

<sup>1</sup> UNDP, *Human Development Report 2000*.

## V. Kisangani

46. The city of Kisangani, located in the north-east of the country and at the geographical centre of the African continent, has been the scene of five conflicts in the last four years. The third largest city of the Democratic Republic of the Congo and a commercial centre on the Congo River, Kisangani has effectively been cut off from the rest of the country. Trade with Kinshasa has been interrupted and transport on the river is at present only by small boat and canoe. Commerce is almost exclusively with Goma and Rwanda and by air, as all other transport routes are blocked. Where roads are open they are in such bad condition as to make transport by anything but bicycle nearly impossible. Economically, the city is almost totally isolated.

47. The necessity of airlifting supplies into the city has resulted in a general increase in the price of goods with staples such as beans and rice more than doubling.<sup>2</sup> This, in turn, is coupled to a fall in purchasing power, which is estimated by FAO to be less than half of what it was 10 years ago,<sup>3</sup> making many basic goods too expensive for the average person.

48. Kisangani being a city that relied commercially on links with Kinshasa and river transport, the economic repercussions of this isolation have been enormous. Trading, the city's main economic activity, was paralysed; furthermore the increase in imported goods and difficulties in obtaining raw materials and equipment have meant that many of the city's industries have either shut down or greatly reduced their workforce. Sotexki, a textile factory whose staff has fallen from 2,500 to just 130, is a typical example of this. Widespread unemployment, increased prices and a decrease in purchasing power have all contributed to a general rise in poverty within the city.

49. Civil servants have not been paid for years and, should they be paid, they would find that inflation has eaten into their salaries so severely as to make them almost worthless. It is reported that they are

<sup>2</sup> Action contre la faim USA, "Rapport de Mission exploratoire à Kisangani, Province orientale", April 1999.

<sup>3</sup> Food and Agriculture Organization of the United Nations, "Approvisionnement de Kisangani. Situation et actions à envisager", August 2000.

increasingly turning to corruption as a way to make ends meet, further exacerbating problems.

50. Administrative structures have broken down and taxes remain unpaid, consequently there have been years of under-investment in and neglect of local infrastructure. Typical of this is the electrical supply, which is estimated to be less than a third of total demand. Of the three turbines of the city's hydroelectric power station, two date back to 1955 and have been out of action since 1998. The third will stop functioning within 12 months unless spare parts can be obtained. Without electricity the water pumping station will shut down, leaving over 600,000 people without reliable water supplies.

51. A 1999 nutritional study by Médecins sans frontières Holland estimated that 9.1 per cent of children aged 5 and under were suffering from severe malnutrition. Food security in the city has been a problem for some months mainly because the city has been cut off from the surrounding areas that traditionally supply it. There are increasing reports of cases of preventable diseases such as measles and polio, and health centres are poorly equipped and dependent on church groups and non-governmental organizations for the little funding they receive.

52. The city's schools have also been funded through church groups for some years. The higher education facilities, which include a university, higher education colleges and a medical and law school, are for all intents and purposes closed. A whole generation is at threat of growing up illiterate and/or without formal education.

53. Kisangani's situation has been further exacerbated by the recent conflict in which an estimated 720 civilians were killed and 65,000 displaced by fighting between Rwandan and Ugandan troops.

### **The conflict of 5-10 June 2000**

54. Kisangani has been the theatre of several clashes between rebel and government troops<sup>4</sup> and between

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<sup>4</sup> The taking of the town by the forces of Laurent-Désiré Kabilà upon his rise to power, its capture by RCD and three conflicts between the Ugandan and Rwandan forces — the three-day (August 1999), one-day (May 2000) and six-day (June 2000) wars.

erstwhile allies according to some observers. The most recent of these occurred from 5 to 11 June 2000, when the city was the scene of fighting between Ugandan and Rwandan troops which included widespread indiscriminate shelling by both sides.

55. Ugandan and Rwandan forces and their affiliated rebel groups vied for control of the lucrative diamond industry centred in the city, with assets being removed and channelled out of the country, ignoring local Rassemblement congolais pour la démocratie (RCD) authorities. In addition, rivalry intensified as parties tried to gain credibility by being the controlling authority in one of the main provincial MONUC locations. Another factor is the strategic position of Kisangani as an entrepôt at the non-navigable rapids between the small river upstream and the large navigable river downstream. Throughout this period, while forces scrambled for control of the city and its resources, the civilian population were terrorized and threatened through the use of radio hate campaigns that attempted to force people to leave the city.

56. Persisting tension between Ugandan and Rwandan troops degenerated into open and violent clashes for the first time in August 1999, the fighting spreading from garrisons and military camps into residential areas of the city. Another round of clashes was prevented from becoming outright war in mid-May 2000 when members of the Security Council's mission to the Democratic Republic of the Congo and MONUC brokered a ceasefire agreement, including a disengagement plan. However, despite acceptance of the agreement by both the Rwandan Patriotic Army and the Uganda People's Defence Forces and the deployment of additional United Nations military observers, the situation remained highly volatile throughout May, and continued to disrupt economic trade and traditional food supply lines. By the end of the month the humanitarian community negotiated a resumption of air traffic with the belligerents to allow supplies to be flown in, as the city is not accessible by inland transport, thus preventing further deterioration of the population's health and nutritional status.

57. Hostilities once again broke out on 5 June and lasted for six days, killing and wounding numbers of civilians in the indiscriminate bombing by both sides. Losses among the civilian population were high and damage to the city's infrastructure and housing was widespread. Over 760 civilians were killed and an estimated 1,700 wounded. Over 4,000 dwellings were

S/2000/1153

damaged, destroyed or made uninhabitable (see table 1). Sixty-nine schools were partially destroyed or damaged (see table 2), and other public buildings were badly affected. Power stations and the water-supply systems were severely disrupted. The fighting forced some 65,000 residents to flee Kisangani and seek refuge in the nearby forests. Around 3,000 internally displaced people were housed in a camp at Katele.

Table 1  
Damage to housing during the war of 5-11 June 2000

Commune	Scale of damage			Total
	Destroyed	Heavy damage	Light damage	
Lubunga	34	11	24	69
Kisangani	2	0	0	2
Kabondo	1	0	16	17
Mangobo	30	100	195	325
Makiso	59	642	370	1 071
Tshopo	292	618	1 689	2 599
<b>Total</b>	<b>418</b>	<b>1 371</b>	<b>2 294</b>	<b>4 083</b>

Table 2  
Damage to schools during the war of 5-11 June 2000

Commune	Number of students	Scale of damage			Total
		Destroyed	Heavy damage	Light damage	
Lubunga	3 829	0	0	7	7
Kisangani	758	1	1	1	3
Kabondo	4 387	0	3	7	10
Mangobo	5 103	5	4	3	12
Makiso	16 518	2	24	2	28
Tshopo	10 052	1	8	0	9
<b>Total</b>	<b>40 647</b>	<b>9</b>	<b>40</b>	<b>20</b>	<b>69</b>

Tables prepared from information supplied by United Nations country team and non-governmental organizations.

58. Beyond the physical damage, the psychological trauma inflicted on the civilian population is immeasurable. During the Kisangani hostilities and throughout the war, a hallmark of the crisis has been a blatant disregard for international human rights and

humanitarian law. The war has been marked by gross violations of human rights, the civilian populations being offered no protection and intentionally targeted by all sides through widespread atrocities. Ordinary civilians in the city came to realize that they were in a highly vulnerable situation. The latest clash made plain to the people of Kisangani how ill-prepared they were, with very few contingency food stocks and little capacity to sustain them through the crisis, heightening their trauma levels still further.

59. On 5 June, children were in school when fighting broke out. Many were trapped for days inside school buildings, only able to return home to safety during lulls in the shelling. Several school premises were actually used by Ugandan and Rwandan armed forces to launch attacks and as fallback positions. This accounts for the high number of schools damaged during the six-day war. Extensive damage to residential areas caused by the indiscriminate shelling and fighting in residential areas was a clear indication of the blatant disregard by the warring parties for the civilian population.

### The humanitarian response

60. The humanitarian response in the aftermath of the Kisangani crisis was an example of good collaboration and coordination by both national and international bodies. Local health personnel with limited means treated the growing number of injured and wounded. National Red Cross Society volunteers were deployed to undertake the first phase of assistance to victims, including first aid, sanitation support, mine and unexploded ordnance awareness campaigns and burials.

61. The International Committee of the Red Cross and Médecins sans frontières provided the necessary medical assistance to the war wounded within hours of the ceasefire on 11 June. On 13 June, the humanitarian community in the Democratic Republic of the Congo mounted a second phase of response, most notably through the Emergency Humanitarian Initiative fund of the United Nations system and the donor community, including the Governments of Belgium, Italy and the United States of America. The United Nations and its non-governmental organization partners, especially Memisa and Catholic Relief Services, organized a major airlift operation between Kinshasa and Kisangani, and between Goma and Kisangani.

62. The United Nations airlift between Kinshasa and Kisangani rapidly brought in stocks (over 120 tons) of emergency supplies, equipment and fuel. Rapid assessments of the internally displaced populations were carried out on all major axes connecting Kisangani with the rest of Orientale Province. Emergency medical assistance and non-food supplies were delivered to internally displaced persons in Kisangani and its environs, and food aid was distributed inside the city. Health centres were reopened and emergency medical services were organized on Kisangani road axes. Comprehensive epidemiological surveillance mechanisms were established for the affected populations. Surgical operations were carried out in the city hospitals of Kisangani with the help of Congolese surgeons brought from Kinshasa.

63. Landmines and unexploded ordnance are still a major impediment to the return of displaced people to their homes and to the resumption of daily life in the city. Mines were laid in strategic military locations to prevent the advance of troops and protect retreating forces. Around 18 mines were placed on the Tshopo bridge, the major link in the city. Reports indicate that some mines were laid after the ceasefire.

### **Beyond emergency response**

64. An inter-agency plan of action was drawn up to systematically address the life-saving requirements of the war-affected population of Kisangani for the first 100 days. This plan included identification of internally displaced persons and other vulnerable groups in need of food assistance, medical attention and psychological support, as well as supplying essential items such as engine oil and parts for the hydroelectrical station and water-supply system.

65. The humanitarian community is currently planning activities that move beyond the emergency phase of the first 100 days. If the Kisangani demilitarization plan takes firm root, it will allow a humanitarian space, 90 km in diameter, to be created in the town and its vicinity for the first time since the two-year war began.

66. Meanwhile the displaced populations who are living along the five main axis roads outside Kisangani remain unconvinced by the demilitarization plan, including the withdrawal of foreign troops, and refuse

to return to their homes. However, with the humanitarian agencies working closely with civil society in the transition phase, a more conducive environment should emerge. During the six days of conflict in Kisangani, the civilian population rallied to help those less fortunate by offering food and shelter to those displaced by the fighting. This phase of the war made residents realize the extent to which they were ill-prepared, having no contingency supplies and powerless to prevent being targeted during the fighting. These feelings of vulnerability and humiliation continue to induce fear and panic in the population, despite the demilitarization of the town.

67. Kisangani emerges as an opportunity to strengthen the population's capacity not only to overcome the trauma brought about by a war fought in the city by foreign troops, but also to address the general uncertainty and economic hardship that has been a way of life for over two years. The challenge for the humanitarian community, both international and national, remains the integration of emergency assistance and capacity-enforcing initiatives that promote sustainable peace in a militarily unstable environment.

68. The international community's response to the hostilities in Kisangani helped to further strengthen links with civil society and local administration. These partnership arrangements and support to local initiatives are helping to improve social, welfare and economic conditions for the population. The Church is one of the traditional pillars of Congolese society and in the absence of the State has been involved in supporting 80 per cent of primary schools and providing primary medical care throughout the country. Close partnership must be developed with the international community to develop a wide range of projects to move beyond the current emergency phase.

69. The existence of a strong civil society, including a large number of national non-governmental organizations, is a characteristic feature of the Democratic Republic of the Congo. National non-governmental organizations are present in Kisangani and in even the remotest parts of the country. While the war has curtailed their potential, the indigenous social structures remain a valuable asset for the delivery of humanitarian assistance and for future rehabilitation programmes to develop self-sufficiency and sustainability. During the six-day war in Kisangani, national groups and organizations clearly demonstrated



their ability to take responsibility and mount a credible response, working with international bodies.

70. While much attention has been focused on the tragedy in Kisangani, it is important not to ignore the large-scale suffering of the rest of the population in the east and other parts of the country. The continuing and increased suffering of many people is the result of a combination of factors, including renewed fighting, increasing impoverishment and continuing ethnic hatred. The attempts being made in Kisangani by the international community in collaboration with national non-governmental organizations and civil society can be viewed as a pilot scheme which could be replicated in other parts of the country when access and resource availability improves.

71. Agencies in Kisangani are currently considering shortening the duration of emergency humanitarian assistance by seeking increased funding of rehabilitation and recovery activities without waiting for a durable peace to be in place. This has been prompted in part by logistical constraints. Indeed the cost of flying in humanitarian supplies is prohibitively expensive and impossible to envisage even in the medium term. Sustainable, local solutions must therefore be developed. WFP is currently exploring the possibilities of purchasing food supplies locally, to reduce costs and stimulate the agricultural sector.

72. For the international community working with civil society the emphasis is on the post-crisis context, promoting rehabilitation, expanding basic services to more people, and attempting to tackle the root causes of poverty and exclusion. It is hoped that this will be the foundation for the reconstruction of governance, law and order, social cohesion and participation and rehabilitation of the economy from micro to macro levels.

73. Despite the precarious situation, Kisangani is well placed to test new and imaginative ways to establish a comprehensive transitional approach, to move away from emergency relief by integrating humanitarian and reconstruction programmes at the earliest possible opportunity. A transitional medium-term plan has been drawn up by the international agencies in collaboration with civil society and local authorities. It includes food-for-work programmes to assist the social sector (health centres and schools), substituting temporary relief assistance for school and medical fees.

74. This approach aims to embrace activities directed at alleviating physical suffering (emergency food and medical assistance) and protecting fundamental human rights. It involves not only addressing the immediate crisis but also building local institutional and societal means to minimize future crises, reducing the vulnerability of the civilian population by reducing their dependence on humanitarian assistance, and seeking to build on their capacities for sustainable livelihood.

75. The international community's firm stance in promoting the implementation of the Lusaka Ceasefire Agreement with the assistance of MONUC and through the demilitarization of Kisangani will help to bring an end to the crisis in the Democratic Republic of the Congo. MONUC monitoring of the political and security situation in Kisangani and its environs is essential to determine the limits of operational modalities for agencies.

## Appendix

### Terms of reference of the Kisangani evaluation mission

1. A meeting of concerned departments and agencies this afternoon has reached provisional agreement on the terms of reference of the Kisangani evaluation mission. These are focused primarily on paragraph 14 of Security Council resolution 1304 (2000), and are as follows. The mission should:

- Proceed to Kisangani to assess the damage there and to evaluate the overall situation, including long-term reconstruction and rehabilitation aspects;
- Make a preliminary assessment of the loss of life and property damage caused in the recent fighting;
- Determine, in close coordination with MONUC, whether the United Nations should assist the population of Kisangani in other areas and, if so, how it should do so;
- Propose measures, in close coordination with MONUC, to follow up the mission's visit;
- Submit a report to the Secretary-General with proposals for recommendations he might make to the Security Council pursuant to resolution 1304 (2000).

2. The mission leader, Omar Bakhet, will now conduct consultations to determine the membership of the team. Participants in the meeting agreed that the expertise of their counterparts in the Democratic Republic of the Congo would be at his disposal.

3. It is envisaged that the mission would visit the Democratic Republic of the Congo on or about 15 August, and would submit its report by the end of August. The mission may also decide to visit Kigali and Kampala.

Department of Peacekeeping Operations  
20 July 2000



Department of Public Information  
Cartographic Section

Map No. 4121 Rev. 3 UNITED NATIONS  
June 2000 (Special)

**ANNEX 4.25**

**Claim of Société textile de Kisangani (SOTEXKI)**

*[Relevant extracts only]*

**Claim of Société textile de Kisangani (SOTEXKI)**

[Translation]

[Cover letter]

**SOTEXKI DOSSIER**

**Société textile de Kisangani**

- Legal form: Private limited company
  
- Nature of damage suffered: Material damage and looting as a result of the war
  
- Recording authority or office: Public Prosecutor's office at the Kisangani *Tribunal de grande instance*;  
Governmental Victim Identification Commission.

**Documents appended:**

- Victim identification form, E2: businesses;
  
- Memorandum No. 787/KKK/DPJ/707/99 of 14 September 1999 of the criminal investigation department of the Public Prosecutor's office at the Kisangani *Tribunal de grande instance*;
  
- Memorandum No. 790/KKK/DPJ/707/99 of 28 October [1999] of the criminal investigation department of the Public Prosecutor's office at the Kisangani *Tribunal de grande instance*;
  
- Evaluation total: US\$1,642,224

Certified by the Government public debt department.

**Victim identification form, E2: businesses**  
**Form No. 1**

1. Name:	SOCIÉTÉ TEXTILE DE KISANGANI, in abbreviated form "SOTEXKI"	
2. Head office:	KISANGANI	
3. Legal form:	SARL (PRIVATE LIMITED COMPANY)	
4. NRC/Licence:	033/KISANGANI ORD. 71-285 of 13/10/1971	
National ID:	4-931-A 10698 D Decree 004/2002 of 02/02/2002	
5. Person responsible:	1. LELIO KELIO PICCIOTTO, DELEGATED ADMINISTRATOR  2. RIDJA DJOZA BUMA LORI, DIRECTOR AND GENERAL MANAGER	
6. Damage suffered:		
	Description	Date
	<p>Malicious destruction and looting of SOTEXKI's property and equipment during clashes with heavy weapons between the Ugandans and Rwandans inside the factory. See appendices:</p> <p>— Memorandum No. 787/KKK/DPJ/707/99 of 14/09/1999 established by the criminal investigation department of the Public Prosecutor's office;</p> <p>— Memorandum recording the damage caused in the different departments;</p> <p>— Memorandum No. 790/KKK/DPJ/707/99 of 28/10/1999 established by the criminal investigation department of the Public Prosecutor's office regarding the assessment of the destruction, losses and loss of revenue suffered by SOTEXKI as a result of these clashes;</p> <p>— Damage report No. KIS. 2002/400/020 of 15/09/2000 established by the OCC.</p>	<p>15-17 August 1999</p>
		Alleged perpetrators
		The Ugandan and Rwandan armies

[Appendices]

**ANNEX 4.26**

**Claim of Société nationale d'électricité (SNEL)**

*[Relevant extracts only]*

**Claim of Société nationale d'électricité (SNEL)**

*[Translation]*

[Cover letter]

**REPORT OF THE MISSION TO COMPILE VARIOUS DOCUMENTS RELATING TO THE EVALUATION  
OF THE INJURIES SUFFERED BY THE CONGOLESE STATE AS A RESULT OF THE UGANDAN  
ARMY'S OCCUPATION OF CONGOLESE TERRITORY FROM 1998 TO 2003**

May 2016

**0. Introduction**

In response to Note 752/BNS/302/KN/CQB/MIN/JGS&DH/2016 of 4 April 2016 from the Ministry of Justice and Human Rights and Keeper of the Seals, SNEL and the Ministry of Foreign Affairs held a joint meeting on Wednesday 20 April 2016 to discuss the inventory of the damage caused to SNEL's electricity distribution network as a result of the Ugandan army's occupation of part of the Congolese territory, which is contained in Note DG/2016/2647 of 6 April 2016. Further to that meeting, SNEL's senior management instructed us to contact the managers of the SNEL entities in the provinces concerned, in order to gather data and compile documentary evidence to support the figures in the aforementioned inventory.

We examined the dossier appended to Note DG/2008/00002742 of 17 September 2008, submitted by SNEL, with a view to collecting data from Butembo centre in North Kivu province, Basankusu, Bumba, Gbadolite and Lisala centres in Equateur province, and the city of Kisangani centre in Orientale province.

Our analysis of the 2008 dossier showed that the following five distribution centres, which had been victims of the occupation, had been omitted:

- Butembo centre in North Kivu province;
- Buta centre in Orientale province;
- Libenge, Yakoma and Zongo centres in Equateur province.

**1. State of play with data collection**

Data collection on the ground is progressing as expected. Before contacting the managers in the various provinces concerned, we first consulted several archives available here in Kinshasa. This enabled us to compile certain information, including some relating to the value of the property, and to collect three video tapes, which give an idea of the scale of the damage.

One general finding is that nearly all the thermal power plants in the area that was under occupation were left in an indescribable state of ruin.

Information taken from the reports valuing SNEL's assets in the territories concerned, drawn up by the Commission on the valuation of SNEL's assets (CVAS), enabled us to make the following observations in connection with some of the power stations.



## **2. Difficulties encountered**

We encountered a range of difficulties when analysing the dossier submitted by SNEL, including the following:

- The sites are scattered around three provinces in the interior of a country the size of a continent.
- There are no valuations of the assets concerned, since the property inventory was drawn up after the withdrawal of the troops.
- Some of the figures in the 2008 working document have neither a market price list nor a procedure to support them and are therefore open to challenge.
- The period of almost 18 years that has elapsed between the withdrawal of the troops and this inquiry makes it impossible for the Commission to assemble the data accurately in Kinshasa within the desired time frame.
- Several staff who experienced this tragedy and could have shed more light on the dossier have now died.
- Many of the company's archives which were kept in the provinces, including records of certain transactions dealt with directly by the provinces at the time of the occupation, have been destroyed.
- No title deeds are available for many of the properties, making it more difficult to supply evidence for some of the losses (see DCT/MANDA/CTB).
- Photos of the aforementioned properties before they were damaged were destroyed when the photo albums at the centres concerned, some of which were looted after the departure of the negative forces, disappeared, which also poses a problem.

## **3. Guiding principles for valuing the property**

As agreed during the meeting of 25 May 2016, our approach to the valuation, given that we are dealing with war damage, was to identify all the property concerned and then, rather than calculating the residual value of the relevant equipment or structures at the time that they were damaged, to ascertain the cost of replacing the equipment, most of which is still idle. Purchasing new equipment is the only option, since much of the equipment is out-dated and it would be difficult to acquire the necessary spare parts to repair it. The same applies to the structures, which are in such a poor state that they need to be completely rebuilt, since most of their frames had been wrecked, while others had been razed to the ground.

We believe that this clearly defined approach, which was discussed previously at the level of the sub-commission set up by SNEL for this purpose, will be adopted by the joint commission, and that the results will meet with the approval of all the stakeholders. This will avoid any disputes about the amounts which SNEL presents to the Government when the joint commission's work is complete.

## **4. Valuation methodology**

- We have ascertained the cost of replacing all the property, including structures and electro-mechanical equipment, and including any whose capital cost might now be regarded as

written off, since it was not at the time of the events of around 18 years ago; we have done so by taking the price of similar ones purchased new.

- A number of fixed assets had been cannibalized, or switched off suddenly when they were no longer even of any use; in such cases we have taken the value of similar ones purchased new.
- Some fixed assets were given overall valuations in the first report, without a detailed breakdown being provided; in those situations we have used the same values, unless supporting evidence was available, in which case we have reassessed that evidence and taken the result as the new valuation.
- Some fixed assets were omitted from the first assessment; given that they were affected by the disaster, we have ensured that they are included in this assessment.
- In the haste to prepare the first assessment, some fixed assets were wrongly valued or the damage they sustained was inaccurately described; we have either removed them or reassessed them on the basis of the information provided by the managers of the entities in the provinces concerned, who have helped to complete the file with the information they have available.

#### **5. Summary table showing the valuation of the damage caused in all the centres**

Interviews with the various different managers and an analysis of the supporting files show that the damage is valued at a total of **US\$97,412,090.04**.

[Detailed breakdown follows]

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**ANNEX 4.27**

**Claim of the Régie des voies aériennes**

*[Relevant extracts only]*

**Claim of the Régie des voies aériennes**

*[Translation]*

Presentation of the estimated total cost of the injuries suffered by the Congolese State during the military activities of the Ugandan army, which caused damage between 1998 and 2003 to the airports, facilities, equipment and other structures owned by the Régie des voies aériennes. The damage falls into the categories shown in the following table:

		<b>Energy</b>	<b>Nav aids</b>	<b>Telecommunication</b>	<b>Runway lighting</b>
<b>No.</b>	<b>Airport</b>				

[Detailed breakdown]

Total:

US\$19,353,000

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**ANNEX 4.28**

**Claim of the Archdiocese of Kisangani**

*[Relevant extracts only]*

**Claim of the Archdiocese of Kisangani**

*[Translation]*

[Cover letter]

**Archdiocese of Kisangani  
Works to repair the damage caused by the war  
of 5-10 June 2000**

No.	Site	Amount
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[List of 17 items]

Total (excluding taxes):

US\$4,811,713.19

[Detailed breakdown of each item]

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