

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING
ARMED ACTIVITIES ON THE TERRITORY OF THE CONGO**

DEMOCRATIC REPUBLIC OF THE CONGO

v.

UGANDA

COUNTER-MEMORIAL OF UGANDA ON REPARATION

VOLUME II

6 FEBRUARY 2018

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Annex 1

U.N. Security Council, 2981st meeting, *Resolution 687 (1991)*, U.N. Doc. S/RES/687 (1991)
(8 Apr. 1991)

UNITED
NATIONS**S****Security Council**Distr.
GENERALS/RES/687 (1991)*
8 April 1991

RESOLUTION 687 (1991)

Adopted by the Security Council at its 2981st meeting,
on 3 April 1991

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

Welcoming the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter sent by the Minister for Foreign Affairs of Iraq on 27 February 1991 1/ and those sent pursuant to resolution 686 (1991), 2/

* Reissued for technical reasons.

1/ S/22275, annex.

2/ S/22273, S/22276, S/22320, S/22321 and S/22330.

E

16. Reaffirms that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. Decides that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. Decides also to create a fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the fund;

19. Directs the Secretary-General to develop and present to the Security Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the payment of claims established in accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16, 17 and 18 above, including: administration of the fund; mechanisms for determining the appropriate level of Iraq's contribution to the fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above;

F

20. Decides, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991, 9/ and in any further findings of humanitarian need by the Committee;

Annex 2

U.N. Security Council, 3004th meeting, *Resolution 705 (1991)* (15 Aug. 1991)

Resolution 705 (1991)
of 15 August 1991

The Security Council,

Having considered the note of 30 May 1991 which the Secretary-General submitted pursuant to paragraph 13 of his report of 2 May 1991⁸² and which was also annexed to his letter of 30 May 1991 addressed to the President of the Security Council⁸⁹,

Acting under Chapter VII of the Charter of the United Nations,

1. *Expresses its appreciation* to the Secretary-General for his note of 30 May 1991;

2. *Decides* that, in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note, compensation to be paid by Iraq, as arising from section E of resolution 687 (1991) of 3 April 1991, shall not exceed 30 per cent of the annual value of its exports of petroleum and petroleum products;

3. *Decides also*, in accordance with paragraph 8 of the Secretary-General's note, to review the figure established in paragraph 2 above from time to time in light of data and assumptions contained in the Secretary-General's letter of 30 May 1991⁸⁹ and other relevant developments.

Adopted unanimously at the 3004th meeting

Resolution 706 (1991)
of 15 August 1991

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990) of 6 August 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 692 (1991) of 20 May 1991, 699 (1991) of 17 June 1991 and 705 (1991) of 15 August 1991,

Taking note of the report dated 15 July 1991 of the inter-agency mission headed by the Executive Delegate of the Secretary-General for the United Nations Inter-Agency Humanitarian Programme for Iraq, Kuwait and the Iraq/Turkey and Iraq/Iran border areas,⁹⁰

Concerned by the serious nutritional and health situation of the Iraqi civilian population as described in the report and by the risk of a further deterioration of this situation,

Concerned also that the repatriation or return of all Kuwaitis and third-State nationals or their remains present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of

resolution 686 (1991) and paragraphs 30 and 31 of resolution 687 (1991), has not yet been fully carried out,

Taking note of the conclusions of the above-mentioned report, and in particular of the proposal for oil sales by Iraq to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief,

Taking note also of the letters dated 14 April, 31 May, 6 June, 9 July and 22 July 1991 from the Minister for Foreign Affairs of Iraq and the Permanent Representative of Iraq to the United Nations to the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in regard to the export by Iraq of petroleum and petroleum products,

Convinced of the need to ensure equitable distribution of humanitarian relief assistance to all segments of the Iraqi civilian population through effective monitoring and transparency of the process,

Recalling and reaffirming in this regard its resolution 688 (1991), and in particular the importance which the Council attaches to Iraq's allowing unhindered access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and making available all necessary facilities for their operation, and in this connection stressing the continuing importance of the Memorandum of Understanding between the United Nations and the Government of Iraq signed on 18 April 1991,⁹¹

Recalling that, pursuant to resolutions 687 (1991), 692 (1991) and 699 (1991), Iraq is required to pay the full costs of the Special Commission and the International Atomic Energy Agency in carrying out the tasks authorized by section C of resolution 687 (1991), and that the Secretary-General, in the report of 15 July 1991 that he submitted to the Council pursuant to paragraph 4 of resolution 699 (1991),⁹² expressed the view that the most obvious way of obtaining financial resources from Iraq to meet those costs would be to authorize the sale of some Iraqi petroleum and petroleum products; recalling also that Iraq is required to pay its contributions to the United Nations Compensation Fund and half the costs of the Iraq-Kuwait Boundary Demarcation Commission; and recalling further that, in its resolutions 686 (1991) and 687 (1991), the Council demanded that Iraq return in the shortest possible time all Kuwaiti property seized by it and requested the Secretary-General to take steps to facilitate this demand,

Acting under Chapter VII of the Charter of the United Nations,

1. *Authorizes* all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit, for the purposes specified in the present resolution, the import, during a period of six months from the date of adoption of the resolution pursuant to paragraph 5, of a quantity of petroleum and petroleum prod-

Annex 3

U.N. Security Council, *Decision taken by the Governing Council of the United Nations Compensation Commission during the resumed Fourth Session, at the 23rd meeting, held on 6th March 1992*, U.N. Doc. S/AC.26/1992/9 (6 Mar. 1992)

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6 March 1992

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UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL
Resumed Fourth Session
Geneva, 6 March 1992

Decision taken by the Governing Council of the
United Nations Compensation Commission
during the resumed Fourth Session, at the 23rd meeting,
held on 6th March 1992

Propositions and Conclusions on
Compensation for Business Losses:
Types of Damages and Their Valuation

1. The propositions and conclusions contained in this Decision shall apply to compensation for the loss of earnings or profits and other business losses covered by Security Council resolution 687 (1991).
2. The basic premise underlying all of the findings concerning business losses is that, pursuant to paragraph 16 of Security Council resolution 687 (1991), Iraq "is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations as a result of Iraq's unlawful invasion and occupation of Kuwait".
3. This Decision does not attempt to describe all of the conceivable factual and legal situations resulting from Iraq's invasion and occupation of Kuwait. Bearing in mind Security Council resolution 687 (1991), other types of losses may have been suffered, and they are eligible for compensation if they result from Iraq's invasion and occupation of Kuwait. Ultimately, it will be up to the Commissioners to identify the applicable principles and apply them to the circumstances of particular cases.

/.....

S/AC.26/1992/9

page 2

4. The propositions and conclusions contained in this Decision are not intended to be a comprehensive statement of relevant principles. The Governing Council will review the matter and will provide further guidance concerning business losses as required in the future. In particular, the Governing Council will request the Secretariat to consider the question of steps which might be taken to protect against multiple recovery of compensation by claimants, or to confirm that claimants have attempted to avail themselves of particular possible sources of recovery, as a prerequisite to relief from the Commission.

5. When reference is made herein to corporations and other legal entities, it is understood that such corporations or other legal entities may be either publicly or privately owned enterprises.

6. The trade embargo and related measures*, and the economic situation caused thereby, will not be accepted as the basis for compensation. Compensation will be provided to the extent that Iraq's unlawful invasion and occupation of Kuwait constituted a cause of direct loss, damage or injury which is separate and distinct from the trade embargo and related measures. (Where, for example, the full extent of the loss, damage or injury arose as a direct result of Iraq's unlawful invasion and occupation of Kuwait, it should be compensated notwithstanding the fact that it may also be attributable to the trade embargo and related measures). The total amount of compensable losses will be reduced to the extent that those losses could reasonably have been avoided.

Further guidance on the matters dealt with in this paragraph will be provided by the Governing Council for the use of the Commissioners when assessing claims.

* The trade embargo and related measures refers to the prohibitions in United Nations Security Council Resolution 661 (1990) and relevant subsequent resolutions and the measures taken by states pursuant thereto.

Annex 4

U.N. Security Council, *Compensation for Business Losses Resulting from Iraq's Unlawful Invasion and Occupation of Kuwait where the Trade Embargo and Related Measures Were also a Cause*, U.N. Doc. S/AC.26/1992/15 (4 Jan. 1993)

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COMPENSATION COMMISSION
GOVERNING COUNCIL
Eighth session
Geneva, 14-18 December 1992

Compensation for Business Losses Resulting from Iraq's
Unlawful Invasion and Occupation of Kuwait where
the Trade Embargo and Related Measures
Were also a Cause

Decision taken by the Governing Council of the United Nations
Compensation Commission at its 31st meeting, held in
Geneva on 18 December 1992

1. Paragraph 16 of United Nations Security Council resolution 687 reaffirms "that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait."

2. In paragraph 6 of its Decision S/AC.26/1992/9 on Propositions and Conclusions on Compensation for Business Losses, hereinafter referred to as Decision 9, the Governing Council set out guidelines for awarding compensation for business losses caused by Iraq's unlawful invasion and occupation of Kuwait where the trade embargo and related measures were also a cause, and undertook to provide further guidance on the matter.

_* / Re-issued for technical reasons.

3. The two essential elements of admissible losses are (a) that such losses must be the result of Iraq's unlawful invasion and occupation of Kuwait and (b) that the causal link must be direct. Although the UN trade embargo was imposed in response to Iraq's invasion and occupation of Kuwait, losses suffered solely as a result of that embargo are not considered eligible for compensation because the causal link between the invasion and the loss is not sufficiently direct.

4. The terms of contracts, and transactions that have been part of a business practice or course of dealing, as well as the relevant circumstances will need to be examined by Commissioners to determine whether related claims fall within the scope of the Compensation Commission.

5. In all cases, Commissioners will require evidence that claims fall within the criteria of direct loss as set out in paragraph 16 of resolution 687 in order for them to be eligible for compensation by the Compensation Fund. It will not be enough for claimants to argue that losses were due to the chaotic economic situation following Iraq's unlawful invasion and occupation of Kuwait. There will be a need for detailed factual descriptions of the circumstances of the claimed loss, damage or injury.

6. In its Decisions No. 1 (S/AC.26/1991/1) and No. 7 (S/AC.26/1991/7/Rev.1), the Governing Council decided that compensation payments are available with respect to any direct loss suffered as a result of:

- (a) Military operations or threat of military action by either side during the period 2 August 1990 to 2 March 1991;
- (b) Departure from or inability to leave Iraq or Kuwait (or a decision not to return) during that period;
- (c) Actions by officials, employees or agents of the Government of Iraq or its controlled entities during that period in connection with the invasion or occupation;
- (d) The breakdown of civil order in Kuwait or Iraq during that period; or
- (e) Hostage-taking or other illegal detention.

These guidelines are not intended to be exhaustive. There will be other situations where evidence can be produced showing claims are for direct loss, damage or injury as a result of Iraq's unlawful invasion and occupation of Kuwait.

7. Commissioners will wish to apply relevant valuation methods to different categories of loss. Paragraph 15 of Decision 9 shows various valuation methods for tangible assets depending on the type of asset and the circumstances of the case. Paragraph 18 of Decision 9 shows various valuation methods for losses relating to income producing properties. When compensation for

Annex 5

U.N. Compensation Commission, *Report and Recommendations Made by the Panel of Commissioners Concerning the First Instalment of Individual Claims for Damages up to \$100,000 (Category "C" Claims)*, U.N. Doc. S/AC.26/1994/3 (21 Dec. 1994)

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COMPENSATION COMMISSION
GOVERNING COUNCIL

REPORT AND RECOMMENDATIONS
MADE BY THE PANEL OF COMMISSIONERS
CONCERNING THE FIRST INSTALMENT OF INDIVIDUAL CLAIMS
FOR DAMAGES UP TO US\$100,000
(CATEGORY "C" CLAIMS)

/...

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operations against Iraq.⁴¹

c. Claims Submitted for Persons Either Detained or Missing

The First Instalment includes category "C" claims filed on behalf of individuals who are asserted to be either still missing or in detention in Iraq. All of these claims were submitted on behalf of Kuwaiti nationals for MPA resulting from hostage-taking or other illegal detention (i.e., on page "C1" of the claim form). The issue presented is whether a claim can be submitted on behalf of an individual who is presumed to be still missing or detained, for the MPA allegedly suffered by that person.

In Decision 12, the Governing Council established special procedures for the submission of claims of individuals "who have been detained in Iraq until after or within one year prior to the expiration of the established filing deadlines."⁴² The Decision provides that claims "for losses and personal injuries" resulting from such detentions "should be submitted to the Commission within one year of the detainee's release . . . but not later than the time limit to be established pursuant to paragraph 2 of this decision."⁴³ The Governing Council also foresaw the possibility that these persons may in fact be deceased, in which case, according to the same Decision, the claims "should be submitted to the Commission within one year . . . of the death of the detainee, as legally determined by the detainee's Government, but no later than the time limit to be established pursuant to paragraph 2 of this decision."⁴⁴

In accordance with Decision 12, the Panel concludes that claims submitted by third parties for MPA suffered by individuals alleged to be held in detention by the Government of Iraq may not be considered for compensation at this stage. Claims for the MPA suffered by such detainees -- to be considered "losses" within the meaning of Decision 12 -- should be filed by the detainees

For a discussion of the "B" Panel's conclusions in regard to this issue, see "B" Recommendations, at pp. 14-15.

Decision 12, para. 1(b).

Id. Decision 12, paragraph 2 provides:

When the Executive Secretary determines that the processing of all remaining claims before the panels of Commissioners is likely to take no more than one year to complete, he should so notify the Governing Council. The Governing Council should thereupon establish the final time limit for the submission of claims covered by paras. 1(a) and 1(b) of this decision. The Governing Council should establish the final time limit at its next meeting after receiving such notification and should allow at least three additional months from the date of its decision for the filing of the claims.

Id.

within one year of their release. Alternatively, once a detainee's Government has determined that the detainee is deceased, a claim may be submitted at that time together with the appropriate documentation by the decedent's family for his or her death (e.g., on page "C3" of the "C" claim form).

Regarding claims submitted by third parties on behalf of "missing" persons, the Panel also concludes that they may not be considered for compensation at this time. The Panel recommends that a claim be submitted, in accordance with the procedures of Decision 12, once such missing person is determined to be a detainee who was subsequently released or determined by the detainee's Government to be deceased. Finally, in instances where it is determined that a missing person was not a detainee but has died as a direct result of Iraq's invasion and occupation of Kuwait, a claim may be submitted by his or her family for his or her death.

d. Family Members Eligible to Submit Death and MPA Claims

Decision 1 provides the basis for a category "C" claimant to claim for the death of a family member.⁴⁵ Page "C3" of the claim form, in particular, allows a claim to be filed by a claimant for the death of his or her "spouse, child or parent." Pursuant to Decision 3, a claimant may also submit a claim on the "C2" or "C3" pages of the claim form for MPA for witnessing the intentional infliction of events leading to the serious personal injury or death of a "spouse, child or parent." Additionally, Decision 8 imposes monetary ceilings with respect to the amount of compensation payable for MPA per "family unit."

In reviewing category "C" claims for death and different types of MPA, the Panel noted, similar to the "B" Panel's observation, that claimants and their respective Governments have interpreted differently the definition of "family."

The issue as a whole was raised in the following manner in Article 16 Report Number 4⁴⁶:

In circumstances where compensation is claimed for death or mental pain and anguish relating to a family member, there is an issue as to whether included in the terms parent, child or spouse are, e.g., adopted children, foster parents, wards, guardians and other legally cognizable family relationships under the laws of various countries. A related issue is whether the age of children, marital status or other factors should affect the eligibility for compensation and/or the ceilings in respect of claims for death or mental pain and

Decision 1, para. 14.

Report submitted by the Executive Secretary to the Governing Council in Accordance with Article 16 of the Provisional Rules for Claims Procedure (Report No. 4) (S/AC.26/1993/R.16) ("Article 16 Report").

Annex 6

U.N. Security Council, 3519th meeting, *Resolution 986 (1995)*, U.N. Doc. S/RES/986
(14 Apr. 1995)



Security Council

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S/RES/986 (1995)
14 April 1995

RESOLUTION 986 (1995)

Adopted by the Security Council at its 3519th meeting,
on 14 April 1995

The Security Council,

Recalling its previous relevant resolutions,

Concerned by the serious nutritional and health situation of the Iraqi population, and by the risk of a further deterioration in this situation,

Convinced of the need as a temporary measure to provide for the humanitarian needs of the Iraqi people until the fulfilment by Iraq of the relevant Security Council resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. Authorizes States, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and subsequent relevant resolutions, to permit the import of petroleum and petroleum products originating in Iraq, including financial and other essential transactions directly relating thereto, sufficient to produce a sum not exceeding a total of one billion United States dollars every 90 days for the purposes set out in this resolution and subject to the following conditions:

(a) Approval by the Committee established by resolution 661 (1990), in order to ensure the transparency of each transaction and its conformity with the other provisions of this resolution, after submission of an application by the

State concerned, endorsed by the Government of Iraq, for each proposed purchase of Iraqi petroleum and petroleum products, including details of the purchase price at fair market value, the export route, the opening of a letter of credit payable to the escrow account to be established by the Secretary-General for the purposes of this resolution, and of any other directly related financial or other essential transaction;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into the escrow account to be established by the Secretary-General for the purposes of this resolution;

2. Authorizes Turkey, notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990) and the provisions of paragraph 1 above, to permit the import of petroleum and petroleum products originating in Iraq sufficient, after the deduction of the percentage referred to in paragraph 8 (c) below for the Compensation Fund, to meet the pipeline tariff charges, verified as reasonable by the independent inspection agents referred to in paragraph 6 below, for the transport of Iraqi petroleum and petroleum products through the Kirkuk-Yumurtalik pipeline in Turkey authorized by paragraph 1 above;

3. Decides that paragraphs 1 and 2 of this resolution shall come into force at 00.01 Eastern Standard Time on the day after the President of the Council has informed the members of the Council that he has received the report from the Secretary-General requested in paragraph 13 below, and shall remain in force for an initial period of 180 days unless the Council takes other relevant action with regard to the provisions of resolution 661 (1990);

4. Further decides to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the initial 180 day period, on receipt of the reports referred to in paragraphs 11 and 12 below, and expresses its intention, prior to the end of the 180 day period, to consider favourably renewal of the provisions of this resolution, provided that the reports referred to in paragraphs 11 and 12 below indicate that those provisions are being satisfactorily implemented;

5. Further decides that the remaining paragraphs of this resolution shall come into force forthwith;

6. Directs the Committee established by resolution 661 (1990) to monitor the sale of petroleum and petroleum products to be exported by Iraq via the Kirkuk-Yumurtalik pipeline from Iraq to Turkey and from the Mina al-Bakr oil terminal, with the assistance of independent inspection agents appointed by the Secretary-General, who will keep the Committee informed of the amount of petroleum and petroleum products exported from Iraq after the date of entry into force of paragraph 1 of this resolution, and will verify that the purchase price of the petroleum and petroleum products is reasonable in the light of prevailing market conditions, and that, for the purposes of the arrangements set out in this resolution, the larger share of the petroleum and petroleum products is shipped via the Kirkuk-Yumurtalik pipeline and the remainder is exported from the Mina al-Bakr oil terminal;

/...

7. Requests the Secretary-General to establish an escrow account for the purposes of this resolution, to appoint independent and certified public accountants to audit it, and to keep the Government of Iraq fully informed;

8. Decides that the funds in the escrow account shall be used to meet the humanitarian needs of the Iraqi population and for the following other purposes, and requests the Secretary-General to use the funds deposited in the escrow account:

(a) To finance the export to Iraq, in accordance with the procedures of the Committee established by resolution 661 (1990), of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687 (1991) provided that:

- (i) Each export of goods is at the request of the Government of Iraq;
- (ii) Iraq effectively guarantees their equitable distribution, on the basis of a plan submitted to and approved by the Secretary-General, including a description of the goods to be purchased;
- (iii) The Secretary-General receives authenticated confirmation that the exported goods concerned have arrived in Iraq;

(b) To complement, in view of the exceptional circumstances prevailing in the three Governorates mentioned below, the distribution by the Government of Iraq of goods imported under this resolution, in order to ensure an equitable distribution of humanitarian relief to all segments of the Iraqi population throughout the country, by providing between 130 million and 150 million United States dollars every 90 days to the United Nations Inter-Agency Humanitarian Programme operating within the sovereign territory of Iraq in the three northern Governorates of Dihouk, Arbil and Suleimaniyeh, except that if less than one billion United States dollars worth of petroleum or petroleum products is sold during any 90 day period, the Secretary-General may provide a proportionately smaller amount for this purpose;

(c) To transfer to the Compensation Fund the same percentage of the funds deposited in the escrow account as that decided by the Council in paragraph 2 of resolution 705 (1991) of 15 August 1991;

(d) To meet the costs to the United Nations of the independent inspection agents and the certified public accountants and the activities associated with implementation of this resolution;

(e) To meet the current operating costs of the Special Commission, pending subsequent payment in full of the costs of carrying out the tasks authorized by section C of resolution 687 (1991);

(f) To meet any reasonable expenses, other than expenses payable in Iraq, which are determined by the Committee established by resolution 661 (1990) to be directly related to the export by Iraq of petroleum and petroleum products permitted under paragraph 1 above or to the export to Iraq, and activities

/...

directly necessary therefor, of the parts and equipment permitted under paragraph 9 below;

(g) To make available up to 10 million United States dollars every 90 days from the funds deposited in the escrow account for the payments envisaged under paragraph 6 of resolution 778 (1992) of 2 October 1992;

9. Authorizes States to permit, notwithstanding the provisions of paragraph 3 (c) of resolution 661 (1990):

(a) The export to Iraq of the parts and equipment which are essential for the safe operation of the Kirkuk-Yumuratalik pipeline system in Iraq, subject to the prior approval by the Committee established by resolution 661 (1990) of each export contract;

(b) Activities directly necessary for the exports authorized under subparagraph (a) above, including financial transactions related thereto;

10. Decides that, since the costs of the exports and activities authorized under paragraph 9 above are precluded by paragraph 4 of resolution 661 (1990) and by paragraph 11 of resolution 778 (1991) from being met from funds frozen in accordance with those provisions, the cost of such exports and activities may, until funds begin to be paid into the escrow account established for the purposes of this resolution, and following approval in each case by the Committee established by resolution 661 (1990), exceptionally be financed by letters of credit, drawn against future oil sales the proceeds of which are to be deposited in the escrow account;

11. Requests the Secretary-General to report to the Council 90 days after the date of entry into force of paragraph 1 above, and again prior to the end of the initial 180 day period, on the basis of observation by United Nations personnel in Iraq, and on the basis of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) above, including in his reports any observations he may have on the adequacy of the revenues to meet Iraq's humanitarian needs, and on Iraq's capacity to export sufficient quantities of petroleum and petroleum products to produce the sum referred to in paragraph 1 above;

12. Requests the Committee established by resolution 661 (1990), in close coordination with the Secretary-General, to develop expedited procedures as necessary to implement the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of this resolution and to report to the Council 90 days after the date of entry into force of paragraph 1 above and again prior to the end of the initial 180 day period on the implementation of those arrangements;

13. Requests the Secretary-General to take the actions necessary to ensure the effective implementation of this resolution, authorizes him to enter into any necessary arrangements or agreements, and requests him to report to the Council when he has done so;

/...

14. Decides that petroleum and petroleum products subject to this resolution shall while under Iraqi title be immune from legal proceedings and not be subject to any form of attachment, garnishment or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and to ensure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;

15. Affirms that the escrow account established for the purposes of this resolution enjoys the privileges and immunities of the United Nations;

16. Affirms that all persons appointed by the Secretary-General for the purpose of implementing this resolution enjoy privileges and immunities as experts on mission for the United Nations in accordance with the Convention on the Privileges and Immunities of the United Nations, and requires the Government of Iraq to allow them full freedom of movement and all necessary facilities for the discharge of their duties in the implementation of this resolution;

17. Affirms that nothing in this resolution affects Iraq's duty scrupulously to adhere to all of its obligations concerning servicing and repayment of its foreign debt, in accordance with the appropriate international mechanisms;

18. Also affirms that nothing in this resolution should be construed as infringing the sovereignty or territorial integrity of Iraq;

19. Decides to remain seized of the matter.

Annex 7

U.N. Human Rights, Office of the High Commissioner, *Statement by Mrs. Mary Robinson, U.N. High Commissioner for Human Rights* (19 Sept. 1997)

Statement by Mrs. Mary Robinson United Nations High Commissioner for Human Rights

Geneva, 19 September 1997

"I have said that I would be a moral voice for victims of human rights violations, and so I feel compelled to refer to the current political crisis regarding the investigation of alleged massacres in the Democratic Republic of the Congo. This investigation has at its core the fundamental human rights imperative to combat impunity - to dispel the idea that atrocities can be committed without fear of the consequences.

We are attempting to inject accountability into a region which has been wracked for decades by cycles of inter-ethnic violence, massacres and forced displacement. This pattern was behind the sheer horror of the 1994 Rwanda genocide and the displacement of more than a million Rwandese into neighbouring countries.

I was dismayed at the rejection by the authorities in Kinshasa of the Joint Investigative Mission and now the obstacles which are preventing the deployment of the Secretary-General's investigative team.

It is essential that there be a thorough investigation which goes at least some way to ascertaining the facts and responsibility for the deaths of a large number of refugees and others over the past year. If there is no day of reckoning then we will send the wrong message and invite further suffering in the Great Lakes region and elsewhere.

In the past the United Nations has turned away when its investigations have been blocked. Here, Secretary-General Kofi Annan took the hard option in keeping the issue in front of the Security Council and maintaining strong international support for an investigation under his own authority. This is a powerful precedent -- aimed directly at those who would abuse human rights believing they can deflect international outrage."

Annex 8

U.N. Security Council, *Report and Recommendations Made by the Panel of Commissioners Concerning the Seventh Instalment of Individual Claims for Damages up to \$100,000 (Category "C" Claims)*, U.N. Doc. S/AC.26/1999/11 (24 June 1999)

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24 June 1999

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UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

REPORT AND RECOMMENDATIONS MADE BY THE PANEL OF COMMISSIONERS
CONCERNING THE SEVENTH INSTALMENT OF INDIVIDUAL CLAIMS FOR
DAMAGES UP TO US\$100,000 (CATEGORY "C" CLAIMS)

GE.99-63093

compensable because the causal link between the invasion and the loss is not sufficiently direct.

29. In its First Report the Panel also considered relevant rules and principles of international law, noting that the terms "direct" and "indirect" are used synonymously with "proximate" and "remote" and that the most commonly used test in damage claims was whether the act of a State was the "proximate cause" of the loss suffered.^{27/}

30. Throughout its review of category "C" claims, the Panel has found that the difficulty lies in making this determination of "direct" causation. At the same time, the Panel noted in the First Report that considerations of logic, fairness and equity must enter into this determination, bearing in mind the general mandate from the Governing Council in respect of urgent claims in that expedited procedures be adopted.^{28/} Thus, the Panel's development of a mass claims processing system for category "C" claims, in accordance with its mandate, has influenced the Panel to make certain general presumptions regarding Iraqi causation, where deemed appropriate, given the legal and factual circumstances of the particular loss type, as discussed more fully in section IV infra.

F. Evidentiary standard for category "C" claims

31. In accordance with decision 1 and article 35(c) of the Rules, evidence must be provided regarding the circumstances surrounding the claimant's loss to demonstrate that the loss was a direct consequence of Iraq's invasion and occupation of Kuwait. However, this evidence need only be the "reasonable minimum" that is "appropriate under the particular circumstances of the case" and a lesser quantum of evidence is required for claims for smaller amounts. Thus, in its First Report, the Panel took into account a number of factors including the different types of evidence submitted by claimants and background information concerning the availability, relevance and validity of such evidence in the context of the circumstances surrounding the invasion and occupation of Kuwait.^{29/}

32. In the First Report, the Panel determined that the completed claim form itself constitutes an essential statement by the claimant, that identification documents submitted as proof of identity not only establish identity reliably but also serve to establish the fact of the claimant's presence in Iraq or Kuwait prior to or during the invasion, or an eligible family relationship. The Panel found further that personal statements may in some instances be the best available evidence to indicate the circumstances of the loss, but that the evidentiary weight to be given to such statements should vary in relation to the particular loss for which the statement is submitted. The Panel noted that while witness statements may often be the only corroborative evidence that a claimant may produce, such statements may be analysed in the light of the relationship between

Annex 9

U.N. Security Council, *Report and Recommendations Made by the Panel of Commissioners Concerning the Second Instalment of "E1" Claims*, U.N. Doc. S/AC.26/1999/10 (24 June 1999)

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GOVERNING COUNCIL

REPORT AND RECOMMENDATIONS MADE BY THE PANEL OF COMMISSIONERS
CONCERNING THE SECOND INSTALMENT OF "E1" CLAIMS

GE.99-62968

able to demonstrate a long standing practice, dating back prior to 1980, of granting Iraqi buyers and contract parties long or deferred payment terms.

D. Evidentiary requirements

30. Article 35(1) of the Rules provides general guidance on the submission of evidence by a claimant:

"Each claimant is responsible for submitting documents and other evidence which demonstrate satisfactorily that a particular claim or group of claims is eligible for compensation pursuant to Security Council resolution 687 (1991). Each panel will determine the admissibility, relevance, materiality and weight of any documents and other evidence submitted."

31. Pursuant to article 35(3) of the Rules, corporate claims must be supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and amount of the claimed loss. The Governing Council has made it clear that with respect to business losses there "will be a need for detailed factual descriptions of the circumstances of the claimed loss, damage or injury" in order for compensation to be awarded. ⁶

32. All corporations filing category "E" claims were required to submit with their claim forms "a separate statement explaining its claim ('Statement of Claim'), supported by documentary and other appropriate evidence sufficient to demonstrate the circumstances and the amount of the claimed loss". ⁷ In addition, claimants were instructed to include in the Statement of Claim the following particulars:

- "(a) The date, type and basis of the Commission's jurisdiction for each element of loss ...;
- (b) The facts supporting the claim;
- (c) The legal basis for each element of the claim;
- (d) The amount of compensation sought, and an explanation of how this amount was arrived at." ⁸

Annex 10

U.N. Security Council, 4241st meeting, *Resolution 1330 (2000)*, U.N. Doc. S/RES/1330 (2000)
(5 Dec. 2000)

United Nations

S/RES/1330 (2000)


Security Council

 Distr.: General
 5 December 2000

Resolution 1330 (2000)
**Adopted by the Security Council at its 4241st meeting, on
 5 December 2000**

The Security Council,

Recalling its previous relevant resolutions and in particular its resolutions 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1275 (1999) of 19 November 1999, 1280 (1999) of 3 December 1999, 1281 (1999) of 10 December 1999, 1284 (1999) of 17 December 1999, 1293 (2000) of 31 March 2000 and 1302 (2000) of 8 June 2000,

Convinced of the need as a temporary measure to continue to provide for the humanitarian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolution 687 (1991) of 3 April 1991, allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990, in accordance with the provisions of those resolutions,

Convinced also of the need for equitable distribution of humanitarian supplies to all segments of the Iraqi population throughout the country,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12 and subject to paragraph 15 of resolution 1284 (1999), shall remain in force for a new period of 180 days beginning at 00.01 hours, Eastern Standard Time, on 6 December 2000;

2. *Further decides* that from the sum produced from the import by States of petroleum and petroleum products originating in Iraq, including financial and other essential transactions related thereto, in the 180-day period referred to in paragraph 1 above, the amounts recommended by the Secretary-General in his report of 1 February 1998 (S/1998/90) for the food/nutrition and health sectors should continue to be allocated on a priority basis in the context of the activities of the

Secretariat, of which 13 per cent of the sum produced in the period referred to above shall be used for the purposes referred to in paragraph 8 (b) of resolution 986 (1995);

3. *Requests* the Secretary-General to continue to take the actions necessary to ensure the effective and efficient implementation of this resolution, and to continue to enhance as necessary the United Nations observation process in Iraq including, within 90 days of the adoption of this resolution, to complete the recruitment and placement in Iraq of a sufficient number of observers, in particular the recruitment of the number of observers agreed between the Secretary-General and the Government of Iraq, in such a way as to provide the required assurance to the Council that the goods produced in accordance with this resolution are distributed equitably and that all supplies authorized for procurement, including dual usage items and spare parts, are utilized for the purpose for which they have been authorized, including in the housing sector and related infrastructure development;

4. *Decides* to conduct a thorough review of all aspects of the implementation of this resolution 90 days after the entry into force of paragraph 1 above and again prior to the end of the 180-day period, and *expresses* its intention, prior to the end of the 180-day period, to consider favourably renewal of the provisions of this resolution as appropriate, provided that the reports referred to in paragraphs 5 and 6 below indicate that those provisions are being satisfactorily implemented;

5. *Requests* the Secretary-General to provide a comprehensive report to the Council 90 days after the date of entry into force of this resolution on its implementation and again at least one week prior to the end of the 180-day period, on the basis of observations of United Nations personnel in Iraq, and of consultations with the Government of Iraq, on whether Iraq has ensured the equitable distribution of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs, financed in accordance with paragraph 8 (a) of resolution 986 (1995), including in his reports any observations which he may have on the adequacy of the revenues to meet Iraq's humanitarian needs;

6. *Requests* the Committee established by resolution 661 (1990), in close consultation with the Secretary-General, to report to the Council 90 days after the entry into force of paragraph 1 above and prior to the end of the 180-day period on the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995);

7. *Decides* that from the funds produced pursuant to this resolution in the escrow account established by paragraph 7 of resolution 986 (1995), up to a total of 600 million United States dollars may be used to meet any reasonable expenses, other than expenses payable in Iraq, which follow directly from the contracts approved in accordance with paragraph 2 of resolution 1175 (1998) and paragraph 18 of resolution 1284 (1999), and *expresses* its intention to consider favourably the renewal of this measure;

8. *Expresses* its readiness to consider, in the light of the cooperation of the Government of Iraq in implementing all the resolutions of the Council, allowing a sum of 15 million United States dollars drawn from the escrow account to be used for the payment of the arrears in Iraq's contribution to the budget of the United

Nations, and *considers* that this sum should be transferred from the account created pursuant to paragraph 8 (d) of resolution 986 (1995);

9. *Requests* the Secretary-General to take the necessary steps to transfer the excess funds drawn from the account created pursuant to paragraph 8 (d) of resolution 986 (1995) for the purposes set out in paragraph 8 (a) of resolution 986 (1995) in order to increase the funds available for humanitarian purchases, including as appropriate the purposes referred to in paragraph 24 of resolution 1284 (1999);

10. *Directs* the Committee established by resolution 661 (1990) to approve, on the basis of proposals from the Secretary-General, lists of basic electricity and housing supplies consistent with the priority given to the most vulnerable groups in Iraq, *decides*, notwithstanding paragraph 3 of resolution 661 (1990) and paragraph 20 of resolution 687 (1991), that supplies of these items will not be submitted for approval of that Committee, except for items subject to the provisions of resolution 1051 (1996), and will be notified to the Secretary-General and financed in accordance with the provisions of paragraphs 8 (a) and 8 (b) of resolution 986 (1995), *requests* the Secretary-General to inform the Committee in a timely manner of all such notifications received and actions taken, and *expresses* its readiness to consider such action with regard to lists of further supplies, in particular in the transport and telecommunications sectors;

11. *Requests* the Secretary-General to expand and update, within 30 days of the adoption of this resolution, the lists of humanitarian items submitted in accordance with paragraph 17 of resolution 1284 (1999) and paragraph 8 of resolution 1302 (2000), *directs* the Committee established by resolution 661 (1990) to approve expeditiously the expanded lists, *decides* that supplies of these items will not be submitted for approval of the Committee established by resolution 661 (1990), except for items subject to the provisions of resolution 1051 (1996), and will be notified to the Secretary-General and financed in accordance with the provisions of paragraphs 8 (a) and 8 (b) of resolution 986 (1995), and *requests* the Secretary-General to inform the Committee in a timely manner of all such notifications received and actions taken;

12. *Decides* that the effective deduction rate of the funds deposited in the escrow account established by resolution 986 (1995) to be transferred to the Compensation Fund in the 180-day period shall be 25 per cent, *further decides* that the additional funds resulting from this decision will be deposited into the account established under paragraph 8 (a) of resolution 986 (1995) to be used for strictly humanitarian projects to address the needs of the most vulnerable groups in Iraq as referred to in paragraph 126 of the report of the Secretary-General of 29 November 2000 (S/2000/1132), *requests* the Secretary-General to report on the use of these funds in his reports referred to in paragraph 5 above, and *expresses its intention* to establish a mechanism to review, before the end of the 180-day period, the effective deduction rate of the funds deposited in the escrow account to be transferred to the Compensation Fund in future phases, taking into account the key elements of the humanitarian needs of the Iraqi people;

13. *Urges* the Committee established by resolution 661 (1990) to review applications in an expeditious manner, to decrease the level of applications on hold and to continue to improve the approval process of applications, and in this regard *stresses* the importance of the full implementation of paragraph 3 above;

14. *Urges* all States submitting applications, all financial institutions, including the Central Bank of Iraq, and the Secretariat, to take steps to minimize the problems identified in the report of the Secretary-General of 29 November 2000 pursuant to paragraph 5 of resolution 1302 (2000);

15. *Requests* the Secretary-General to make the necessary arrangements, subject to the approval of the Council, to allow funds deposited in the escrow account established by resolution 986 (1995) to be used for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the cost of installation and training services, and *further requests* the Secretary-General to make the necessary arrangements, subject to the approval of the Council, to allow funds up to 600 million euros deposited in the escrow account established by resolution 986 (1995) to be used for the cost of installation and maintenance, including training services, of the equipment and spare parts for the oil industry which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, and *calls upon* the Government of Iraq to cooperate in the implementation of all such arrangements;

16. *Urges* all States, and in particular the Government of Iraq, to provide their full cooperation in the effective implementation of this resolution;

17. *Calls upon* the Government of Iraq to take the remaining steps necessary to implement paragraph 27 of resolution 1284 (1999), and *further requests* the Secretary-General to include in his reports under paragraph 5 above a review of the progress made by the Government of Iraq in the implementation of these measures;

18. *Requests* also the Secretary-General to prepare a report as expeditiously as possible but no later than 31 March 2001 for the Committee established by resolution 661 (1990) containing proposals for the use of additional export routes for petroleum and petroleum products, under appropriate conditions otherwise consistent with the purpose and provisions of resolution 986 (1995) and related resolutions, and particularly addressing the possible pipelines that might be utilized as additional export routes;

19. *Reiterates* its request in paragraph 8 of resolution 1284 (1999) to the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission and to the Director General of the International Atomic Energy Agency to complete by the end of this period the revision and updating of the lists of items and technology to which the import/export mechanism approved by resolution 1051 (1996) applies;

20. *Stresses* the need to continue to ensure respect for the security and safety of all persons directly involved in the implementation of this resolution in Iraq, and *calls upon* the Government of Iraq to complete its investigation into the death of employees of the Food and Agriculture Organization and to forward it to the Council;

21. *Appeals* to all States to continue to cooperate in the timely submission of applications and the expeditious issue of export licences, facilitating the transit of humanitarian supplies authorized by the Committee established by resolution 661 (1990), and to take all other appropriate measures within their competence in order

to ensure that urgently needed humanitarian supplies reach the Iraqi people as rapidly as possible;

22. *Decides* to remain seized of the matter.

Annex 11

U.N. Security Council, *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of Democratic Republic of the Congo*, U.N. Doc. S/2001/357 (12 Apr. 2001)

United Nations

S/2001/357

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**Letter dated 12 April 2001 from the Secretary-General
to the President of the Security Council**

I wish to refer to the presidential statement dated 2 June 2000 (S/PRST/2000/20) in which the Security Council requested me to establish a Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo for a period of six months. The Council also requested that the expert panel, once established, submit to the Council, through me, its final report at the end of the mandate.

Further to my letter dated 2 April 2001, I have the honour to transmit to you the report of the Panel, submitted to me by the Chairperson of the Panel. I should be grateful if you would bring the report to the attention of the members of the Security Council.

(Signed) Kofi A. Annan

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exploitation evolved to an active extraction phase. Both Congolese (civilians and soldiers) and foreigners (civilians and soldiers) became involved in the extraction of natural resources. This section highlights one particular case study rather than offering a number of shorter illustrative examples. The study will in effect demonstrate how a company used illicit business practices and complicity with occupying forces and the Government as well as its international connections to exploit the natural resources of the Democratic Republic of the Congo.

47. **DARA-Forest case study.** A Ugandan-Thai forest company called DARA-Forest moved to the Ituri area late in 1998. In March 1998, DARA-Forest applied for a licence to carry out logging activities in the Democratic Republic of the Congo, but was denied a forest concession by the Kinshasa authorities. In 1999, the company began to buy production by hiring individuals to harvest timber and then sell it to the company. Initially, these individuals were Congolese operating in partnership with Ugandans. The same year, DARA engaged in industrial production with the construction of a sawmill in Mangina. By 2000, it had obtained its own concession from RCD-ML. Analysis of satellite images over a period of time reveals the extent to which deforestation occurred in Orientale Province between 1998 and 2000. The most harvested forests in the areas were around Djugu, Mambassa, Beni, Komanda, Luna, Mont Moyo and Aboro. This logging activity was carried out without consideration of any of the minimum acceptable rules of timber harvesting for sustainable forest management or even sustainable logging.

48. Timber harvested in this region, which is occupied by the Ugandan army and RCD-ML, has exclusively transited or remained in Uganda. Our own investigation in Kampala has shown that mahogany originating in the Democratic Republic of the Congo is largely available in Kampala, at a lower price than Ugandan mahogany. This difference in price is simply due to the lower cost of acquisition of timber. Timber harvested in the Democratic Republic of the Congo by Uganda pays very little tax or none at all. In addition, customs fees are generally not paid when soldiers escort those trucks or when orders are received from some local commanders or General Kazini. Timber from the Democratic Republic of the Congo is then exported to Kenya and Uganda, and to other continents. The Panel gathered from the Kenyan port authorities

that vast quantities of timber are exported to Asia, Europe and North America.

49. The Panel also discovered during its investigation that individual Ugandan loggers violated forestry legislation, recognized by their ally RCD-ML, by logging (extracting) the timber directly. According to the Congolese legislation on the *permis de coupe*, only individual Congolese nationals are allowed to harvest timber and only in small quantities. Foreigners must apply for the larger concessions. Initially, Ugandans operated in partnership with a Congolese permit holder. Soon, the Ugandans began to pay the Congolese to sub-lease the permit and, subsequently, to obtain the licence in direct violation of the law.

50. Timber extraction in the Democratic Republic of the Congo and its export have been characterized by unlawfulness and illegality. Besides extracting timber without authorization in a sovereign country and in violation of the local legislation, DARA-Forest consistently exported its timber without any certification procedure. It tried to approach some certification bodies licensed by the Forest Stewardship Council. These bodies requested documentation and elements that the company failed to provide. Yet DARA-Forest exported timber in violation of a normal procedure generally required and accepted by the international forest community and gradually considered to be international "soft law". Companies importing this uncertified timber from DARA-Forest were essentially in major industrialized countries, including Belgium, China, Denmark, Japan, Kenya, Switzerland and the United States of America.

51. The Panel also realized that DARA Great Lakes Industries (DGLI), of which DARA-Forest is a subsidiary, along with a sister company in Uganda, Nyota Wood Industries, is in collusion with the Ministry of Water, Land and Forests of Uganda in establishing a scheme to facilitate the certification of timber coming from the Democratic Republic of the Congo. In May 2000, DGLI signed a contract for forest stewardship certification with SmartWood and the Rogue Institute for Ecology and Economy in Oregon, United States of America. On 21 March 2000, the Director of the DARA group, Prossy Balaba, sent a letter to the Commissioner asking him to allow an official of SmartWood to visit certain forests, such as Budongo and Bugoma; he was due to visit the region in mid-April. The visit was meant to deceive the official by presenting those forests as the ones for which

certification was sought and to convince SmartWood to work for the certification of their timber. Indeed, when the visit took place, from 14 to 16 April, the DARA group had not even applied for the concession of the Budongo forest (Uganda). It was only on 5 July 2000 that John Kotiram of the DARA group wrote to the Commissioner to request the concession on the Budongo forest.

52. The idea behind this is to use Budongo forest as a model of forests from which timber is harvested and which comply with the international requirements for certification, in order to certify timber coming from the Democratic Republic of the Congo for which basic elements of certification do not exist. Future plans for beating the international system are already in place. According to internal documents of DGLI, DARA-Forest will import timber from the Democratic Republic of the Congo into Uganda, which will be processed for different types of products in the new plant in Namanve for the sawmilling of hardwood, both imported from the Democratic Republic of the Congo and harvested in Uganda. DGLI partners in this new scheme include DARA Europe GmbH Germany, Shanton President Wood Supply Co. Ltd China, President Wood Supply Co. Ltd Thailand, DARA Tropical Hardwood, Portland, Oregon, United States of America. The distribution of sales of the company is thought to remain the same, about 30 per cent to the Far East, China, Japan and Singapore, 40 per cent to Europe and 25 per cent to North America. DARA Great Lakes Industries shareholding and management is between Thai and Ugandan nationals, among them John Supit Kotiran and Pranee Chanyuttasart of Thailand and Prossy Balaba of Uganda. Some unconfirmed information indicates that members of President Museveni's family are shareholders of DGLI, although more investigation is needed.

53. The DARA group also established another scheme to carry out fraudulent activities in the Democratic Republic of the Congo. The objects of DGLI range from logging to financial and industrial activities. Because of the confusion created between DARA-Forest, which received a concession from RCD, and DGLI, DARA-Forest has also been dealing in diamonds, gold and coltan. The Panel has received reports from the custom posts of Mpondwe, Kasindi and Bundbujyo of the export from the Democratic Republic of the Congo of minerals such as cassiterite and coltan in trucks. During the Panel's visit to Bunia it

was reported that other products were loaded in trucks which are supposed to carry timber only; it is likely that coltan and cassiterite were these products. Moreover, the fraud extends to the forging of documents and declarations "originating" in Kinshasa.

54. The logging rate was alarming around Butembo, Beni, Boga and Mambassa. The RCD-ML administration acknowledged its lack of control over the rate of extraction, the collection of taxes on logging activities and the customs fees at the exit points. On the basis of eyewitness accounts, satellite images, key actors' acknowledgements and the Panel's own investigation, there is sufficient evidence to prove that timber extraction is directly related to the Ugandan presence in Orientale Province. This has reached alarming proportions and Ugandans (civilians, soldiers and companies) are extensively involved in these activities. In May 2000, RCD-ML attributed a concession of 100,000 hectares to DARA-Forest. Since September 1998, overall DARA-Forest has been exporting approximately 48,000 m³ of timber per year.

55. **Other extraction schemes.** Burundians and Rwandans have also extracted timber or have been associated with Congolese loggers. Roads to evacuate timber from places deeper in the forest are in a very bad state. Yet Congo timber, as it is referred to in Bujumbura, is readily available in Burundi and Rwanda. Some Burundians, however, are also involved in the harvesting of bark from *Prunus Africana*. This tree is known and used in medicine for prostate treatment. Statistics gathered from the Tanzanian Port Authority clearly indicate that Burundi exported those barks in 1998 and 1999. *Prunus Africana* is not found in Burundi, however, but rather in the forests of South Kivu.

56. **Mining sector.** In the mining sector, direct extraction was carried out in three ways, namely (a) by individual soldiers for their own benefit; (b) by locals organized by Rwandan and Ugandan commanders; and (c) by foreign nationals for the army or commanders' benefit.

57. The Panel came across a number of cases in which soldiers were directly involved in mining in Watsa. In September 1999, the UPDF local commander demanded the extraction of gold on the pillars of the Gorumbwa mine galleries in which dynamite was used. On 9 September, the galleries collapsed, leading to the death of a number of Congolese miners. Some months

contacted her aides, but she never arranged a meeting with the Panel.

93. She was recently appointed by RCD-Goma as General Manager of SOMIGL, a conglomerate of four partners, which obtained the monopoly for the commercialization and export of coltan. This monopoly has strengthened her position as a major player in the trade in coltan in the region. RCD-Goma, in an attempt to explain this partnership, said that she is a very useful person and would bring \$1 million to RCD monthly. Some sources have told the Panel members that her network of contacts is impressive and that she controls almost every official in RCD-Goma. According to some sources, she is also involved with her daughter Djamila in counterfeiting currency. Mrs. Gulamali is famous for forging customs declarations, especially for the products she exports. Confronted recently with a false customs declaration where coltan was declared as cassiterite, she replied, "in this business everybody does that". Her declaration alerted the Panel to the extent to which fraud is prevalent among the companies that export coltan.

F. Economic data: confirmation of the illegal exploitation of the natural resources of the Democratic Republic of the Congo

94. All the empirical evidence provided above is complemented by the economic analysis of data provided by different sources.

Uganda

95. At the request of the Panel, the Ugandan authorities provided extensive data, including production and export values for agricultural products such as coffee, cotton, tea and tobacco. In terms of minerals, the data also cover gold and coltan production and export figures.

96. The official data contain substantial discrepancies. First, export figures for gold are consistently greater than production values, as shown in table 1 and figure 1.

97. The gap between production and export could originate from the exploitation of the natural resources of the Democratic Republic of the Congo. The Central Bank of Uganda has reportedly acknowledged to IMF

officials that the volume of Ugandan gold exports does not reflect this country's production levels but rather that some exports might be "leaking over the borders" from the Democratic Republic of the Congo. The central bank reported that, by September 1997, Uganda had exported gold valued at \$105 million, compared with \$60 million in 1996 and \$23 million in 1995.

98. Second, the data from the Ugandan authorities are silent with regard to diamond production and export. Several third party sources (WTO, World Federation of Diamond Bourses, Diamond High Council) indicate diamond exports from Uganda during the last three years. These diamond exports are suspicious for many reasons:

(a) Uganda has no known diamond production;

(b) Diamond exports from Uganda are observed only in the last few years, coinciding surprisingly with the occupation of the eastern Democratic Republic of the Congo as shown in table 2 and figure 2;

(c) Finally, these facts corroborate the Panel's findings from field investigation, discussions and external observers on the need to control the rich diamond zone near Kisangani and Banalia.

99. These figures are understated and there are indications that Uganda exported more diamonds. However, this is not well captured in the statistics because of the loose regulations governing the free zone areas. These regulations permit diamonds originating in any country to be repackaged, and then to be sold from any country as diamonds from a country of origin that is not necessarily the one mentioned in the statistics.

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Table 1
Uganda: mineral exports and production, 1994-2000

<i>Year</i>	<i>Gold</i>	<i>Tin</i>	<i>Coltan</i>	<i>Cobalt</i>
A. Mineral exports (tons)				
1994	0.22	-	-	-
1995	3.09	-	-	-
1996	5.07	3.55	-	-
1997	6.82	4.43	2.57	-
1998	5.03	-	18.57	-
1999	11.45	-	69.5	67.48
2000	10.83	-	-	275.98
B. Mineral production (tons)				
1994	0.0016	3.704	0.435	-
1995	0.0015	4.289	1.824	-
1996	0.003	0.38	-	-
1997	0.0064	1.81	-	-
1998	0.0082	1.102	-	-
1999	0.0047	-	-	76.74
2000	0.0044	-	-	287.51

Source: Uganda, Ministry of Energy and Mineral Development. 2000 data are from January to October.

Figure 1. Uganda: gold production and exports, 1994-2000

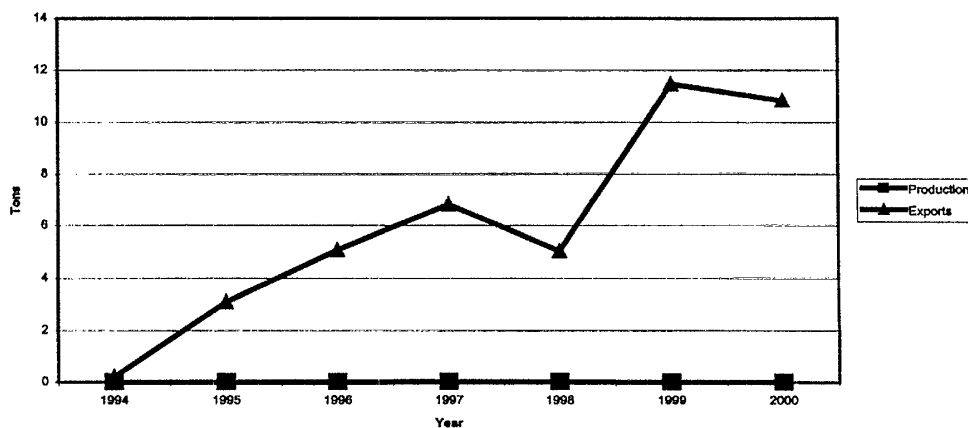


Table 2
Uganda: rough diamond exports, 1997-October 2000

<i>Year</i>	<i>Volume (carats)</i>	<i>Value (United States dollars)</i>
1997	1 511.34	198 302
1998	11 303.86	1 440 000
1999	11 024.46	1 813 500
2000	9 387.51	1 263 385

Source: Diamond High Council.

100. Data collected from any third party consistently show that Uganda has become a diamond exporting country; they also show that diamond exports from Uganda coincide with the years of the wars in the Democratic Republic of the Congo, that is from 1997 onward.

101. As far as niobium is concerned, the pattern appears to be the same: no production prior to 1997 followed by a series of increases in exports as shown in table 3 and figure 3.

Table 3
Uganda: niobium exports, 1995-1999

(thousands of United States dollars)

<i>Year</i>	<i>Niobium</i>
1995	0
1996	0
1997	13
1998	580
1999	782

Source: World Trade Organization (aggregated data).

102. Third, the Ugandan authorities, in their response to the Panel's questionnaire, stated that there was no record of transit of mineral products. However, the Panel received information from one Ugandan customs post at the border between the Democratic Republic of the Congo and Uganda. Records for 1998, 1999 and 2000 reveal that mineral products as well as other commodities left the Democratic Republic of the Congo and entered Uganda (presumably this would also prove true for the other dozen or so points of entry). The following three examples show an increase

in the transboundary movement of natural resources between 1998 and 1999.

Coffee	1998: 144,911 bags
	1999: 170,079 bags
	2000: 208,000 bags
Timber	1998: 1,900 m3
	1999: 3,782 m3 and 46,299 pcs
	2000: 3,272 m3 and 3,722 pcs
Cassiterite*	1998: None
	1999: 30 kgs
	2000: 151 drums

* The sudden increase in the import of cassiterite may also mean an increase in the import of coltan. The Panel discovered that cassiterite is often listed in lieu of coltan, as coltan possesses a higher value, which implies high import taxes in Uganda.

Rwanda

103. In response to the request for statistics by the Panel, the Rwandan authorities provided the following data:

Table 4
Rwanda: mineral production, 1995-2000

<i>Year</i>	<i>Gold (kg)</i>	<i>Cassiterite (tons)</i>	<i>Coltan (tons)</i>
1995	1	247	54
1996	1	330	97
1997	10	327	224
1998	17	330	224
1999	10	309	122
2000	10	437	83

Source: Rwanda Official Statistics (No. 227/01/10/MIN).

Annex 12

Claude Kabemba, U.N.H.C.R., Centre for Documentation and Research, *The Democratic Republic of Congo: From Independence to Africa's First World War*, WRITENET Paper No. 16/2000 (June 2001)

UNHCR
Centre for Documentation and Research



WRITENET Paper No. 16/2000

**THE DEMOCRATIC REPUBLIC OF CONGO:
FROM INDEPENDENCE TO AFRICA'S FIRST WORLD WAR**

By Claude Kabemba

Electoral Institute of Southern Africa

June 2001

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The process of exploitation of the resources of the vast Congo territory pushed Belgium to look to the wider region for the supply of labour, especially for the Katanga mining industry. It naturally turned to the vast population of Kivu, Rwanda and Burundi, Zambia and Kasai province.⁷ But the population of Rwanda constituted the main reliable source. However, these immigrants from Rwanda, because of the colonial system which organized people according to their origin and tribe, did not become integrated with the indigenous Congolese despite the fact they have lived together for many decades peacefully. Indeed, Belgian policy did not favour integration of different ethnic groups.

Additionally, colonial legislation was not clear on the issue of the status of the population of Rwandan origin in Congo, and at independence, legislation dealt only with election-related problems and failed to address the citizenship question of what had become an extremely diverse population. One must bear in mind that the citizenship of this population is one of the causes of the current conflict in the DRC. In 1960, Congo hastily gained its independence while major issues remained unresolved, issues that would sooner or later generate serious conflicts among the populations of the Great Lakes region.⁸ The Belgian colonizer succeeded in establishing the three countries, Congo, Rwanda and Burundi, without a clear vision of a nation. The more than two hundred Congolese ethnic groups and the three ethnic groups that are found in both Rwanda and Burundi progressed separately without real integration. The unique common denominator between them was their servitude to the same administration. Colonial prescriptions gave rise to the distinction between settlers and natives among those living in the colony. This prescription continues in post-independence Congo.

2. Governance of the DRC During the Mobutu Era

After five years of political instability, Colonel Joseph Désiré Mobutu took power on 24 November 1965. He quickly asserted control over the state. Like the Belgians before him, Mobutu reverted to a form of strong centralized and oppressive administration. By hanging in public four former ministers from the first Republic in an affair known as the Pentecost Plot, Mobutu clearly sent a message to the Congolese people that opposition to his programme would not be tolerated.⁹ He took advantage of the political chaos of multiparty democracy that had prevailed during the first five years of independence, to progressively dismantle the institutions of the first Republic and to abolish the constitution. He totally ignored the fundamental law, the first Congolese constitution based on multiparty democracy. The 1964 Luluaburg constitution suppressed the parliamentary regime and gave exclusive ownership of the soil and subsoil to the Congolese State. In 1967, he modified the Luluaburg constitution, introducing a two party democracy system. In 1970 he further consolidated his power by introducing the one party system which fused together the Mouvement Populaire de la Révolution - his political party, and the State.

⁷ Baleme, N.K.A., *Bantu Ethnic and Traditional Realities in Focus of Central Africa*, Libreville: CICIBA, 1999, pp. 28 and 101

⁸ *Ibid.*

⁹ Leslie, W.J., *Zaire: Continuity and Political Change in an Oppressive State*, Boulder CO: Westview Press, 1993, p. 32

Annex 13

U.N. Security Council, *Addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, U.N. Doc. S/2001/1072 (13 Nov. 2001)

United Nations

S/2001/1072

**Security Council**

Distr.: General
13 November 2001

Original: English

Letter dated 10 November 2001 from the Secretary-General to the President of the Security Council

I wish to refer to the presidential statement dated 3 May 2001 (S/PRST/2001/13), in which the Security Council extended the mandate of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo for a final period of three months. I also wish to refer to the President's letter, by which the Panel's mandate was extended until 30 November 2001 (S/2001/951), and the Panel was requested to submit, through me, an addendum to its final report.

I have the honour to transmit to you the addendum to the report of the Panel, submitted to me by the Chairperson of the Panel. I should be grateful if you would bring the report to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**



66. Documentary evidence gathered shows that, in 1999, over 30 per cent of the first semester earnings of MIBA were transferred to Government accounts. Those transfers were vaguely labelled “payments to fiscal accounts” (*paiements accomptes fiscaux*). It is not clear who within the Government of the Democratic Republic of the Congo controls these accounts, or what the funds transferred to them are used for. Another 11 per cent of the earnings from that period were funnelled directly to the Congolese armed forces. Other transfers from MIBA sales are described in official documents as “deductions for the war effort”, amounting to tens of millions of dollars. Testimony from very credible sources corroborates what these documents suggest: a pattern over the past three years of diverting a hefty percentage of MIBA earnings to high-level government officials for their personal benefit, as well as to cover war or military-related expenses.

67. In some cases, it appears that deals were concluded because they were linked, directly or indirectly, to arms and military support. In 1997, the Kabila Government ended the exclusive contract it had with De Beers to buy all of the industrial diamond output of MIBA. Following a period in which Congolese diamonds were sold on the international auction market to the highest bidder, President Kabila reached an agreement with the Israeli-owned International Diamond Industries in August 2000 for a monopoly on diamond sales. According to the terms of the agreement, IDI agreed to pay \$20 million in return for a monopoly on sales valued at \$600 million annually. The Panel was informed by very credible sources that this deal included unpublished clauses, in which IDI agreed to arrange, through its connections with high-ranking Israeli military officers the delivery of undisclosed quantities of arms as well as training for the Congolese armed forces.

68. IDI ultimately paid only \$3 million from the agreed sum of \$20 million. President Joseph Kabila decided in April 2001 to end the contract, citing failure to pay as the reason. In his statement, the owner of IDI, Dan Gertler, claimed that IDI had complied with its obligations and alleged that the Government’s decision was motivated by the fact that information about the agreement was included in the Panel’s final report. The statement also insisted that the Panel did not consult with IDI and demanded that the Panel rectify its report. The Panel requested to meet with IDI representatives in

Kinshasa in September 2001. IDI declined this request. IDI is reportedly trying to negotiate some form of compensation for breach of contract with the Government of the Democratic Republic of the Congo.

69. It is important to look at this failed Kabila-Gertler deal as a number of key aspects are significant. On the Congolese side, it comes within a pattern of miscalculated decisions taken by the cash-strapped Laurent-Désiré Kabila, whose main interest was the immediate cash flow. Although there was some discontent within Kabila’s entourage at the outrageousness of the deal, it was, nonetheless, not revoked until seven months after it was signed. The Panel has credible information indicating that there is a growing involvement of Israeli businessmen in the region. Taking advantage of the withdrawal of De Beers from conflict diamond regions, a whole network of Israelis was established, including Mr. Gertler in the Democratic Republic of the Congo, Lev Leviev in Angola and Shmuel Shnitzer in Sierra Leone. In all three cases, the pattern is the same. Conflict diamonds are exchanged for money, weapons and military training. These diamonds are then transported to Tel Aviv by former Israeli Air Force pilots, whose numbers have significantly increased both in UNITA-held territory in Angola and in the Democratic Republic of the Congo. In Israel, these diamonds are then cut and sold at the Ramat Gan Diamond Centre.

70. During their meetings with the Panel, members of the Congolese Commission indicated that, as the country moves towards greater political openness, the Kinshasa Government will have to take action on the issue of Zimbabwe’s activities in the Democratic Republic of the Congo. The Commission also expressed their view that the question should figure on the agenda of the inter-Congolese dialogue, and that a *protocol d’accord* must be established between the Democratic Republic of the Congo and Zimbabwe to rectify the irregularities, including agreements secretly signed under pressure of the military situation at the time.

71. Further evidence of this collapse of a functional State, and its inability to make decisions in its national interest, is reflected in the stance currently adopted by the Government of the Democratic Republic of the Congo towards the activities being carried out in the rebel-held areas. The Panel has learned, from commercial companies and individual business people who have operated under both the Kinshasa

S/2001/1072

Government and rebel authorities, that the regulations and procedures have not, for the most part, changed under rebel administrations. In fact, civil servants appointed by the Government are still performing such duties as customs control and tax collection in rebel-held areas. However, the taxes are not received by the Government in Kinshasa but are diverted for the use of the rebels and Uganda and Rwanda. This is acknowledged by the Government of the Democratic Republic of the Congo, which, offered in September 2001 to pay the 37-month arrears and salaries of those civil servants. Furthermore, the Government in Kinshasa appears to have recognized the activities of the commercial entities in the rebel-held areas. One of the many examples is the German-owned company Somikivu, which operates in the eastern Democratic Republic of the Congo, but continues to pay taxes to the rebels and maintains an office in Kinshasa. When asked about the legal status of the commercial entities operating in the rebel-held and occupied territories, the Congolese Minister of Justice informed the Panel during a meeting in September 2001 that none of the concessions had been revoked thus far, and that an evaluation on a case-by-case basis would be conducted when the Government regained control of the areas in which they are operating.

72. To further demonstrate this, the Panel has taken a closer look at the legal status of DARA Forest, a Thai-owned company operating in North Kivu Province. DARA Forest is a Congolese-registered logging company owned by five shareholders. Royal Star Holdings is the main shareholder, and is partly owned by the managing director of DARA Forest, John Kotiram. Besides Mr. Kotiram, there are three Congolese shareholders. In March 1998, DARA Forest registered as a Congolese company in Kinshasa, after which work was begun on building a sawmill in Mangina in North Kivu Province. In June 1998, DARA Forest was granted a 35,000-hectare logging concession from the North Kivu Provincial Authority, which grants these concessions following registration with the central Government. DARA Forest also acquired an exploitation licence from the same authority to buy and export from local loggers. Its exports, which were to the United States and China, started early in 1999, months after the beginning of the war.

73. DARA Forest, which the Panel has found to have complied with all the regulations in effect, currently

pays its taxes at the same bank as it did before the area came under rebel control. It also deals with the same customs officials as it did before the rebels took control of the area when it exports its products and imports production equipment. The Panel has also learned that a bimonthly check is conducted by the local Congolese authorities in North Kivu to ensure that DARA Forest is complying with the terms of licences granted to it. Furthermore, DARA Forest was granted on 12 September 2001 a certificate of registration from the Ministry of Justice in Kinshasa. This would appear to be a clear sign of recognition of the company and acceptance of its work in the rebel-held areas by the Government of the Democratic Republic of the Congo.

74. The case of Arslanian Frères also demonstrates the ambiguity of the Government's approach. The diamond company Arslanian Frères, based in Belgium, has an agreement to buy all the stock of the Belco Diamants *comptoir* in Kisangani and to "help them financially when needed" and has been travelling to Kisangani to openly purchase diamonds mined in the rebel-held areas surrounding the town. Nevertheless, one of the owners of the company, Raffi Arslanian, was approached in writing in 2001 by the Government's Minister of Mines to invest in a multi-million-dollar project aimed at reorganizing the State-owned diamond-producing enterprise MIBA.

75. There are many indications that President Joseph Kabila is genuinely interested in bringing about positive changes in his country. The Panel has noted that, notwithstanding the political considerations involved in the granting of favourable concessions to his allies, there are serious attempts to attract foreign investment to restructure, modernize and liberalize the remaining State assets in the mining business. In this respect, the country's new mining code is expected to bring about some fundamental and positive changes to the mining industry in the Democratic Republic of the Congo.

Zimbabwe

76. According to information available to the Panel, there are five main factors at play, which helped to shape the Zimbabwean objectives in its involvement in the Democratic Republic of the Congo. One determining factor is Zimbabwe's desire to assert its role within SADC. Supporting the Democratic Republic of the Congo militarily presented such an opportunity. A second factor lies in Zimbabwe's ailing

economy and political system. The results of the gross mismanagement of the economy, unchecked public expenditure, corruption and one-party rule are apparent and are reflected in falling standards of living. Like the land appropriation policy, a military campaign was seen as a means to rally public support for the State's leaders. The third factor is that Zimbabwe had supported President Kabila's AFDL in 1996, pledging \$5 million to help finance the efforts to overthrow the Mobutu regime. The fourth, and most notable, factor was the lesson learned from Zimbabwe's military involvement in the civil war in Mozambique. As a revolutionary and freedom fighter, President Mugabe had pledged military forces to that country, only to find that South African businessmen moved in to monopolize the market after the Zimbabwean withdrawal. Government leaders were determined not to make the same mistake in the Democratic Republic of the Congo. There is yet a fifth factor, which the Panel has heard from a number of analysts. The declining exchange rate, the failing Zimbabwean mining industry, and the critical energy shortage in Zimbabwe have left few sources for personal enrichment by Government officials. These officials started looking to the Democratic Republic of the Congo.

77. Zimbabwean commercial activities in the Democratic Republic of the Congo began when Zimbabwean Defence Industries, a company owned by the Zimbabwe Defence Forces, secured the sale of foodstuffs and ordnance to Kabila's troops as they advanced towards Kinshasa. Following the outbreak of the war in 1998, Zimbabwe's new status in the Democratic Republic of the Congo was reflected in the appointment of Billy Rautenbach to head Gécamines, as well as the deal secured for Congo-Duka, a joint venture between ZDI and a Congolese company, General Strategic Reserves, to supply foodstuffs and other consumer goods to the Democratic Republic of the Congo. That company failed, however, because of its unsound financial policy, discouraging the very investors ZDI was hoping to attract.

78. The key figure in Zimbabwe's commercial involvement is Emmerson Mnangagwa. Viewed as a loyal member of ZANU-PF by President Mugabe, Mr. Mnangagwa first became involved in the Democratic Republic of the Congo when President Mugabe sent him in 1998 to investigate the state of the Zimbabwean forces there. Mr. Mnangagwa, the

architect of the commercial activities of ZANU-PF, used his leverage on President Kabila, and drew up the first plans for Zimbabwe's commercial designs in the Democratic Republic of the Congo. It was during that phase, in 1999, that Operation Sovereign Legitimacy (OSLEG) was conceived, following the summit held in Windhoek in 1999, at which the allies had demanded compensation for their involvement in the conflict.

79. OSLEG represents the commercial side of the Zimbabwe Defence Forces in the Democratic Republic of the Congo. Its directors are predominantly top military officials. Its principal platform for business ventures has been COSLEG, a joint venture agreement with COMIEX, a company then controlled by the late President Laurent-Désiré Kabila and ranking AFDL officials. The role of OSLEG was defined as that of the partner with "the resources to protect and defend, support logistically, and assist generally in the development of commercial ventures to explore, research, exploit and market the mineral, timber, and other resources held by the State of the Democratic Republic of the Congo". While President Kabila provided the concessions, the Zimbabweans supplied the muscle to secure the commercial activities. Third-party investors have been brought in to furnish needed capital and expertise. Attracting the third party has not been a difficult task, since Zimbabwe's added leverage on the Democratic Republic of the Congo has allowed it to obtain very favourable terms for its deals. The prevailing business environment is another incentive. The constraints of governmental controls and regulations and a functioning legal system to enforce them are often absent. As a result, the Zimbabwean army has been successful in enticing investors, often with off-shore companies, to bankroll and make operational its joint ventures. This pattern now characterizes all of the Zimbabwean exploitation activities, whether with MIBA, Gécamines, SOCEBO or the relatively recent SCEM.

80. It is important to note that the Government of Zimbabwe views these exploitation activities as legitimate commercial ties with a neighbouring sovereign State, to whose aid it had come under the SADC Treaty's collective security provision. The Government of Zimbabwe in fact went to great lengths initially to promote these commercial ventures to its citizens, at times exaggerating their profitability in order to justify the continued Zimbabwean presence in the Democratic Republic of the Congo after the

Annex 14

U.N. General Assembly, *Responsibility of States for internationally wrongful acts*, U.N. Doc. A/RES/56/83 (28 Jan. 2002)



General Assembly

Distr.: General
28 January 2002

Fifty-sixth session
Agenda item 162

Resolution adopted by the General Assembly

[on the report of the Sixth Committee (A/56/589 and Corr.1)]

56/83. Responsibility of States for internationally wrongful acts

The General Assembly,

Having considered chapter IV of the report of the International Law Commission on the work of its fifty-third session,¹ which contains the draft articles on responsibility of States for internationally wrongful acts,

Noting that the International Law Commission decided to recommend to the General Assembly that it should take note of the draft articles on responsibility of States for internationally wrongful acts in a resolution and annex the draft articles to that resolution, and that it should consider at a later stage, in the light of the importance of the topic, the possibility of convening an international conference of plenipotentiaries to examine the draft articles with a view to concluding a convention on the topic,²

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in the relations of States,

1. *Welcomes* the conclusion of the work of the International Law Commission on responsibility of States for internationally wrongful acts and its adoption of the draft articles and a detailed commentary on the subject;

2. *Expresses its appreciation* to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

¹ *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 10 and corrigendum (A/56/10 and Corr.1).*

² *Ibid.*, paras. 72 and 73.

Article 31

Reparation

1. The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act.
2. Injury includes any damage, whether material or moral, caused by the internationally wrongful act of a State.

Article 32

Irrelevance of internal law

The responsible State may not rely on the provisions of its internal law as justification for failure to comply with its obligations under this part.

Article 33

Scope of international obligations set out in this part

1. The obligations of the responsible State set out in this part may be owed to another State, to several States, or to the international community as a whole, depending in particular on the character and content of the international obligation and on the circumstances of the breach.
2. This part is without prejudice to any right, arising from the international responsibility of a State, which may accrue directly to any person or entity other than a State.

Chapter II

Reparation for injury

Article 34

Forms of reparation

Full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation and satisfaction, either singly or in combination, in accordance with the provisions of this chapter.

Article 35

Restitution

A State responsible for an internationally wrongful act is under an obligation to make restitution, that is, to re-establish the situation which existed before the wrongful act was committed, provided and to the extent that restitution:

- (a) Is not materially impossible;
- (b) Does not involve a burden out of all proportion to the benefit deriving from restitution instead of compensation.

Article 36

Compensation

1. The State responsible for an internationally wrongful act is under an obligation to compensate for the damage caused thereby, insofar as such damage is not made good by restitution.
2. The compensation shall cover any financially assessable damage including loss of profits insofar as it is established.

Annex 15

U.N. Security Council, *Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*, U.N. Doc. S/2002/1146 (16 Oct. 2002)

United Nations

S/2002/1146

**Security Council**

Distr.: General
16 October 2002
English
Original: French

**Letter dated 15 October 2002 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to the statement by the President of the Security Council dated 19 December 2001 (S/PRST/2001/39), whereby the Security Council renewed for a period of six months the mandate of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. The Council requested the Panel to submit to it an interim report after three months, followed by a final report at the end of its mandate. I refer also to the letter dated 12 July 2002 from the President (S/2002/763), by which the Security Council extended the mandate of the Panel until 31 October 2002.

I have the honour to transmit to you the final report of the Panel, which was submitted to me by its Chairman, Mr. Mahmoud Kassem. This independent report comprises an evaluation of the situation on the ground and the Panel's observations on the illegal exploitation of the natural resources of the Democratic Republic of the Congo. I should be grateful if you would bring the report to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**

network to further control access to operating capital for commercial operators in the area. Economically speaking, this region has become a captive region, where the types of commercial ventures are manipulated and the viability of local businesses is controlled. Furthermore, the flow of money is regulated by the network through currency trading and the widespread introduction of counterfeit Congolese francs.

107. As in the past, the network continues to involve the transnational criminal group of Victor Bout. Mr. Bout recently purchased the Uganda-based non-operational airline company Okapi Air. The purchase of the company allowed Victor Bout to use Okapi's licences. The company was subsequently renamed Odessa. The Panel is in possession of a list of outbound flights from 1998 to the beginning of 2002 from Entebbe International Airport, which confirms the operational activities of Mr. Bout's aircraft from Ugandan territory. Currently, Mr. Bout's aircraft share the flight times and destinations (slots) with Planet Air, which is owned by the wife of Lt. General Salim Saleh and which facilitates the activities of Mr. Bout by filing flight plans for his aircraft.

Strategies and sources of revenue

Coltan

108. Coltan has been exploited extensively in Orientale Province by various armed groups under the protection of UPDF. A number of coltan operations, especially under the supervision of UPDF Colonels Muzora and Burundi, have been coordinated under the front company Trinity Investment, where UPDF Major General Kazini is the principal figure. Armed groups frequently identified with militias under the command of UPDF officers manage sites in remote locations where diggers pay a daily fee to exploit an area.

Case study of a commercial chain involving coltan

109. During March 2002, Panel members met with Valentina Piskunova who, together with her husband Anatoly Piskunov, represents and operates the company LA CONMET from its base in Kampala. During discussions with the Panel, Ms. Piskunova explained that, because of the collapsed international coltan market, prices for the mineral in the eastern Democratic Republic of the Congo had dropped

dramatically. However, Ms. Piskunova told the Panel that the continuing international interest in coltan from the Democratic Republic of the Congo is due to the "very low" labour costs for extracting the mineral. Therefore, the company continued to buy coltan from its office at Butembo in the Democratic Republic of the Congo. She said that their purchase price for coltan with a 30 per cent tantalum content was \$10 per kilogram. The same coltan was then sold for \$17 per kilogram.

110. Ms. Piskunova went on to tell the Panel that the company's coltan was transported by road across the border between the Democratic Republic of the Congo and Uganda at Kasindi to Entebbe International Airport, where it was then transported by Boeing 707, via Sharjah, United Arab Emirates, at a cost of \$140,000 per flight, to Ulba, Kazakhstan, for processing.

111. In addition to the profit made on the sales of coltan, LA CONMET also experienced savings by being granted "full exoneration" for "all activities involving exploitation for the territory of Beni-Lubero" (Democratic Republic of the Congo), including freedom from paying fiscal and customs duties. The document granting the exonerations is in the possession of the Panel. It was signed at Kampala by Mbusa Myamwisi, then Commissioner General for RCD-Kisangani, on 5 January 2000, identifying Salim Saleh as the owner of LA CONMET and designating his representatives as "the Russian group LA CONMET".

Diamonds

112. The network coordinates all elements of the diamond trade, local buying houses, Lebanese exporters, army protection from UPDF and individual militias, tax exonerations from the public sector, and Lebanese connections in Antwerp, under the aegis of the front company, the Victoria Group. Considerable evidence available to the Panel has named the Lebanese-born, Khalil Nazeem Ibrahim, and another known as Mr. Abbas, as the present focal points in Kampala for Victoria's diamond operations. The Panel has credible evidence that Khalil Nazeem Ibrahim used the capital and marketing services of Hemang Nananal Shah, proprietor of Nami Gems in Antwerp. Lt. General Saleh is recognized by the Panel's sources in Bunia, Kisangani and Kampala as the founder and director of the Victoria Group and as the mastermind of its operations.

political agenda, all are pursuing illegal economic activities as a matter of survival. It is hoped that progress in the peace process, together with an effective and responsive programme of disarmament, demobilization, rehabilitation, reintegration and resettlement, would provide better alternatives to the armed groups. This would require the necessary funding for reintegration programmes and security assurances for those who are not wanted for war crimes or acts of genocide. The international community must, therefore, provide the assistance to these programmes, invest in publicizing them and encourage the armed groups to participate.

154. The Panel is hoping that this report will contribute to a shift in policies — in the light of the recent encouraging political and military developments on the ground — that will bring the exploitation of resources back to a legally acceptable level.

IX. Conclusions

155. An embargo or a moratorium banning the export of raw materials originating in the Democratic Republic of the Congo does not seem to be a viable means of helping to improve the situation of the country's Government, citizens or natural environment. Massive technical and financial assistance for the population would be required to offset the humanitarian impact of such restrictive measures. At the same time, if the Panel in its report does not recommend any punitive measures to curb the illegal exploitation and trade originating in the Democratic Republic of the Congo, this will only encourage a continuation of the exploitation by different criminal organizations. This could easily lead to an increase in these activities. There must be sustained efforts to deter illicit and illegal exploitation.

156. Restrictive measures nevertheless need to be taken vis-à-vis the role of companies and individuals involved in arms supply and resource plundering. The international and multinational dimension of these illegal activities is very important. Ethical and transparent business practices are needed to combat these illegal activities.

157. The establishment of a transitional government in Kinshasa should be accompanied by four elements, namely, the disarmament of all rebel groups in the Democratic Republic of the Congo; phased withdrawal

of foreign troops; measures to drastically curb the illegal exploitation and encourage legal exploitation; and the application of serious leverage through multilateral pressures and incentives. To these elements must be added a dynamic monitoring process. All must be phased, interlinked and ongoing. This dynamic package would not only advance the peace process in the Democratic Republic of the Congo, but would also lead to a peaceful and final settlement of the exploitation issue, ensuring that legal modes of resource exploitation prevail. The first two elements seem to be finding their way to an interlinked and phased implementation as a result of the recent agreements signed in Pretoria and Luanda. The third element is intrinsically linked with the fourth, namely applying leverage through incentives and disincentives.

158. In order to readjust the present process of illegal exploitation and encourage legal exploitation, which could contribute to the economic stability of all parties, there is a need to apply forceful disincentives and incentives. These should be monitored through a proactive monitoring body. Until now, all the parties involved in the illegal exploitation have had no strong incentive to alter the economic status quo. It is necessary, therefore, to find measures that address their fears of losing revenues. Such measures will however be effective only if a political process is undertaken simultaneously.

159. Reconstructing and reorienting the region's economies are essential to peacemaking and peace-building. The Panel believes that a peace dividend in the form of economic incentives should be emphasized by the international community in order to promote the parties' adherence to the peace agreements and encourage confidence-building. The Panel also proposes in its recommendations that a set of disincentives be enacted to apply pressure in the case of non-compliance with the agreements.

160. Many of the Panel's conclusions about the economic roots and consequences of the conflict have been echoed in ideas associated with the proposals for an international conference on peace, security, democracy and sustainable development in the Great Lakes region. Recently signed agreements may signal that the time for organizing this conference is approaching. Such a conference would be an ideal forum to address the need to reorient the regional trading system to post-conflict imperatives and for negotiating the framework of a multilateral agreement

Annex 16

U.N. Security Council, 4691st Meeting, *Resolution 1457 (2003)*, U.N. Doc. S/RES/1457 (2003)
(24 Jan. 2003)

United Nations

S/RES/1457 (2003)

**Security Council**Distr.: General
24 January 2003

Resolution 1457 (2003)**Adopted by the Security Council at its 4691st meeting, on
24 January 2003***The Security Council,*

Recalling its resolutions 1291 (2000) of 24 February 2000, 1304 (2000) of 16 June 2000, 1323 (2000) of 13 October 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001, 1376 (2001) of 9 November 2001, 1417 (2002) of 14 June 2002 and 1445 (2002) of 4 December 2002, and the statements of its President of 26 January 2000 (S/PRST/2000/2), 2 June 2000 (S/PRST/2000/20), 7 September 2000 (S/PRST/2000/28), 3 May 2001 (S/PRST/2001/13) and 19 December 2001 (S/PRST/2001/39),

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all other States in the region,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources,

Recalling the letters from the Secretary-General of 12 April 2001 (S/2001/357), 13 November 2001 (S/2001/1072), and 22 May 2002 (S/2002/565),

Reiterating its commitment to take appropriate action to help put an end to the plundering of the resources of the Democratic Republic of the Congo, in support of the peace process,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and stability in the Great Lakes region,

1. *Takes note* of the report of the Panel of Experts (hereinafter “the Panel”) on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, transmitted by the Secretary-General in his letter dated 15 October 2002 (S/2002/1146);

2. *Strongly condemns* the illegal exploitation of the natural resources of the Democratic Republic of the Congo;

3. *Notes with concern* that the plundering of the natural resources and other forms of wealth of the Democratic Republic of the Congo continues and is one of the main elements fuelling the conflict in the region, and in this regard, demands

that all States concerned take immediate steps to end these illegal activities, which are perpetuating the conflict, impeding the economic development of the Democratic Republic of the Congo, and exacerbating the suffering of its people;

4. *Reiterates* that the natural resources of the Democratic Republic of the Congo should be exploited transparently, legally and on a fair commercial basis, to benefit the country and its people;

5. *Stresses* that the completion of the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo as well as the early establishment of an all-inclusive transitional government in the country, which will ensure that central government control is reinstated and that viable administrations are empowered to protect and regulate the exploitation activities, are important steps towards ending the plundering of the natural resources of the Democratic Republic of the Congo;

6. *Stresses also* that the possible convening of an international conference on peace, security, democracy and development in the Great Lakes region at the appropriate time could help the States of the region in promoting a sound regional economic integration, to the benefit of all the States in the region;

7. *Takes note* of the importance of the natural resources and extractive sectors for the future of the Democratic Republic of the Congo, encourages States, international financial institutions, and other organizations to assist Governments in the region in efforts to create appropriate national structures and institutions to control resource exploitation, encourages also the Government of the Democratic Republic of the Congo to work closely with the International Financial Institutions and the donor community to establish Congolese institutional capacity to ensure that these sectors are controlled and operated in a transparent and legitimate way, so that the riches of the Democratic Republic of the Congo can benefit the Congolese people;

8. *Stresses* the importance of following up the independent findings of the Panel regarding the link between the illegal exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, stresses the importance of exerting the necessary pressure to put an end to such exploitation, notes that the reports of the Panel to date have made a useful contribution to the peace process in this regard, and therefore requests the Secretary-General to give a new mandate to the Panel for a period of six months at the end of which the Panel should provide a report to the Council;

9. *Stresses* that the new mandate of the Panel should include:

- Further review of relevant data and analysis of information previously gathered by the Panel, as well as any new information, including specifically material provided by individuals and entities named in the previous reports of the Panel, in order to verify, reinforce and, where necessary, update the Panel's findings, and/or clear parties named in the Panel's previous reports, with a view to adjusting accordingly the lists attached to these reports;
- Information on actions taken by Governments in response to the Panel's previous recommendations, including information on how capacity-building and reforms in the region are affecting exploitation activities;

- An assessment of the actions taken by all those named in the reports in respect of paragraphs 12 and 15 below;
- Recommendations on measures a transitional Government in the Democratic Republic of the Congo and other Governments in the region could take to develop and enhance their policies, legal framework and administrative capacity to ensure the resources of the Democratic Republic of the Congo are exploited legally and on a fair commercial basis to benefit the Congolese people;

10. *Requests* the chairman of the Panel to brief the Council on any progress towards the cessation of the plundering of the natural resources of the Democratic Republic of the Congo three months after the resumption of the Panel's work;

11. *Invites*, in the interests of transparency, individuals, companies and States, which have been named in the Panel's last report to send their reactions, with due regard to commercial confidentiality, to the Secretariat, no later than 31 March 2003, and requests the Secretary-General to arrange for the publication of these reactions, upon request by individuals, companies and States named in the report of 15 October 2002, as an attachment to this report, no later than 15 April 2003;

12. *Stresses* the importance of dialogue between the Panel, individuals, companies and States and requests in this regard that the Panel provide to the individuals, companies and States named, upon request, all information and documentation connecting them to the illegal exploitation of the Democratic Republic of the Congo's natural resources, and requests the Panel to establish a procedure to provide to Member States, upon request, information previously collected by the Panel to help them take the necessary investigative action, subject to the Panel's duty to preserve the safety of its sources, and in accordance with United Nations established practice in consultation with the United Nations Office of Legal Affairs;

13. *Emphasizes* the duty of the individuals, companies and States named in the report to respect the confidentiality of the material to be given to them by the Panel so as to ensure that the safety of the Panel's sources is preserved;

14. *Requests* the Panel to provide information to the Organisation for Economic Cooperation and Development (OECD) Committee on International Investment and Multinational Enterprises and to the National Contact Points for the OECD Guidelines for Multinational Enterprises in the States where business enterprises listed in annex 3 of the last report as being allegedly in contravention of the OECD guidelines are registered, in accordance with United Nations established practice;

15. *Urges* all States, especially those in the region to conduct their own investigations, including as appropriate through judicial means, in order to clarify credibly the findings of the Panel, taking into account the fact that the Panel, which is not a judicial body, does not have the resources to carry out an investigation whereby these findings can be considered as established facts;

16. In this regard, *notes with satisfaction* the decision of the Attorney General of the Democratic Republic of the Congo to start a judicial procedure, commends the decision of the Government of the Democratic Republic of the Congo to suspend momentarily the officials named in the reports pending further

clarification, and requests the Panel to cooperate fully with the Office of the Attorney General and to provide to this Office information it may need to conduct its investigations, subject to the Panel's duty to preserve the safety of its sources, and in accordance with United Nations established practice in consultation with the United Nations Office of Legal Affairs;

17. *Further notes with satisfaction* the actions taken by other States, including the decision by the Government of Uganda to establish a Judicial Commission of Inquiry, urges all States concerned and in particular the Governments of Zimbabwe and Rwanda to cooperate fully with the Panel and investigate further the accusations made through due judicial process and stresses the importance of collaboration between the Panel and all investigative bodies;

18. *Encourages* all organizations concerned to consider, as appropriate, the relevant recommendations contained in the reports of the Panel, and in particular encourages the specialized industries' organizations to monitor trade in commodities from conflict areas, in particular the territory of the Democratic Republic of the Congo, and to collect data in this regard, with a view to helping put an end to the plundering of the natural resources in these areas;

19. *Encourages* the implementation of the decisions taken within the framework of the Inter-Congolese dialogue, especially its recommendation to establish a special commission to examine the validity of economic and financial agreements in the Democratic Republic of the Congo;

20. *Expresses* its full support to the Panel and reiterates that all parties and relevant States must extend their full cooperation to the Panel, while ensuring necessary security for the experts;

21. *Decides* to remain actively seized of the matter.

Annex 17

U.N.H.C.R., *U.N.H.C.R. Global Appeal 2004, Uganda* (31 Dec. 2003)

Uganda

Main objectives

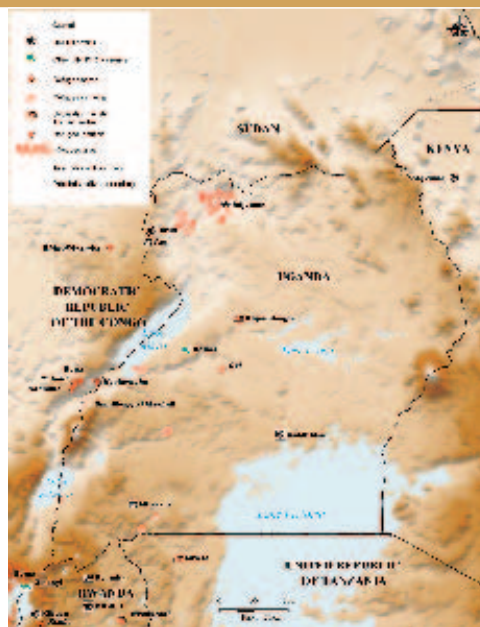
- Provide humanitarian assistance to refugees and pursue durable solutions, such as voluntary repatriation, local integration and resettlement for them.
- Continue to promote a self-reliance strategy (SRS) for Sudanese, Congolese and Rwandan refugees, through food production and the integration of services into existing national structures (i.e. health, education, environment, agriculture and community services).
- Promote counselling for urban refugees in Kampala.
- Play a catalytic role in encouraging development agencies and NGOs to incorporate the SRS into their programmes to benefit Ugandan nationals as well as refugees.

Working environment

Recent developments

The President of Uganda announced "Strategic Challenges and Peace" as the slogan for 2003 and urged the rebels to engage in peace talks with the Government. In spite of this, the security situation in northern Uganda remained a cause for concern, particularly in Adjumani, where a large number of refugee settlements are located. Often the Lord's Resistance Army (LRA) rebels attacked the refugee settlements and villages on the outskirts of Adjumani town, looting food and taking personal belongings, killing or abducting people, including children, for forced conscription.

In the Democratic Republic of the Congo (DRC), ethnic conflict between the Hema and Lendu tribes forced some 13,000 Congolese asylum-seekers over the border into Nebbi district in Uganda. These asylum-seekers have been reluctant to settle in the designated settlements proposed by the Government and have opted to stay in Nebbi and in areas close to the DRC border, without any humanitarian assistance from the Government or UNHCR. Similarly, the majority of the 11,000 asylum-seekers from DRC in Bundibujyo district are unwilling to relocate to designated refugee settlements in Kyaka II, Kenjojo district.



Arrangements have been made for those willing to relocate to settlements and for those who may change their minds, given the worsening situation in Bundibujyo. In order to ensure the availability of funds to tackle these situations, an emergency appeal was issued in July 2003.

After almost one year in transit, more than 16,000 ex-Acholpii refugees were relocated, in September 2003, to new locations proposed by the Government. However, the relocation of these refugees is an operational and a funding challenge. The sites would require basic infrastructure, for which there are funding constraints. Furthermore, at the time of publication, there had been a disappointing response to the Special Appeal launched in July 2003.

Planning figures		
Population	Jan. 2004	Dec. 2004
Sudan (refugees)	160,700	140,300
DRC (refugees)	32,000	47,000
Rwanda (refugees)	12,000	800
Other refugees	1,500	1,800
Asylum-seekers	590	690
Total	206,790	190,590

Total requirements: USD 15,053,601

In February 2003, the Government moved to offer Universal Primary Education (UPE) to all children (previously available only to a maximum of four children per family). This was in line with its commitment to the Millennium Development Goal of achieving education for all children by 2015.

Constraints

It is very difficult to predict if, and, to what extent unfavourable conditions will hamper crop production. This applies particularly to economic activities in northern Uganda, which are limited to subsistence farming and small-scale trading. A combination of climatic conditions and rebel activities can easily frustrate plans for self-sufficiency. It is nonetheless important to note that some 60 per cent of the refugees in the settlements have attained 100 per cent self-reliance in food.

The security situation in northern Uganda, particularly in Adjumani, where a large number of refugee settlements are located has seriously constrained the delivery of basic services (education, health, water) to refugees.

Early and forced marriages of young girls still take place, despite continued sensitisation efforts. However, these efforts are succeeding in gradually changing attitudes towards girls and women within the refugee community.

Strategy

Protection and solutions

The Government, through its Ministry for Disaster Preparedness and Refugees has maintained a liberal refugee policy. Sudanese and Congolese refugees continue to be recognised as refugees on a *prima facie* basis while other nationals go through individual refugee status determination under the Refugee Eligibility Committee (REC). In 2004, the Government and UNHCR will continue to work closely with the REC, intensifying collaboration on providing international protection, and organising training and seminars for the relevant government and law enforcement officials. Resettlement will be facilitated for a limited number of refugees with specific protection problems.

UNHCR will also continue to monitor developments in the refugees' countries of origin to explore any opportunities for voluntary repatriation. The contingency plans that are in place will be updated for 2004.

Sudanese refugees

The presence of Sudanese refugees in Uganda dates back to 1989 (Adjumani and Moyoc camps) and 1993 (Arua) when

the majority of the refugees arrived from southern Sudan. Currently, there are 172,300 Sudanese refugees in Uganda (52 per cent male, 48 per cent female, with 57 per cent under the age of 18). Most of these refugees come from Nimule, Pageri, Magwi, Agoro, Kit, Ikotos, Torit, Kajokeji, Kaya, Yei, Yambio, Wau, Upper Nile and Bar-el-Ghazel areas in Sudan. Despite reports of stability in southern Sudan, over 4,000 new arrivals were registered in 2003.

In view of the possibility of a viable Machakos (Kenya) peace agreement between the Government of Sudan and Sudan People's Liberation Army (SPLA), a contingency plan for the voluntary repatriation of the Sudanese refugees has been prepared. The plan is built around basic data on the place of return/origin, the profile of the refugees and estimates of return to different locations. It is estimated that 35,000 Sudanese refugees will opt to repatriate with UNHCR assistance in 2004.

Rwandan refugees

As at October 2003, there were some 18,500 Rwandan refugees in the country (65 per cent under the age of 18). A Tripartite Agreement on the voluntary repatriation of Rwandan refugees was signed in July 2003 between the Governments of Uganda and Rwanda and UNHCR. This augured well, and UNHCR then undertook to put in place a repatriation plan. The sensitisation and preparation for possible repatriation was scheduled to start during the third quarter of 2003, with some 12,000 refugees expected to repatriate by the end of 2003. However, to safeguard refugees (in case the situation changes again) humanitarian assistance for the Rwandan refugees will be continued in 2004.

Congolese refugees

The majority of Congolese refugees came to Uganda fleeing the civil conflict in the east of the DRC. In Uganda, as at October 2003, there were 8,500 registered Congolese refugees (60 per cent of them under the age of 18). There are indications of possible durable solutions for the Congolese refugees, despite the continued conflict around the Ituri region, which has been the main source of instability and the cause of the refugee influx into Uganda. The French-led EU Peace Keeping operation in Bunia succeeded in preventing the spread of violence to other areas. The United Nations peacekeeping force took over from the French peacekeepers with an expanded operational mandate to cover the Ituri region. With peace restored, there will be greater prospects for Congolese refugees voluntarily repatriating to DRC in 2004.

Other refugees

There are small groups of refugees from Burundi, Ethiopia, and Somalia in Uganda. Some 123 Kenyan refugees living in Nakivale refugee settlement (in Mbrara

district) were recently repatriated with UNHCR support. International protection is provided to all refugees, and material assistance to most of them (but urban refugees receive material assistance for a limited period only).

Assistance

UNHCR's main focus in 2004 will be to ensure basic humanitarian assistance for refugees and continue the integration of basic services (education, health, water) into national structures in line with the Self-Reliance Strategy (SRS). The SRS will prepare the refugees for their eventual return and successful reintegration back home.

The overall aim of the refugee programme is to enable refugees to become self-reliant. In this respect, an integrated multi-sectoral community development approach will be implemented. The approach involves several sectors in the common objective of improved

programme implementation (more effective use of limited resources). In 2004, the priority sectors will be education and community services, health, environment and crop production, as well as income generation. UNHCR will continue to mainstream reproductive health and HIV/AIDS-related activities. UNHCR will also undertake education on sexual and gender-based violence (SGBV).

UNHCR will contribute to local infrastructural improvements in refugee hosting areas through Quick Impact Projects (QIPs). These projects will ensure better services for refugees, and also promote and maintain good relations with the local populations.

Desired impact

Through the SRS, the Government of Uganda will provide refugees with adequate arable land to achieve substantial levels of self-sufficiency in food. The nutritional status



Refugees load and enter convoy truck in Kiryandongo. UNHCR / J. Hesemann

of the refugees in all settlements will be maintained at an acceptable level. Refugees will be in a position to pay for their health services, education, to look after the vulnerable members of their family, and to participate in social and economic activities in the same manner as Ugandan citizens.

Through the continued promotion of gender awareness, women will participate fully in economic and social activities and refugee committees. Their involvement in decision making will be actively encouraged. Refugee children will continue to have access to education. The high dropout rate among girls in the higher classes of primary schools will be addressed by means of a specific education campaign.

The involvement of development-oriented organisations and donors in SRS should help to enhance its contribution to the well-being of refugees.

Organisation and implementation

Management structure

UNHCR's operations in Uganda will be co-ordinated by the country office in Kampala, supported by sub-offices in Arua and Adjumani, a field office in Mbarara, and a satellite office in Hoima. The Uganda programme will be managed by a total of 93 staff members.

Co-ordination

UNHCR is a member of the United Nations Country Team under the leadership of the UN Resident Co-ordinator. The Office takes part in the preparation of CCA, the CAP and the UNDAF processes. UNHCR also maintains a close working relationship with government authorities, United Nations agencies (particularly WFP and UNICEF), and other national and international NGOs. Participation of Government, United Nations agencies and donors in the SRS Task Force will continue in 2004.

Regional policy guidelines were adopted at the strategy meeting in Addis Ababa in February 2003. Within this policy framework, the branch office in Kampala will continue to liaise with the Regional Technical Support Services (RTSS) in Nairobi and other UNHCR offices to ensure a co-ordinated approach to voluntary repatriation of Sudanese refugees in the event of a peace agreement.

Offices
Kampala
Arua
Hoima
Mbarara
Pakelle/Adjumani

Partners
Government agencies
District Community Department (Arua)
District Directorate of Health Services (Adjumani, Arua and Moyo districts)
District Education Office (Adjumani, Arua and Moyo districts)
District Forestry Office (Adjumani, Arua and Moyo districts)
Office of the Prime Minister
NGOs
African Development and Emergency Organisation
African Humanitarian Action
<i>Aktion Afrika Hilfe</i>
Danish Assistance to the Self-Reliance Strategy
Finnish Refugee Council
German Development Services
Hugh Pilkington Charitable Trust
Integrated Rural Development Initiatives
International Rescue Committee
Jesuit Refugee Services
Lutheran World Federation
Ockenden International
Transcultural Psycho-social Organisation
Uganda Micro-finance Union

Uganda

Budget (USD)	
Activities and services	Annual Programme
Protection, monitoring and co-ordination	2,219,869
Community services	350,677
Crop production	303,123
Domestic needs	336,959
Education	2,007,965
Fisheries	4,558
Forestry	453,581
Health	1,439,618
Income generation	70,852
Legal assistance	337,470
Livestock	46,981
Operational support (to agencies)	1,832,497
Sanitation	88,345
Shelter / other infrastructure	649,328
Transport / logistics	2,552,076
Water	223,870
Total Operations	12,917,769
Programme support	2,135,832
Total	15,053,601

Annex 18

U.N. Security Council, 4761th meeting, *Resolution 1483 (2003)*, U.N. Doc. S/RES/1483 (22 May 2003)

United Nations

S/RES/1483 (2003)

**Security Council**

Distr.: General

22 May 2003

Resolution 1483 (2003)**Adopted by the Security Council at its 4761st meeting, on
22 May 2003***The Security Council,**Recalling* all its previous relevant resolutions,*Reaffirming* the sovereignty and territorial integrity of Iraq,*Reaffirming also* the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,*Stressing* the right of the Iraqi people freely to determine their own political future and control their own natural resources, *welcoming* the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and *expressing* resolve that the day when Iraqis govern themselves must come quickly,*Encouraging* efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, *recalls* resolution 1325 (2000) of 31 October 2000,*Welcoming* the first steps of the Iraqi people in this regard, and *noting* in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,*Resolved* that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,*Noting* the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,*Welcoming also* the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,*Welcoming* the appointment by the Secretary-General of his Special Adviser on Iraq,

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Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

Stressing the need for respect for the archaeological, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments,

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

Noting further that other States that are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority,

Concerned that many Kuwaitis and Third-State Nationals still are not accounted for since 2 August 1990,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Appeals* to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;

2. *Calls upon* all Member States in a position to do so to respond immediately to the humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure;

3. *Appeals* to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;

4. *Calls upon* the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. *Calls upon* all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;

6. *Calls upon* the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, *directs* the High-Level Coordinator, in consultation with the

International Committee of the Red Cross and the Tripartite Commission and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and Third-State National missing persons and property;

7. *Decides* that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and *calls upon* the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;

8. *Requests* the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:

(a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;

(c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq;

(d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;

(f) encouraging international efforts to contribute to basic civilian administration functions;

(g) promoting the protection of human rights;

(h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and

(i) encouraging international efforts to promote legal and judicial reform;

9. *Supports* the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally

recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. *Decides* that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;

11. *Reaffirms* that Iraq must meet its disarmament obligations, *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and *underlines* the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;

12. *Notes* the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

13. *Notes further* that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. *Underlines* that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

15. *Calls upon* the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and *welcomes* the readiness of creditors, including those of the Paris Club, to seek a solution to Iraq's sovereign debt problems;

16. *Requests* also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the "Oil-for-Food" Programme (the "Programme"), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:

(a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives

designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4 (d) of resolution 1472 (2003);

(b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8 (d) of resolution 986 (1995) of 14 April 1995, identifying:

(i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) all known and projected costs associated with termination of the Programme;

(iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and

(iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;

(d) to consolidate into a single fund the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995);

(e) to fulfil all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), with those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);

(f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all

relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. *Requests further* that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and *decides* that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. *Decides* to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. *Decides* to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and *further decides* that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. *Decides* that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and *decides further* that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

21. *Decides further* that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;

22. *Noting* the relevance of the establishment of an internationally recognized, representative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, *further decides* that, until December 31, 2007, unless the Council decides otherwise, petroleum, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and

immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;

23. *Decides* that all Member States in which there are:

(a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or

(b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction,

shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and *decides further* that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;

24. *Requests* the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and *encourages* the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;

25. *Decides* to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary;

26. *Calls upon* Member States and international and regional organizations to contribute to the implementation of this resolution;

27. *Decides* to remain seized of this matter.

Annex 19

U.N. Security Council, *Letter dated 15 Oct. 2003 from the Chairman of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo addressed to the Secretary-General*, U.N. Doc. S/2003/1027 (23 Oct. 2003)

United Nations

S/2003/1027

**Security Council**Distr.: General
23 October 2003

Original: English

**Letter dated 23 October 2003 from the Secretary-General
addressed to the President of the Security Council**

I have the honour to refer to Security Council resolution 1457 (2003) of 24 January 2003, by which the Council renewed the mandate of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo for a period of six months. The Council requested the Panel to submit to it a final report at the end of its mandate. I also refer to resolution 1499 (2003) of 13 August 2003, by which the Council further extended the mandate of the panel until 31 October 2003.

I have the honour to transmit to you the final report of the Panel, which was submitted to me by its Chairman, Mahmoud Kassem. I should be grateful if you would bring the report to the attention of the members of the Security Council.

(Signed) Kofi A. **Annan**



Democratic Republic of the Congo, signed on 17 December 2002, and other subsequent and intervening peace agreements have also informed the Panel's work.

7. The Panel was composed as follows:

- Ambassador Mahmoud Kassem (Egypt), Chairman
- Mr. Andrew Danino (United Kingdom of Great Britain and Northern Ireland)
- Mr. Alf Görsjö (Sweden)
- Mr. Mel Holt (United States of America)
- Mr. Bruno Schiemy (Belgium)
- Mr. Ismaila Seck (Senegal).

8. Two part-time technical advisers, Mr. Christian Dietrich (United States of America) and Mr. Patrick Smith (United Kingdom of Great Britain and Northern Ireland), also served with the Panel. In addition, three political officers, an administrator, an archivist, a secretary and a security officer assisted the Panel.

II. Reactions to the Panel's last report

9. As Council members are aware, the publication of the annexes in the Panel's last report (S/2002/1146) created strong reactions by entities named therein. The annexes brought together two groups of companies and individuals. First, annexes I and II comprised individuals and companies that were involved in natural resource exploitation in a way which could be linked directly with funding the conflict and the resulting humanitarian and economic disaster in the Democratic Republic of the Congo. Many of the parties were either members of one of the elite networks described in the Panel's last report or enjoyed close business relations with them. Even where business activities involved the payment of taxes to rebel administrations and therefore might seem to be legitimate, none of those funds were used to benefit the communities in which mineral exploitation was occurring. Instead the taxes went to fund the elite network's military activities. Secondly, there were those parties that, while having only indirect commercial ties to the Democratic Republic of the Congo, still bore a responsibility to ensure that those links did not, albeit inadvertently, contribute to funding and perpetuating the conflict. They comprise annex III of that report.

10. A specific example is that of the export of the mineral columbo tantalite (coltan), from which the metal tantalum is extracted. Tantalum is used, inter alia, in the production of electronic components. In 1999 and 2000 a sharp increase in the world prices of tantalum occurred, leading to a large increase in coltan production in eastern Democratic Republic of the Congo. Part of that new production involved rebel groups and unscrupulous business people forcing farmers and their families to leave their agricultural land, or chasing people off land where coltan was found and forcing them to work in artisanal mines. As a result, the widespread destruction of agriculture and devastating social effects occurred, which in a number of instances were akin to slavery. While the processors of coltan and other Congolese minerals in Asia, Europe and North America may not have been aware of what was happening in the Democratic Republic of the Congo, the Panel's investigations uncovered such serious concerns that it was decided to raise the awareness of the international

Annex 20

U.N. Security Council, 4987th meeting, *Resolution 1546 (2004)*, U.N. Doc. S/RES/1546 (8 June 2004)

United Nations

S/RES/1546 (2004)

**Security Council**Distr.: General
8 June 2004

Resolution 1546 (2004)**Adopted by the Security Council at its 4987th meeting, on
8 June 2004**

The Security Council,

Welcoming the beginning of a new phase in Iraq's transition to a democratically elected government, and *looking forward* to the end of the occupation and the assumption of full responsibility and authority by a fully sovereign and independent Interim Government of Iraq by 30 June 2004,

Recalling all of its previous relevant resolutions on Iraq,

Reaffirming the independence, sovereignty, unity, and territorial integrity of Iraq,

Reaffirming also the right of the Iraqi people freely to determine their own political future and control their own natural resources,

Recognizing the importance of international support, particularly that of countries in the region, Iraq's neighbours, and regional organizations, for the people of Iraq in their efforts to achieve security and prosperity, and *noting* that the successful implementation of this resolution will contribute to regional stability,

Welcoming the efforts of the Special Adviser to the Secretary-General to assist the people of Iraq in achieving the formation of the Interim Government of Iraq, as set out in the letter of the Secretary-General of 7 June 2004 (S/2004/461),

Taking note of the dissolution of the Governing Council of Iraq, and *welcoming* the progress made in implementing the arrangements for Iraq's political transition referred to in resolution 1511 (2003) of 16 October 2003,

Welcoming the commitment of the Interim Government of Iraq to work towards a federal, democratic, pluralist, and unified Iraq, in which there is full respect for political and human rights,

Stressing the need for all parties to respect and protect Iraq's archaeological, historical, cultural, and religious heritage,

Affirming the importance of the rule of law, national reconciliation, respect for human rights including the rights of women, fundamental freedoms, and democracy including free and fair elections,

Recalling the establishment of the United Nations Assistance Mission for Iraq (UNAMI) on 14 August 2003, and *affirming* that the United Nations should play a leading role in assisting the Iraqi people and government in the formation of institutions for representative government,

Recognizing that international support for restoration of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and *welcoming* Member State contributions in this regard under resolution 1483 (2003) of 22 May 2003 and resolution 1511 (2003),

Recalling the report provided by the United States to the Security Council on 16 April 2004 on the efforts and progress made by the multinational force,

Recognizing the request conveyed in the letter of 5 June 2004 from the Prime Minister of the Interim Government of Iraq to the President of the Council, which is annexed to this resolution, to retain the presence of the multinational force,

Recognizing also the importance of the consent of the sovereign Government of Iraq for the presence of the multinational force and of close coordination between the multinational force and that government,

Welcoming the willingness of the multinational force to continue efforts to contribute to the maintenance of security and stability in Iraq in support of the political transition, especially for upcoming elections, and to provide security for the United Nations presence in Iraq, as described in the letter of 5 June 2004 from the United States Secretary of State to the President of the Council, which is annexed to this resolution,

Noting the commitment of all forces promoting the maintenance of security and stability in Iraq to act in accordance with international law, including obligations under international humanitarian law, and to cooperate with relevant international organizations,

Affirming the importance of international assistance in reconstruction and development of the Iraqi economy,

Recognizing the benefits to Iraq of the immunities and privileges enjoyed by Iraqi oil revenues and by the Development Fund for Iraq, and *noting* the importance of providing for continued disbursements of this fund by the Interim Government of Iraq and its successors upon dissolution of the Coalition Provisional Authority,

Determining that the situation in Iraq continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses* the formation of a sovereign Interim Government of Iraq, as presented on 1 June 2004, which will assume full responsibility and authority by 30 June 2004 for governing Iraq while refraining from taking any actions affecting Iraq's destiny beyond the limited interim period until an elected Transitional Government of Iraq assumes office as envisaged in paragraph four below;

2. *Welcomes* that, also by 30 June 2004, the occupation will end and the Coalition Provisional Authority will cease to exist, and that Iraq will reassert its full sovereignty;

3. *Reaffirms* the right of the Iraqi people freely to determine their own political future and to exercise full authority and control over their financial and natural resources;

4. *Endorses* the proposed timetable for Iraq's political transition to democratic government including:

(a) formation of the sovereign Interim Government of Iraq that will assume governing responsibility and authority by 30 June 2004;

(b) convening of a national conference reflecting the diversity of Iraqi society; and

(c) holding of direct democratic elections by 31 December 2004 if possible, and in no case later than 31 January 2005, to a Transitional National Assembly, which will, inter alia, have responsibility for forming a Transitional Government of Iraq and drafting a permanent constitution for Iraq leading to a constitutionally elected government by 31 December 2005;

5. *Invites* the Government of Iraq to consider how the convening of an international meeting could support the above process, and *notes* that it would welcome such a meeting to support the Iraqi political transition and Iraqi recovery, to the benefit of the Iraqi people and in the interest of stability in the region;

6. *Calls on* all Iraqis to implement these arrangements peaceably and in full, and on all States and relevant organizations to support such implementation;

7. *Decides* that in implementing, as circumstances permit, their mandate to assist the Iraqi people and government, the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq (UNAMI), as requested by the Government of Iraq, shall:

(a) play a leading role to:

(i) assist in the convening, during the month of July 2004, of a national conference to select a Consultative Council;

(ii) advise and support the Independent Electoral Commission of Iraq, as well as the Interim Government of Iraq and the Transitional National Assembly, on the process for holding elections;

(iii) promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq;

(b) and also:

(i) advise the Government of Iraq in the development of effective civil and social services;

(ii) contribute to the coordination and delivery of reconstruction, development, and humanitarian assistance;

(iii) promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq; and

(iv) advise and assist the Government of Iraq on initial planning for the eventual conduct of a comprehensive census;

8. *Welcomes* ongoing efforts by the incoming Interim Government of Iraq to develop Iraqi security forces including the Iraqi armed forces (hereinafter referred to as “Iraqi security forces”), operating under the authority of the Interim Government of Iraq and its successors, which will progressively play a greater role and ultimately assume full responsibility for the maintenance of security and stability in Iraq;

9. *Notes* that the presence of the multinational force in Iraq is at the request of the incoming Interim Government of Iraq and therefore *reaffirms* the authorization for the multinational force under unified command established under resolution 1511 (2003), having regard to the letters annexed to this resolution;

10. *Decides* that the multinational force shall have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution expressing, inter alia, the Iraqi request for the continued presence of the multinational force and setting out its tasks, including by preventing and deterring terrorism, so that, inter alia, the United Nations can fulfil its role in assisting the Iraqi people as outlined in paragraph seven above and the Iraqi people can implement freely and without intimidation the timetable and programme for the political process and benefit from reconstruction and rehabilitation activities;

11. *Welcomes*, in this regard, the letters annexed to this resolution stating, inter alia, that arrangements are being put in place to establish a security partnership between the sovereign Government of Iraq and the multinational force and to ensure coordination between the two, and *notes also* in this regard that Iraqi security forces are responsible to appropriate Iraqi ministers, that the Government of Iraq has authority to commit Iraqi security forces to the multinational force to engage in operations with it, and that the security structures described in the letters will serve as the fora for the Government of Iraq and the multinational force to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi security forces and the multinational force, through close coordination and consultation;

12. *Decides further* that the mandate for the multinational force shall be reviewed at the request of the Government of Iraq or twelve months from the date of this resolution, and that this mandate shall expire upon the completion of the political process set out in paragraph four above, and *declares* that it will terminate this mandate earlier if requested by the Government of Iraq;

13. *Notes* the intention, set out in the annexed letter from the United States Secretary of State, to create a distinct entity under unified command of the multinational force with a dedicated mission to provide security for the United Nations presence in Iraq, *recognizes* that the implementation of measures to provide security for staff members of the United Nations system working in Iraq would require significant resources, and *calls upon* Member States and relevant organizations to provide such resources, including contributions to that entity;

14. *Recognizes* that the multinational force will also assist in building the capability of the Iraqi security forces and institutions, through a programme of recruitment, training, equipping, mentoring, and monitoring;

15. *Requests* Member States and international and regional organizations to contribute assistance to the multinational force, including military forces, as agreed with the Government of Iraq, to help meet the needs of the Iraqi people for security and stability, humanitarian and reconstruction assistance, and to support the efforts of UNAMI;

16. *Emphasizes* the importance of developing effective Iraqi police, border enforcement, and the Facilities Protection Service, under the control of the Interior Ministry of Iraq, and, in the case of the Facilities Protection Service, other Iraqi ministries, for the maintenance of law, order, and security, including combating terrorism, and *requests* Member States and international organizations to assist the Government of Iraq in building the capability of these Iraqi institutions;

17. *Condemns* all acts of terrorism in Iraq, *reaffirms* the obligations of Member States under resolutions 1373 (2001) of 28 September 2001, 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, and 1526 (2004) of 30 January 2004, and other relevant international obligations with respect, inter alia, to terrorist activities in and from Iraq or against its citizens, and specifically *reiterates* its call upon Member States to prevent the transit of terrorists to and from Iraq, arms for terrorists, and financing that would support terrorists, and *re-emphasizes* the importance of strengthening the cooperation of the countries of the region, particularly neighbours of Iraq, in this regard;

18. *Recognizes* that the Interim Government of Iraq will assume the primary role in coordinating international assistance to Iraq;

19. *Welcomes* efforts by Member States and international organizations to respond in support of requests by the Interim Government of Iraq to provide technical and expert assistance while Iraq is rebuilding administrative capacity;

20. *Reiterates* its request that Member States, international financial institutions and other organizations strengthen their efforts to assist the people of Iraq in the reconstruction and development of the Iraqi economy, including by providing international experts and necessary resources through a coordinated programme of donor assistance;

21. *Decides* that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of this resolution, *stresses* the importance for all States to abide strictly by them, and *notes* the significance of Iraq's neighbours in this regard, and *calls upon* the Government of Iraq and the multinational force each to ensure that appropriate implementation procedures are in place;

22. *Notes* that nothing in the preceding paragraph affects the prohibitions on or obligations of States related to items specified in paragraphs 8 and 12 of resolution 687 (1991) of 3 April 1991 or activities described in paragraph 3 (f) of resolution 707 (1991) of 15 August 1991, and *reaffirms* its intention to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency;

23. *Calls on* Member States and international organizations to respond to Iraqi requests to assist Iraqi efforts to integrate Iraqi veterans and former militia members into Iraqi society;

24. *Notes* that, upon dissolution of the Coalition Provisional Authority, the funds in the Development Fund for Iraq shall be disbursed solely at the direction of the Government of Iraq, and *decides* that the Development Fund for Iraq shall be utilized in a transparent and equitable manner and through the Iraqi budget including to satisfy outstanding obligations against the Development Fund for Iraq, that the arrangements for the depositing of proceeds from export sales of petroleum, petroleum products, and natural gas established in paragraph 20 of resolution 1483 (2003) shall continue to apply, that the International Advisory and Monitoring Board shall continue its activities in monitoring the Development Fund for Iraq and shall include as an additional full voting member a duly qualified individual designated by the Government of Iraq and that appropriate arrangements shall be made for the continuation of deposits of the proceeds referred to in paragraph 21 of resolution 1483 (2003);

25. *Decides further* that the provisions in the above paragraph for the deposit of proceeds into the Development Fund for Iraq and for the role of the IAMB shall be reviewed at the request of the Transitional Government of Iraq or twelve months from the date of this resolution, and shall expire upon the completion of the political process set out in paragraph four above;

26. *Decides* that, in connection with the dissolution of the Coalition Provisional Authority, the Interim Government of Iraq and its successors shall assume the rights, responsibilities and obligations relating to the Oil-for-Food Programme that were transferred to the Authority, including all operational responsibility for the Programme and any obligations undertaken by the Authority in connection with such responsibility, and responsibility for ensuring independently authenticated confirmation that goods have been delivered, and *further decides* that, following a 120-day transition period from the date of adoption of this resolution, the Interim Government of Iraq and its successors shall assume responsibility for certifying delivery of goods under previously prioritized contracts, and that such certification shall be deemed to constitute the independent authentication required for the release of funds associated with such contracts, consulting as appropriate to ensure the smooth implementation of these arrangements;

27. *Further decides* that the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply, except that the privileges and immunities provided in that paragraph shall not apply with respect to any final judgement arising out of a contractual obligation entered into by Iraq after 30 June 2004;

28. *Welcomes* the commitments of many creditors, including those of the Paris Club, to identify ways to reduce substantially Iraq's sovereign debt, *calls on* Member States, as well as international and regional organizations, to support the Iraq reconstruction effort, *urges* the international financial institutions and bilateral donors to take the immediate steps necessary to provide their full range of loans and other financial assistance and arrangements to Iraq, *recognizes* that the Interim Government of Iraq will have the authority to conclude and implement such agreements and other arrangements as may be necessary in this regard, and *requests* creditors, institutions and donors to work as a priority on these matters with the Interim Government of Iraq and its successors;

29. *Recalls* the continuing obligations of Member States to freeze and transfer certain funds, assets, and economic resources to the Development Fund for Iraq in accordance with paragraphs 19 and 23 of resolution 1483 (2003) and with resolution 1518 (2003) of 24 November 2003;

30. *Requests* the Secretary-General to report to the Council within three months from the date of this resolution on UNAMI operations in Iraq, and on a quarterly basis thereafter on the progress made towards national elections and fulfilment of all UNAMI's responsibilities;

31. *Requests* that the United States, on behalf of the multinational force, report to the Council within three months from the date of this resolution on the efforts and progress of this force, and on a quarterly basis thereafter;

32. *Decides* to remain actively seized of the matter.

Annex

Text of letters from the Prime Minister of the Interim Government of Iraq Dr. Ayad Allawi and United States Secretary of State Colin L. Powell to the President of the Council

5 June 2004

Republic of Iraq
Prime Minister Office

Excellency:

On my appointment as Prime Minister of the Interim Government of Iraq, I am writing to express the commitment of the people of Iraq to complete the political transition process to establish a free, and democratic Iraq and to be a partner in preventing and combating terrorism. As we enter a critical new stage, regain full sovereignty and move towards elections, we will need the assistance of the international community.

The Interim Government of Iraq will make every effort to ensure that these elections are fully democratic, free and fair. Security and stability continue to be essential to our political transition. There continue, however, to be forces in Iraq, including foreign elements, that are opposed to our transition to peace, democracy, and security. The Government is determined to overcome these forces, and to develop security forces capable of providing adequate security for the Iraqi people. Until we are able to provide security for ourselves, including the defence of Iraq's land, sea and air space, we ask for the support of the Security Council and the international community in this endeavour. We seek a new resolution on the Multinational Force (MNF) mandate to contribute to maintaining security in Iraq, including through the tasks and arrangements set out in the letter from Secretary of State Colin Powell to the President of the United Nations Security Council. The Government requests that the Security Council review the mandate of the MNF at the request of the Transitional Government of Iraq, or twelve months from the date on which such a resolution is adopted.

In order to discharge the Iraqi Government's responsibility for security, I intend to establish appropriate security structures that will allow my Government and Iraqi security forces to progressively take on that responsibility. One such structure is the Ministerial Committee for National Security, consisting of myself as the Chair, the Deputy Prime Minister, and the Minister of Defense, Interior, Foreign Affairs, Justice, and Finance. The National Security Advisor, and Director of the Iraqi National Intelligence Service will serve as permanent advisory members of the committee. This forum will set the broad framework for Iraqi security policy. I intend to invite, as appropriate, the MNF commander, his Deputy, or the MNF

His Excellency
Mr. Lauro L. Baja, Jr.
President of the Security Council
United Nations
New York, New York

Commander's designative representative, and other appropriate individuals, to attend and participate as well, and will stand ready to discuss mechanisms of coordination and cooperation with the MNF. Iraqi armed forces will be responsible to the Chief of Staff and Minister of Defense. Other security forces (the Iraqi police, border guards and Facilities Protection Service) will be responsible to the Minister of the Interior or other government ministers.

In addition, the relevant ministers and I will develop further mechanisms for coordination with the MNF. Intend to create with the MNF coordination bodies at national, regional, and local levels, that will include Iraqi security forces commanders and civilian leadership, to ensure that Iraqi security forces will coordinate with the MNF on all security policy and operations issues in order to achieve unity of command of military operations in which Iraqi forces are engaged with MNF. In addition, the MNF and Iraqi government leaders will keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources and facilities, will share intelligence, and will refer issues up the respective chains of command where necessary, Iraqi security forces will take on progressively greater responsibility as Iraqi capabilities improve.

The structures I have described in this letter will serve as the fora for the MNF and the Iraqi government to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between Iraqi forces and the MNF, through close coordination and consultation. Since these are sensitive issues for a number of sovereign governments, including Iraq and the United States, they need to be resolved in the framework of a mutual understanding on our strategic partnership. We will be working closely with the MNF leadership in the coming weeks to ensure that we have such an agreed strategic framework.

We are ready to take sovereign responsibility for governing Iraq by June 30. We are well aware of the difficulties facing us, and of our responsibilities to the Iraqi people. The stakes are great, and we need the support of the international community to succeed. We ask the Security Council to help us by acting now to adopt a Security Council resolution giving us necessary support.

I understand that the Co-sponsors intend to annex this letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of this letter to members of the Council as quickly as possible.

(Signed) Dr. Ayad Allawi

S/RES/1546 (2004)

The Secretary of State
Washington

5 June 2004

Excellency:

Recognizing the request of the government of Iraq for the continued presence of the Multi-National Force (MNF) in Iraq, and following consultations with Prime Minister Ayad Allawi of the Iraqi Interim Government, I am writing to confirm that the MNF under unified command is prepared to continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq. The goal of the MNF will be to help the Iraqi people to complete the political transition and will permit the United Nations and the international community to work to facilitate Iraq's reconstruction.

The ability of the Iraqi people to achieve their goals will be heavily influenced by the security situation in Iraq. As recent events have demonstrated, continuing attacks by insurgents, including former regime elements, foreign fighters, and illegal militias challenge all those who are working for a better Iraq.

Development of an effective and cooperative security partnership between the MNF and the sovereign Government of Iraq is critical to the stability of Iraq. The commander of the MNF will work in partnership with the sovereign Government of Iraq in helping to provide security while recognizing and respecting its sovereignty. To that end, the MNF stands ready to participate in discussions of the Ministerial Committee for National Security on the broad framework of security policy, as referred to in the letter from Prime Minister of the Interim Government of Iraq Allawi dated June 5, 2004. On the implementation of this policy, recognizing that Iraqi security forces are responsible to the appropriate Iraqi ministers, the MNF will coordinate with Iraqi security forces at all levels — national, regional, and local — in order to achieve unity of command of military operations in which Iraqi forces are engaged with the MNF. In addition, the MNF and the Iraqi government leaders will keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources, and facilities, will share intelligence, and will refer issues up the respective chains of command where necessary. We will work in the fora described by Prime Minister Allawi in his June 5 letter to reach agreement on the full range of fundamental security and policy issues, including policy on sensitive offensive operations, and will ensure full partnership between MNF and Iraqi forces, through close coordination and consultation.

His Excellency
Mr. Lauro L. Baja, Jr.
President of the Security Council
United Nations
New York, New York

Under the agreed arrangement, the MNF stands ready to continue to undertake a broad range of tasks to contribute to the maintenance of security and to ensure force protection. These include activities necessary to counter ongoing security threats posed by forces seeking to influence Iraq's political future through violence. This will include combat operations against members of these groups, internment where this is necessary for imperative reasons of security, and the continued search for and securing of weapons that threaten Iraq's security. A further objective will be to train and equip Iraqi security forces that will increasingly take responsibility for maintaining Iraq's security. The MNF also stands ready as needed to participate in the provision of humanitarian assistance, civil affairs support, and relief and reconstruction assistance requested by the Iraqi Interim Government and in line with previous Security Council Resolutions.

In addition, the MNF is prepared to establish or support a force within the MNF to provide for the security of personnel and facilities of the United Nations. We have consulted closely with UN officials regarding the United Nations' security requirements and believe that a brigade-size force will be needed to support the United Nations' security effort. This force will be under the command and control of the MNF commander, and its missions will include static and perimeter security at UN facilities, and convoy escort duties for the UN mission's travel requirements.

In order to continue to contribute to security, the MNF must continue to function under a framework that affords the force and its personnel the status that they need to accomplish their mission, and in which the contributing states have responsibility for exercising jurisdiction over their personnel and which will ensure arrangements for, and use of assets by, the MNF. The existing framework governing these matters is sufficient for these purposes. In addition, the forces that make up the MNF are and will remain committed at all times to act consistently with their obligations under the law of armed conflict, including the Geneva Conventions.

The MNF is prepared to continue to pursue its current efforts to assist in providing a secure environment in which the broader international community is able to fulfil its important role in facilitating Iraq's reconstruction. In meeting these responsibilities in the period ahead, we will act in full recognition of and respect for Iraqi sovereignty. We look to other member states and international and regional organizations to assist the people of Iraq and the sovereign Iraqi government in overcoming the challenges that lie ahead to build a democratic, secure and prosperous country.

The co-sponsors intend to annex this letter to the resolution on Iraq under consideration. In the meantime, I request that you provide copies of this letter to members of the Council as quickly as possible.

Sincerely,
(Signed) Colin L. Powell

Annex 21

U.N. General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, U.N. Doc. A/RES/60/147 (21 Mar. 2006)



General Assembly

Distr.: General
21 March 2006

Sixtieth session
Agenda item 71 (a)

Resolution adopted by the General Assembly on 16 December 2005

[on the report of the Third Committee (A/60/509/Add.1)]

60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights,² other relevant human rights instruments and the Vienna Declaration and Programme of Action,³

Affirming the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

Recognizing that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

Recalling the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005⁴ and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines,

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ A/CONF.157/24 (Part I), chap. III.

⁴ See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

2. *Recommends* that States take the Basic Principles and Guidelines into account, promote respect thereof and bring them to the attention of members of the executive bodies of government, in particular law enforcement officials and military and security forces, legislative bodies, the judiciary, victims and their representatives, human rights defenders and lawyers, the media and the public in general;

3. *Requests* the Secretary-General to take steps to ensure the widest possible dissemination of the Basic Principles and Guidelines in all the official languages of the United Nations, including by transmitting them to Governments and intergovernmental and non-governmental organizations and by including the Basic Principles and Guidelines in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.

64th plenary meeting
16 December 2005

Annex

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

Preamble

The General Assembly,

Recalling the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular article 8 of the Universal Declaration of Human Rights,¹ article 2 of the International Covenant on Civil and Political Rights,² article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination,⁵ article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁶ and article 39 of the Convention on the Rights of the Child,⁷ and of international humanitarian law as found in article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV),⁸ article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,⁹ and articles 68 and 75 of the Rome Statute of the International Criminal Court,¹⁰

⁵ Resolution 2106 A (XX), annex.

⁶ United Nations, *Treaty Series*, vol. 1465, No. 24841.

⁷ *Ibid.*, vol. 1577, No. 27531.

⁸ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

⁹ United Nations, *Treaty Series*, vol. 1125, No. 17512.

¹⁰ *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Recalling the provisions providing a right to a remedy for victims of violations of international human rights found in regional conventions, in particular article 7 of the African Charter on Human and Peoples' Rights,¹¹ article 25 of the American Convention on Human Rights,¹² and article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms,¹³

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanating from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and General Assembly resolution 40/34 of 29 November 1985 by which the Assembly adopted the text recommended by the Congress,

Reaffirming the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims,

Noting that the Rome Statute of the International Criminal Court requires the establishment of "principles relating to reparations to, or in respect of, victims, including restitution, compensation and rehabilitation", requires the Assembly of States Parties to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, and mandates the Court "to protect the safety, physical and psychological well-being, dignity and privacy of victims" and to permit the participation of victims at all "stages of the proceedings determined to be appropriate by the Court",

Affirming that the Basic Principles and Guidelines contained herein are directed at gross violations of international human rights law and serious violations of international humanitarian law which, by their very grave nature, constitute an affront to human dignity,

Emphasizing that the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms,

Recalling that international law contains the obligation to prosecute perpetrators of certain international crimes in accordance with international obligations of States and the requirements of national law or as provided for in the applicable statutes of international judicial organs, and that the duty to prosecute reinforces the international legal obligations to be carried out in accordance with national legal requirements and procedures and supports the concept of complementarity,

¹¹ United Nations, *Treaty Series*, vol. 1520, No. 26363.

¹² *Ibid.*, vol. 1144, No. 17955.

¹³ *Ibid.*, vol. 213, No. 2889.

Noting that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,

Recognizing that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,

Convinced that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law, as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,

Adopts the following Basic Principles and Guidelines:

I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law

1. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law emanates from:

- (a) Treaties to which a State is a party;
- (b) Customary international law;
- (c) The domestic law of each State.

2. If they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by:

(a) Incorporating norms of international human rights law and international humanitarian law into their domestic law, or otherwise implementing them in their domestic legal system;

(b) Adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;

(c) Making available adequate, effective, prompt and appropriate remedies, including reparation, as defined below;

(d) Ensuring that their domestic law provides at least the same level of protection for victims as that required by their international obligations.

II. Scope of the obligation

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

(a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;

(b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;

(c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation; and

(d) Provide effective remedies to victims, including reparation, as described below.

III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

5. To that end, where so provided in an applicable treaty or under other international law obligations, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction. Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

IV. Statutes of limitations

6. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law.

7. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

V. Victims of gross violations of international human rights law and serious violations of international humanitarian law

8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term “victim” also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

VI. Treatment of victims

10. Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.

VII. Victims' right to remedies

11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:

- (a) Equal and effective access to justice;
- (b) Adequate, effective and prompt reparation for harm suffered;
- (c) Access to relevant information concerning violations and reparation mechanisms.

VIII. Access to justice

12. A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected in domestic laws. To that end, States should:

(a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;

(b) Take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims;

(c) Provide proper assistance to victims seeking access to justice;

(d) Make available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law.

13. In addition to individual access to justice, States should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation, as appropriate.

14. An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

IX. Reparation for harm suffered

15. Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

16. States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.

17. States shall, with respect to claims by victims, enforce domestic judgements for reparation against individuals or entities liable for the harm suffered and endeavour to enforce valid foreign legal judgements for reparation in accordance with domestic law and international legal obligations. To that end, States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgements.

18. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- (a) Physical or mental harm;
- (b) Lost opportunities, including employment, education and social benefits;
- (c) Material damages and loss of earnings, including loss of earning potential;
- (d) Moral damage;

(e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21. *Rehabilitation* should include medical and psychological care as well as legal and social services.

22. *Satisfaction* should include, where applicable, any or all of the following:

(a) Effective measures aimed at the cessation of continuing violations;

(b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;

(c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;

(d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;

(e) Public apology, including acknowledgement of the facts and acceptance of responsibility;

(f) Judicial and administrative sanctions against persons liable for the violations;

(g) Commemorations and tributes to the victims;

(h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

23. *Guarantees of non-repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:

(a) Ensuring effective civilian control of military and security forces;

(b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;

(c) Strengthening the independence of the judiciary;

(d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;

(e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;

(f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;

(g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;

(h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

X. Access to relevant information concerning violations and reparation mechanisms

24. States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

XI. Non-discrimination

25. The application and interpretation of these Basic Principles and Guidelines must be consistent with international human rights law and international humanitarian law and be without any discrimination of any kind or on any ground, without exception.

XII. Non-derogation

26. Nothing in these Basic Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Basic Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Basic Principles and Guidelines are without prejudice to special rules of international law.

XIII. Rights of others

27. Nothing in this document is to be construed as derogating from internationally or nationally protected rights of others, in particular the right of an accused person to benefit from applicable standards of due process.

Annex 22

U.N. Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Combined second, third, fourth and fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant, Democratic Republic of the Congo*, U.N. Doc. E/C.12/COD/5 (14 Aug. 2007)

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Implementation of the International Covenational Archives of the Congo Cultural Rights

**Combined second, third, fourth and fifth periodic reports
submitted by States parties under articles 16 and 17 of the
Covenant**

Democratic Republic of the Congo*

[14 August 2007]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

Article 6

57. The problem of labour and employment in the DRC has been acute since the time of economic crisis and armed conflicts. According to the Poverty Reduction Strategy Paper (Ministry of Planning, PRSP, February 2004, page 38), it is employment that has been the most seriously affected by the difficulties facing the State, made worse by poor management of public enterprises and the lack of a partnership policy to encourage investment.

58. In 2000, 2% of the total population (4% of the workforce and 8% of the male workforce) was employed, compared to 8%, 18% and 35% respectively in 1958. The social and political crisis of the 1990s, combined with armed conflicts, merely precipitated this negative trend, which has had a lasting impact on employment and on vocational training. The crisis is one of the main causes of the extremely difficult social situation, as a result of which urban unemployment has been exacerbated and an informal sector has emerged.

59. The employment situation in the DRC can be appreciated from the occupational status of the working age population (15 to 64 years). Fifty-seven percent of these people are engaged in an economic activity, i.e. they devote the greatest portion of their time to it even if they exercise other activities: employees, self-employed workers, and agricultural workers (MICS2/2001, pp. 41 and 42).

60. Most workers are engaged in the agriculture sector (41%): farming, fishing, livestock, hunting, for agriculture constitutes the primary employment sector in the country. The proportion is 56% in rural areas versus 10% in the cities.

61. Employed workers represent 7%: this low proportion indicates the collapse of modern employment in the DRC. The employee portion of the workforce was 8% in 1958, falling to 2% in 1997, as a result of:

- (a) lack of measures to encourage domestic or foreign investors to create jobs;
- (b) the constraints imposed by structural adjustment programmes, as a result of which thousands of workers became unemployed or actually left the workforce;
- (c) the looting episodes of 1991 and 1993, which led to the elimination of many jobs, and the war, which destroyed the little infrastructure remaining in the affected areas, reducing employment opportunities.

62. Self-employed persons (those not working for wages or salary) account for 9%, reflecting the predominance of the informal sector which has sprung up in urban areas and which now accounts for millions of people, including young school graduates who are unable to find formal employment, those who pursue informal activities to supplement their wages, and those who pursue such activities for enrichment (MICS2/2001, p. 42).

63. With respect to female employment, it must be noted that male employees outnumber female employees by 4 to 1 (12% versus 3%). The gap is lower in the case of self-employed workers, where the male/female ratio is 2 to 1. Women are engaged primarily in agriculture and in the informal sector.

64. In agriculture, women are more numerous (53.8%) than in wage-earning jobs (2.8%), for agriculture constitutes the primary employment sector in the country and

E/C.12/COD/5*

110. The following table illustrates the trend in the average wage and the minimum wage in relation to the cost of living between 1990 and 1997:

ITEMS	1990	1991	1992	1993	1994	1995	1996	1997
Average market price indices (IRES)	100	1 916	86 244,3	1 757 917,3	419 491 562,2	1 972 868 817,0	16 826 898 140	16 759 291 747,4
PRIVATE SECTOR								
Nominal wage index	100	235,7	48 653,9	104 940,3	145 836,8	8 480 559,4	8 480 559,4	133,4
Real wage index	100	17,0	56,4	6,0	0,0	0,4	0,1	0,0
PUBLIC ADMINISTRATION								
Nominal wage index	100	4 925,3	33 434,6	435 716,8	83 982 249,4	157 358 790,9	157 350 970,9	25 477 712 102,0
Real wage index	100	257,0	38,8	24,8	20,0	8,0	1,0	5 871,0
LEGAL MINIMUM SALARY								
Nominal wage index	100	2 224,8	18 471,3	2 254 777,1	43 949 44,6	80 254 777	80 254 777,1	0 254 777,1
Real wage index	100	116,1	21,4	14,5	10,4	4,1	0,5	0,5

Source: *Études de la Banque centrale du Congo, 1997 Conjoncture économique*, p. 4.12, point 4.2.2.

111. The level of income per capita per day, which was US\$1.31 in 1973, fell to US\$0.91 in 1974 and to US\$0.30 in 1998. In 2004, it was estimated at less than US\$0.20 per person per day, or \$73 per year (Ministry of Planning, Poverty Reduction Strategy Document, February 2004, p. 11, point 2.2, § 23 and p.5 §3), but UNICEF, in its 2007 programme document for the DRC, estimates annual per capita income at US\$120.

112. Observance of the SMIG is not effectively enforced by the responsible labour inspection offices, because of the shortage of inspectors. Efforts are now underway to strengthen the material and human resources of these offices.

113. The principle of equal pay is governed in the DRC by article 86 of the Labour Code, which provides that where working conditions, vocational qualifications and performance are equal, the salary shall be equal for all workers, regardless of their origin, sex or age.

114. On this point, we may note that in the DRC there is no discrimination between the sexes, for wages are paid according to occupational category and not according to performance. The classification of jobs, which ranges from labourer to supervisor, contains a wage scale of 1 to 10.

115. Breaches of the principle of "equal pay for equal work" are punishable by a fine of 20,000 constant francs for each worker concerned, but the fine may not exceed 50 times the maximum rates set in article 328 of the Labour Code.

116. Minimum health and hygiene standards in the workplace are set by articles 160, 163, 167 and 170 of the Labour Code, Title VII of which is devoted to workplace health and safety. These provisions cover all fields of work and are mandatory. They are supplemented by ministerial decrees. The labour inspection office is responsible for enforcing them.

117. With respect to equal opportunities for promotion, the Constitution (article 36.3) declares that no one may be prejudiced in his or her work by reason of origin, sex, opinions or beliefs, or socioeconomic conditions. Thus there is no group of workers not enjoying equal promotion opportunities, whether they are

Annex 23

U.N. Security Council, 6058th meeting, *Statement by the President of the Security Council*, U.N.
Doc. S/PRST/48 (22 Dec. 2008)

United Nations

S/PRST/2008/48



Security Council

Distr.: General
22 December 2008

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Statement by the President of the Security Council

At the 6058th meeting of the Security Council, held on 22 December 2008, in connection with the Council's consideration of the item entitled "The situation in the Great Lakes region", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council is grateful for the efforts undertaken by His Excellency Mr. Joaquim Chissano, former President of Mozambique, as the Secretary-General's Special Envoy for the Lord's Resistance Army (LRA)-affected areas. The Council expresses its appreciation for his briefing of 17 December 2008, and agrees with his recommendation that the peace efforts should continue. The Council welcomes President Chissano's readiness to continue in his role for a further period.

"The Security Council reiterates its welcome for the Final Peace Agreement (FPA), negotiated between the Government of Uganda and the LRA, and reached through the Juba Peace Process. The Council commends the Government of Uganda for its continued commitment to the FPA and its investment in the peace process.

"The Security Council condemns the repeated failure of Joseph Kony to sign the FPA. It calls upon the LRA to sign and honour the FPA immediately and to begin the process of Disarmament, Demobilization and Reintegration to ensure a peaceful, political solution.

"The Security Council strongly condemns the recent attacks by the LRA in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security. It demands that the LRA cease its recruitment and use of children and that it release immediately all women, children and other non-combatants, in accordance with Security Council resolution 1612 (2005). The Council reiterates its deep concern at the long-running and brutal insurgency by the LRA which has caused the death, abduction and displacement of thousands of innocent civilians in Uganda, the Sudan and the Democratic Republic of the Congo.

"The Security Council recalls the International Criminal Court arrest warrants for certain LRA leaders on charges of, among other things, war crimes and crimes against humanity, including murder, rape and the enlistment of children through abduction. The Council recalls its statement of June 2006 (PRST/2006/28), and reaffirms that it attaches vital importance to promoting



justice and the rule of law, including respect for human rights, as an indispensable element for lasting peace. The Council reaffirms that ending impunity is essential for a society recovering from conflict to come to terms with past abuses committed against civilians and to prevent their recurrence.

“The Security Council commends the States in the region for their increased cooperation, and welcomes the joint efforts they have made to address the security threat posed by the LRA. The Council calls upon these States to ensure that all actions are carried out in accordance with international humanitarian, human rights and refugee law and to take appropriate measures to protect civilians. The Council encourages these States to keep the United Nations missions in the region informed about their actions.

“The Security Council welcomes the re-establishment of peace and security in northern Uganda. It encourages the Government of Uganda, with the support of international partners, to honour its commitment to accelerate reconciliation, recovery and development in that region through rapid implementation of its Peace, Recovery and Development Plan (PRDP) and relevant Agenda items in the FPA and to disburse anticipated financing for the PRDP without delay.

“The Security Council will continue to monitor the situation closely.”

Annex 24

D. Nthengwe, ed. L. Dobbs, U.N.H.C.R., *30,000 Congolese flee to escape fresh conflict in Ituri district* (7 Apr. 2009)

30,000 Congolese flee to escape fresh conf in Ituri district

Renewed fighting between two rival militia groups in the Ituri district of north-east Congo drives more than 30,000 Congolese civilians from their homes.

By David Nthengwe, ed. Leo Dobbs | 07 April 2009 | [Français](#)



Displaced people north of Dungen in the Democratic Republic of the Congo's Orientale province. © UNHCR/S.Schulman

BUNIA, Democratic Republic of the Congo, April 7 (UNHCR) - The UN refugee agency said Tuesday that renewed fighting between rival militia groups in the north-eastern Democratic Republic of the Congo (DRC) has driven more than 30,000 Congolese from their homes.

On March 31, the Popular Front for Justice in the Congo (FPJC) attacked Tcheyi, Bavi and Songolo villages in the Irumu area of Ituri district, which is located in DRC's Orientale province. Two days later, the self-styled Revolutionary Front for Peace in the Ituri (FPRI) launched a counter attack to retake Bavi.

The FPJC splintered from the FPRI last September and carried out a number of attacks, which led to displacement and human suffering in the area. The FPRI has refused to participate in the peace process in the DRC and has been blamed for major human rights violations in Ituri district.

The displaced have fled to Nyakunde and Marabo and are also located along the road leading to Kagaba, Chikede, Geti and Aveba, some 50-70 kilometres south of the Ituri capital of Bunia. Many of the newly displaced include people who were uprooted in raids mounted by the FPRI in 2006 in Ituri district and who were assisted to return to their homes by UNHCR in late 2006.

The latest flare-up threatens to reverse the considerable progress made in the repatriation and resettlement of thousands of Congolese affected by previous conflicts in the area.

Meanwhile, UNHCR on Tuesday urged donors to help provide aid to internally displaced people, host families and returnees in Haut-Uele, another troubled district of Orientale. Thousands fled their homes in the district, which lies immediately to the north of Ituri, to escape attacks since last September by Uganda's rebel Lord's Resistance Army (LRA).

But some people have been returning home while UNHCR teams have since the end of last month managed to access villages north of the district capital of Dungen which the LRA had previously attacked, including Kiliwa, Limai, Taduru and Duru. They found destitute people in need of urgent assistance.

"Assistance should target everybody - the returning, displaced and host families - since they are all in the same state of need," said Karl Steinacker, who is the coordinator of UNHCR operations in eastern DRC.

In Duru, UNHCR staff members found 1,400 displaced people sharing their meagre resources with some 1,200 locals. About 1,100 people have returned to their villages around Duru, but are in poor health and in urgent need of relief assistance.

People in need were also found last week in the town of Faradje and the village of Kiliwa, where people had almost nothing. On Monday, a UNHCR team visited Taduru, 20 kilometres north-west of Dungen, and found semi-naked men, women and children sleeping under loose palm leaves. Many were ill and in need of medicine.



A displaced octogenarian woman writhes in pain in the town of Taduru, Haut-Uele district. She needs medicine. © UNHCR/D.Nthengwe

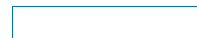
But UNHCR also found that many people were returning home: about 12,000 people had gone back to Faradje, or about 70 percent of the population, while some had returned to Kiliwa, 45 km north of Dungu. But they were returning to scenes of devastation, with houses burned down, fields left idle for months and water sources tainted.

UNHCR and other agencies have provided some help, including shelter materials and food, but much more needs to be done - and soon - because the rainy season is approaching.

But the overall situation in Haut-Uele remains tense and most of the estimated 180,000 internally displaced people are not ready to return home. Fighting continues in the Duru area and one man was killed there on March 29. Some people continue to flee their homes - about 200 people fled to Faradje last week to escape LRA attacks.

"It's a province that has never known real peace," said a Catholic priest in Dungu, lamenting the violence that has long plagued Orientale.

By David Nthengwe in Bunia, Democratic Republic of the Congo



Annex 25

U.N. Human Rights, Office of the High Commissioner, *Democratic Republic of the Congo, 1993-2003: Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003* (Aug. 2010)

Unofficial translation from French original

DEMOCRATIC REPUBLIC OF THE CONGO, 1993–2003

Report of the Mapping Exercise documenting the most serious violations of human rights
and international humanitarian law committed within the territory of the Democratic
Republic of the Congo between March 1993 and June 2003

August 2010



Unofficial translation from French original

Foreword

This report is the result of interviews with several hundred interlocutors, both Congolese and foreign, who witnessed atrocities in the country: it substantiates their accounts and reflects their aspirations for justice. No report however, can adequately describe the horrors experienced by the civilian population in Zaire, now the Democratic Republic of the Congo (DRC), where almost every single individual has an experience to narrate of suffering and loss. In some cases, victims became perpetrators, while perpetrators were themselves sometimes subjected to serious violations of human rights and international humanitarian law, in a cycle of violence that has not yet abated. The report is intended to be representative of the grave acts of violence that affected – directly or indirectly – a vast number of people living in the DRC. While it neither aims to establish individual responsibility, nor lay blame, the report – in full candour – reproduces the often shocking accounts by victims and witnesses of the tragedies they experienced. The report is intended as a first step towards the sometimes painful but nonetheless essential process of truth-telling after violent conflict.

This report makes an assessment of the justice system in the DRC, based on insights from various stakeholders in the justice sector, including those who were victims of its shortcomings. It presents a number of options to be considered by both Congolese and international actors in the difficult task of reforming the justice system, which faces multiple challenges. It calls for renewed Government commitment to ensure that justice becomes one of the fundamental pillars of Congolese democracy. Lastly, it looks to the future by identifying a number of paths that could be pursued by Congolese society to come to terms with its past, to fight impunity, and to face its contemporary challenges in a manner that prevents the re-occurrence of such atrocities.

Through their testimonies in this report, the Congolese people have demonstrated their commitment to truth and to justice. The ultimate impact of this project will depend on follow-up actions by the Government and the people of the DRC. While the primary responsibility to define and implement an approach to transitional justice lies with the Government and the people of the DRC, they deserve the support of the international community in this endeavour. The Office of the United Nations High Commissioner for Human Rights will remain a committed partner of the Democratic Republic of the Congo in the important quest for truly sustainable peace.

Navanethem Pillay
United Nations High Commissioner for Human Rights

Unofficial translation from French original

- Conduct a mapping exercise of the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003.
- Assess the existing capacities within the national justice system to deal appropriately with such human rights violations that may be uncovered.
- Formulate a series of options aimed at assisting the Government of the DRC in identifying appropriate transitional justice mechanisms to deal with the legacy of these violations, in terms of truth, justice, reparation and reform, taking into account ongoing efforts by the DRC authorities, as well as the support of the international community.⁶

3. The Mapping Exercise was presented to President Joseph Kabila during the visit of the UN High Commissioner for Human Rights to the DRC in May 2007, and was well received. In its Resolution 1794 (2007) of December 2007, the UN Security Council requested the full support of the Congolese authorities for the OHCHR-initiated Mapping Exercise. On 30 June 2008, a letter was sent by High Commissioner Louise Arbour to President Kabila announcing the imminent arrival of the Mapping Team. The Mapping Exercise began officially on 17 July 2008 with the arrival of the Chief of the Mapping Team in Kinshasa. More than twenty human rights officers were deployed across the DRC between October 2008 and May 2009 to gather documents and information from witnesses to meet the three objectives defined in the ToR. The Congolese Government has expressed its support for the Mapping Exercise on a number of occasions, notably in the statement delivered by the Minister for Human Rights at the Special session of the Human Rights Council on the human rights situation in the East of the DRC in November 2008 and in various meetings between the Chief of the Mapping Exercise and the Justice and Human Rights Ministers.

Mapping Exercise

4. Mapping is based on a number of methodological premises.⁷ A mapping exercise itself should be concerned not only with the violations themselves but also with the context(s) in which they were committed, either in a given region or across an entire country, as is the case here. Such an exercise requires various activities to be carried out, including the collection, analysis and assessment of information contained in multiple reports and documents from different sources, meetings and witness interviews, as well as consultation with field experts and consultants. However, a mapping exercise is not an end in itself. It remains a preliminary exercise leading to the formulation of transitional

⁶ Article 1, ToR.

⁷ The French translations of “mapping” – *cartographie*, *inventaire* or *état des lieux* (inventory) – fail to reflect accurately the scope of the mapping exercise’s mandate, and it was decided by the team to retain the generic English term to designate this exercise in French.

Unofficial translation from French original

justice mechanisms, be they judicial or not. It represents a fundamental step in enabling the identification of challenges, the assessment of needs and better targeting of interventions.

5. The ToR for this Mapping Exercise required the Team⁸ to “start and complete this exercise as soon as possible [...] to assist the new government with the tools to manage post-conflict processes”.⁹ The six-month deployment timeframe set by the Secretary-General for the Mapping Team, with the mandate of compiling an inventory of the most serious violations committed within the territory of the DRC over a ten-year period, imposed certain constraints in terms of the methodology to be used. It did not provide for in-depth investigations or gathering of evidence admissible in court, but rather “the basis for the formulation of initial hypotheses of investigation by giving a sense of the scale of violations, detecting patterns and identifying potential leads or sources of evidence”.¹⁰ Consequently, with regard to violations of human rights and international humanitarian law, the Mapping Exercise provides a description of the violation(s) and their location in time and space, the nature of the violation(s), the victims and their approximate number and the – often armed – group(s) to which the alleged perpetrators belong(ed). The exercise was carried out “chronologically and province by province”.¹¹

6. Given the scale of the violations committed in the ten years of conflict in the DRC, it was necessary to select from the most serious of these crimes. A gravity threshold¹² with a set of criteria enabling the Team to identify incidents of sufficient severity to be included in the final report was used for incident selection. These criteria fell into four categories: 1) nature of the crimes and violations linked to a given incident, 2) scale (number) of crimes and violations linked to an incident, and number of victims, 3) how the crimes and violations were committed and 4) impact of crimes and violations on communities, regions or the course of events.

7. Since the primary objective of the Mapping Exercise was to “gather basic information on incidents uncovered”, the level of evidence required was naturally lesser than would be expected from a case brought before a criminal court. The question was therefore not one of being satisfied beyond reasonable doubt that a violation was committed, but rather of reasonably suspecting that the incident did occur. Reasonable suspicion is defined as “necessitating a reliable body of material consistent with other

⁸ “Team” is used to designate the body of human rights specialists who led the Mapping Exercise investigations across the DRC. These specialists may also be designated “Mapping Exercise Teams” or “Mapping Teams”.

⁹ Article 2.3, ToR.

¹⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Rule-of-Law tools for post-conflict states: Prosecution initiatives*, United Nations, New York and Geneva, 2008, p.6.

¹¹ Article 4.2, ToR: “It should be carried out province by province, and in chronological order of events. It should gather basic information and not replace in-depth investigations into the incidents uncovered.”

¹² The gravity threshold was developed by the International Criminal Court to identify “the most serious crimes for investigation”. See, for example, Article 17(d)(1): Issues of admissibility under the Rome Statute of the International Criminal Court.

Unofficial translation from French original

verified circumstances tending to show that an incident or event did happen.¹³ Assessing the reliability of the information obtained was a two-stage process involving evaluation of the reliability and credibility of the source,¹⁴ and then the validity and veracity of the information itself.¹⁵

8. Unlike some commissions of inquiry with a specific mandate to identify the perpetrators of violations and make them accountable for their actions, the objective of the Mapping Exercise was not to establish or to try to establish individual criminal responsibility of given actors, but rather to expose in a transparent way the seriousness of the violations committed, with the aim of encouraging an approach aimed at breaking the cycle of impunity and contributing to this. This decision is further explained by the fact that, in light of the methodology adopted and the level of evidence used in this Exercise, it would have been imprudent, and unjust, to seek to ascribe personal criminal responsibility to any given individual, which is first and foremost a matter for legal proceedings based on the appropriate level of evidence. The report does, however, identify the armed group(s) to which the alleged perpetrator(s) belong(ed), since it was essential to identify the groups allegedly involved in order to suggest proper legal characterizations for the conduct in question. Consequently, information on the identity of the alleged perpetrators of some of the crimes listed does not appear in this report but is held in the confidential project database submitted to the UN High Commissioner for Human Rights.¹⁶ However, the identities of alleged perpetrators under warrant of arrest and those already sentenced for crimes listed in the report have been disclosed. It should also be noted that where political officials have assumed public positions encouraging or provoking the violations listed, their names have been cited in the sections relating to the political context.

9. Conducting a mapping exercise of the most serious violations of human rights and international humanitarian law committed in the DRC during the period under examination presented a number of challenges. In spite of the scale of extreme violence that characterises the violations in some of the country's regions, it was also necessary to take into consideration less serious violations in seemingly less affected regions in order to provide an overview of the entire country. With this in mind, the gravity threshold was adapted to each region. Investigating violations that occurred over ten years earlier was sometimes difficult due to the displacement of witnesses and victims and the passing of

¹³ Another formulation would be reliable and consistent indications tending to show that the incident did happen.

¹⁴ Reliability of the source was determined using several factors, including the nature, objectivity and professional standing of the source providing the information, the methodology used and the quality of prior information obtained from that source.

¹⁵ The validity and authenticity of the information were evaluated through comparison with other data on the same incidents to ensure cohesion with other verified elements and circumstances.

¹⁶ Article 4.3, ToR: "Sensitive information gathered during the mapping exercise should be stored and utilised according to the strictest standards of confidentiality. The team should develop a database for the purposes of the mapping exercise, access to which should be determined by the High Commissioner for Human Rights."

Unofficial translation from French original

time. In some cases, violations that initially appeared to be isolated crimes turned out to be an integral part of waves of violence occurring in a given geographical location or within a given timeframe. It cannot be denied that *vis-à-vis* the frightening number of violations committed between 1993 and 2003, the sheer size of the country and difficulties accessing a number of sites, the Mapping Exercise remains necessarily incomplete and can in no case reconstruct the complexity of each situation or obtain justice for the victims. We state this with utmost regret.

10. The Mapping Exercise report contains descriptions of over 600 violent incidents having occurred within the territory of the DRC between March 1993 and June 2003. Each of these incidents points to the possible commission of gross violations of human rights and/or international humanitarian law. Each of the incidents listed is backed up by at least two independent sources identified in the report. As serious as they may be, uncorroborated incidents claimed by one single source are not included in this report. Over 1,500 documents relating to human rights violations committed during this period were gathered and analysed with a view to establishing an initial chronology by region of the main violent incidents reported. Only incidents meeting the gravity threshold in accordance with the methodology set out were considered. The in-field Mapping Teams then met with over 1,280 witnesses to corroborate or invalidate the violations listed in the chronology. During these interviews, information was also collected on previously undocumented crimes.

Implementation of the Mapping Exercise

11. Throughout the implementation of the Mapping Exercise, contacts were established with Congolese non-governmental organisations (NGOs) in order to obtain information, documents and reports on serious violations of human rights and international humanitarian law that occurred in the DRC during the period covered by the ToR. To this end, meetings were held with over 200 NGO representatives to present the Mapping Exercise and request their collaboration. Thanks to this collaboration, the Mapping Team had access to critical information, witnesses and reports pertaining to the violations committed between 1993 and 2003. Without the courageous and outstanding work of the Congolese NGOs during these ten years, documenting the many violations committed would have been incredibly difficult.

12. Meetings were also held with the Congolese authorities, in particular with the civilian and military judicial authorities across the country, government representatives, in particular the Ministers for Justice and Human Rights, and the government agencies responsible for judicial system reform.

13. Consultations were also held with the main partners of the Mapping Exercise [MONUC, United Nations Development Programme (UNDP)], diplomatic missions as well as actors involved in human rights and the fight against impunity in the DRC (notably UN organisations, international NGOs, religious groups and trade unions) to

Unofficial translation from French original

explain the exercise and seek their collaboration. The project was warmly received by all and the collaboration fruitful.

14. The Mapping Exercise was rolled out in three successive phases:

- Phase one began with the arrival of the Chief of the Mapping Team in July 2008, and was dedicated to the recruitment of teams and to the collection, analysis and use of documents, both confidential and in the public domain, from existing information sources on the violations committed during the period under examination. Over 1,500 documents on this subject, some of them confidential, were obtained from many sources, including the United Nations, the Congolese Government, Congolese human rights organisations, major international human rights organisations, the national and international media and various NGOs (notably unions, religious groups, aid agencies and victims' associations). In addition, different national and international experts were consulted in order to open up new avenues of research, corroborate some of the information obtained and streamline the overall analysis of the situation.
- Phase two began on 17 October 2008 with the deployment of the field Teams to carry out the mandate in all provinces of the DRC from five field offices,¹⁷ including all investigations, consultations and analyses necessary both to prepare the inventory of the most serious violations and also to assess the existing capacities of the Congolese judicial system to deal with this and formulate options for transitional justice mechanisms that could contribute to the fight against impunity. During this phase previously obtained information was verified in order to corroborate or invalidate that information with the aid of independent sources, while also obtaining new information on previously undocumented violations.
- Phase three began with the closure of the field offices on 15 May 2009 and was aimed at compiling all the information gathered and drafting the final report. During this period, regional consultations regarding transitional justice were held with civil society representatives in Bunia, Bukavu, Goma and Kinshasa. The final report was submitted to OHCHR on 15 June 2009 for review, comments and finalisation.

¹⁷ The five field offices were at Bukavu (South Kivu), Goma (North Kivu), Kisangani (Orientale), Kalemie (Katanga) and Kinshasa. The Kisangani team moved to Bunia to cover the Ituri region. The Kalemie-based team covered the provinces of Maniema, Kasai Oriental and Kasai Occidental. The Kinshasa-based team covered the provinces of Kinshasa, Bas-Congo, Bandundu and Equateur.

Unofficial translation from French original

the war, which led to the overthrow of the Mobutu regime.¹⁸ At the start of the period, serious violations were committed against Tutsi and Banyamulenge civilians,¹⁹ principally in South Kivu. This period was then characterised by the apparently relentless pursuit and mass killing (104 reported incidents) of Hutu refugees, members of the former Armed Forces of Rwanda (later “ex-FAR”) and militias implicated in the genocide of 1994 (Interahamwe), allegedly by the *Alliance des forces démocratiques pour la libération du Congo-Zaïre* (AFDL). A proportion of the AFDL’s troops, arms and logistics were apparently supplied by the *Armée patriotique rwandaise* (APR), the Uganda People’s Defence Force (UPDF) and by the *Forces armées burundaises* (FAB) throughout the Congolese territory. Hutu refugees, who it appears were often rounded up and used by the ex-FAR/Interahamwe as human shields during their flight, began a long trek across the country from east to west towards Angola, the Central African Republic or the Republic of the Congo. This period was also marked by serious attacks on other civilian populations in all provinces without exception, in particular allegedly by the *Forces armées zaïroises* (FAZ) retreating towards Kinshasa, the ex-FAR/Interahamwe driven back by the AFDL/APR and the Mayi-Mayi.²⁰

C. August 1998–January 2000: Second Congo War

19. The third period concerns the inventory of violations committed between the start of the Second Congo War in August 1998, and the death of President Laurent-Désiré Kabila. This period includes 200 incidents and is characterised by the intervention on the territory of the DRC of the government armed forces of several countries, fighting alongside the *Forces armées congolaises* (FAC) (Zimbabwe, Angola and Namibia) or

¹⁸ In an interview with *Washington Post* on 9 July 1997, Rwandan president Paul Kagame (then Defence Minister) recognised that Rwandan troops had played a key role in the ADFL campaign. According to President Kagame, the campaign strategy comprised three elements: *a* destroy the refugee camps, *b* destroy ex-FAR and Interahamwe structures based in and around the camps and *c* overthrow the Mobutu regime. According to the article, Rwanda had planned the rebellion and had participated in it by supplying arms, munitions and training facilities for Congolese rebel forces. According to Kagame, operations – in particular key operations – were directed by Rwandan mid-level commanders. “Rwandans Led Revolt in Congo”, *Washington Post*, 9 July 1997. See also the interview with General James Kabarebe, the Rwandan chief military strategist of the ADFL, in the *Observatoire de l’Afrique Centrale*: “Kigali, Rwanda. Plus jamais le Congo”, Vol. 6, No. 10, 3–9 March 2003. See also the televised interviews with the Ugandan and Rwandan presidents and General James Kabarebe explaining in detail their respective roles in the First Congo War, in “L’Afrique en morceaux”, a documentary by Jihan El Tahri, Peter Chappell and [Herve Chabalier](#), 100 minutes, produced by Canal Horizon, 2000.

¹⁹ The term “Banyamulenge” came into popular use in the late 1960s to distinguish ethnic Tutsis historically based in South Kivu, the Banyamulenge, from those arriving from the 1960s onwards as refugees or economic migrants. Banyamulenge means “people of Malenge” and takes its name from a city in the Uvira territory with a very large Tutsi population. Over time, however, the use of the term Banyamulenge has become increasingly more generalised and has been used to designate all Zairian, Congolese and occasionally Rwandan Tutsis.

²⁰ In the DRC, the term Mayi-Mayi is used to designate groups of armed combatants resorting to specific magic rituals such as water ablutions (“Mayi” in Swahili) and carrying amulets prepared by witchdoctors, believed to make them invulnerable and protect them from ill fate. Present mainly in South Kivu and North Kivu, but also in other provinces, the various Mayi-Mayi groups included armed forces led by warlords, traditional tribal elders, village heads and local political leaders. The Mayi-Mayi lacked cohesion and the different groups allied themselves with various government groups and armed forces at different times.

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against them, and also the involvement of multiple militia groups and the creation of a coalition under the banner of a new political and military movement, the *Rassemblement congolais pour la démocratie* (RCD), which would later split on several occasions. During this period the DRC was racked by numerous armed conflicts: “Some [...] international, others internal and [...] national conflicts that became internationalised. Participants in these conflicts include at least eight national armies and 21 irregular armed groups”.²¹ In spite of the signing of the Lusaka Ceasefire Agreement on 10 July 1999²² by all the parties,²³ which called for the respect of international humanitarian law by all parties and the definitive withdrawal of all foreign forces from the national territory of the DRC, the fighting continued, as did the serious violations of human rights and international humanitarian law allegedly by all parties to the conflict. On 16 June 2000, the UN Security Council, in its Resolution 1304 (2000), called for all parties to cease hostilities and demanded that Rwanda and Uganda withdraw from the territory of the DRC. It was not until the signing of two new agreements with Rwanda (Pretoria Agreement) and Uganda (Luanda Agreement) in 2002, that these foreign forces began to withdraw from the country.²⁴

20. This period was marked by attacks on civilians believed to be Tutsi, in particular in Kinshasa, Katanga, Orientale Province, East and Kasai Occidental, Maniema and North Kivu. Within the context of the war and the conflicts across the whole of the territory, civilian populations were broadly speaking the victims of serious violations of human rights and international humanitarian law allegedly by all parties in the conflicts and throughout the territory, but especially in North Kivu and South Kivu, Orientale Province (in particular in Ituri), Katanga, Équateur and also Bas-Congo.

D. January 2001–June 2003: Towards transition

21. Lastly, the final period lists 139 incidents describing the violations committed in spite of the gradual establishment of a ceasefire along the front line and the speeding up of peace negotiations in preparation for the start of the transition period on 30 June 2003. During this period, fighting that had shaken the province of Ituri, in particular the ethnic conflicts between the Lendu and the Hema, reached an unprecedented peak. The period was marked by clashes between the Forces armées congolaises (FAC) and the Mayi-Mayi forces in Katanga province. As in previous periods, the main victims of the parties involved in the conflict were civilian populations throughout the territory, particularly in Orientale Province, North Kivu, South Kivu, Maniema and Kasai Oriental provinces.

²¹ *Report of the Special Rapporteur on the situation of human rights in the DRC* (A/55/403), para. 15.

²² S/1999/815, Annex.

²³ The following were party to the Agreement: Angola, Namibia, Uganda, Rwanda, the DRC and Zimbabwe. The *Rassemblement congolais pour la démocratie* (RDC) and the *Mouvement de libération du Congo* (MLC) rebel groups signed at a later date.

²⁴ *Pretoria Agreement of 31 July 2002 between the DRC and Rwanda*, Article 8, para. 3 (S/2002/914, Annex); *Luanda Agreement of 6 September 2002 between the DRC and Uganda*, Article 1 (available at www.droitcongolais.info/files/0426_accord_of_6_September_2002_rdc-ouganda_r.pdf).

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36. This chapter emphasises the fact that the scale and gravity of sexual violence were primarily the result of the victims' lack of access to justice and the impunity that has reigned in recent decades, which has made women even more vulnerable than they already were. The phenomenon of sexual violence continues today as a result of this near-total impunity, even in areas where the fighting has ended; it has increased in those areas where fighting is still ongoing.

B. Inventory of acts of violence committed against children

37. This chapter shows that children did not escape the successive waves of violence that swept over the DRC, quite to the contrary: they were often its first victims. In fact, children are always affected when crimes under international law are committed against civilians, partly because they are particularly fragile and partly because violence takes away their first line of defence, namely their parents. Even when children are not direct victims themselves, the fact of seeing their parents killed or raped, their property pillaged and their homes set on fire leaves them deeply traumatised. Being displaced makes them more vulnerable to malnutrition and diseases. Their young age makes them the target of contemptible beliefs and superstitions, which claim, for example, that sexual relationships with children can treat certain diseases or make rapists invincible. Lastly, war generally deprives them of their right to education and thus often compromises their long-term future.³⁵

38. The decade 1993-2003 was also marked by the widespread use by all those involved in the conflicts³⁶ of children associated with armed groups and forces ("child soldiers"), making the DRC one of the countries in the world where this phenomenon is most common. In the military camps, these children suffered indescribable violence, including murder, rape, torture, and cruel, inhuman and degrading treatment, and were deprived of all their rights. The report highlights the fact that child soldiers were sometimes also forced to commit very serious violations themselves but that in terms of justice, it is essential first to pursue the political and military leaders responsible for the crimes committed by the child soldiers placed under their command, based on the principle of hierarchical superiority and the person with most responsibility, as well as investigating to establish to what extent the children were forced to act or influenced by their adult superiors.

³⁵ According to the World Bank, in 2003 the DRC was one of the five countries in the world with the largest number of children not in school. Figure cited in: Watch List, *The Impact of Armed Conflict on Children in the DRC*, 2003. See also the *Report of the Committee on the Rights of the Child, 50th session, final observations: DRC (CRC/C/COD/CO/2)*.

³⁶ See in particular the *Report of the Secretary General on children and armed conflict (A/58/546-S/2003/1053 and Corr.1 and 2)*, which cites 12 parties to the conflict: the Forces armées congolaises (FAC), the Rassemblement congolais pour la démocratie-Goma (RCD-G), the Mouvement national de libération du Congo (MLC), the Rassemblement congolais pour la démocratie/Kisangani-Mouvement de libération (RCD-K/ML), the Rassemblement congolais pour la démocratie-National (RCD-N), the Hema militia [Union des patriotes congolais (UPC) and Parti pour l'unité et la sauvegarde du Congo (PUSIC)], the Lendu/Ngiti militia [Front nationaliste and intégrationniste (FNI) and Forces de résistance patriotique en Ituri (FPRI)], the Forces armées populaires congolaises (FAPC), the Mayi-Mayi, the Mudundu-40, the Forces de Masunzu and the ex-Forces armées rwandaises and Interahamwe (ex-FAR /Interahamwe).

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impunity. To do this, an analysis was carried out of the domestic and international law applicable in this area, as well as the courts with jurisdiction to prosecute and try the alleged perpetrators of the serious violations of human rights and international humanitarian law committed in the DRC. A study of Congolese case law on crimes under international law was also carried out to examine domestic judicial practice in relation to war crimes and crimes against humanity. This study helped to gain a better understanding of the legal, logistical, structural and political challenges and obstacles that characterise criminal proceedings in relation to crimes under international law in the DRC.

44. Around 200 actors in the judicial system, academics and national experts in criminal and international law were interviewed by the Mapping Team.³⁹ Hundreds of documents from different sources were obtained and analysed, in particular laws, judicial decisions and various reports dealing with the justice system.

45. The analysis of the legal framework applicable in the DRC to deal with the most serious violations of human rights and international humanitarian law committed between March 1993 and June 2003 shows that there is a significant body of legal norms and provisions both in international law and domestic law, which is sufficient to begin to tackle impunity in respect of the crimes documented in this report. The DRC is bound by the major conventions in respect of human rights and international humanitarian law and has been party to the majority of them since well before the conflicts of the 1990s.⁴⁰ Whilst the lack of jurisdiction of the civilian courts for crimes under international law may be regrettable, it should be noted that the military courts have jurisdiction to try anyone responsible for crimes under international law committed within the DRC between 1993 and 2003. Finally, the Constitution of February 2006 contains strong provisions that protect human rights and fundamental judicial guarantees, and incorporates the main international standards in this area.

46. Whilst the legal framework appears adequate, the review of Congolese case law identified only about a dozen cases since 2003 where the Congolese courts had dealt with incidents classified as war crimes or crimes against humanity. Furthermore, only two of these cases concerned incidents covered by this report, namely the Ankoro case,⁴¹ a

³⁹ Primarily meetings with the civilian and military judicial authorities in various public prosecutor's offices, Government representatives and national bodies tasked with the reform of the judicial system.

⁴⁰ With the exception of Additional Protocol II (1977) to the Geneva Conventions of 1949, ratified in 2002, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1996 (Resolution 39/46 of the General Assembly, appendix), and of course the Rome Statute of the ICC, signed in 2000 and ratified in 2002.

⁴¹ In the Ankoro case, the investigations carried out by MONUC revealed that violent confrontations between the FAC and the Mayi-Mayi, in November 2002, had caused the deaths of at least 70 people. Thousands of homes were set on fire and destroyed, and hundreds of public and private buildings including hospitals, schools and churches were pillaged. In December 2002, 28 FAC soldiers were arrested and handed over to the military judicial authorities. Seven of them were charged with crimes against humanity. The trial was delayed for many months to enable the creation of a commission of enquiry of officers able to judge a lieutenant-colonel; in the end, the court acquitted six of the defendants and sentenced the seventh to 20 months' imprisonment for murder. The Public Prosecutor's Office, having been satisfied by the arrest, did not lodge an appeal (RMP 004/03/MMV/NMB- RP 01/2003, RMP 0046/04/NMB- RP 02/2004).

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judgment of 20 December 2004 on the incidents that took place in Katanga in 2002, and the Milobs case,⁴² a judgment of 19 February 2007 on the incidents that occurred in Ituri in May 2003.

47. It is undeniable that some Judges of the Congolese military justice system, inspired by the DRC's ratification of the Rome Statute of the ICC in 2002 and supported by the international community, rendered a small number of courageous decisions in relation to crimes under international law.⁴³ Although they braved physical and psychological barriers as well as apparent political pressure to do so, all the cases studied nonetheless illustrate the significant operational limitations of the military justice system. Botched and dubious investigations, poorly drafted or inadequately substantiated court documents, irrational decisions, violations of due process and various instances of interference by the civilian and military authorities in the judicial process, are apparent defects that characterised some of these cases, particularly those pertaining to Ankoro, Kahwa Mandro, Kilwa and Katamisi.

48. The lack of political will to prosecute serious violations of international humanitarian law committed in the DRC is also confirmed by the fact that the vast majority of decisions handed down came about as the result of constant pressure from MONUC and NGOs.

49. This apparent lack of dynamism in the Congolese justice system in handling war crimes and crimes against humanity, particularly in respect of those primarily responsible for them, can only encourage the commission of new serious violations of human rights and international humanitarian law, which continue to this day.

Inability of the Congolese justice system to deal adequately with crimes under international law committed on its territory

50. The problem in the DRC is less one of inadequate provisions in the criminal law than a failure to apply them. Although, as the Report on the current state of the justice sector in the DRC confirms, the Congolese judicial system enjoys "a solid legal tradition inherited from colonisation, as still evidenced by the quality of certain senior judges",⁴⁴ it

⁴² In the Milobs case, in May 2003, members of the Front nationaliste et intégrationniste (FNI), a militia that was running wild in Ituri, tortured and killed two soldiers on a peace monitoring mission for MONUC. Seven members of the militia were charged with war crimes over three years after the incidents. On 19 February 2007, the court at the military garrison in Bunia sentenced six of the defendants to life imprisonment for war crimes under the Congolese Military Penal Code and article 8 of the Rome Statute of the ICC (RP 103/2006).

⁴³ This applied in the Songo Mboyo (2006), Milobs (2007), Gety and Bavi (2007), Lifumba Waka (2008), Gédéon Kyungu (2009) and Walikale (2009) cases.

⁴⁴ The mission tasked with analysing the judicial system was the result of an initiative of the European Commission acting jointly with Belgium, France, the United Kingdom of Great Britain and Northern Ireland, MONUC, the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Refugees (UNHCR). See *Status report, Organisational audit of the Justice System in the DRC*, May 2004, p. 7.

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has been widely noted that the Congolese judicial system faces acute and overwhelming problems.⁴⁵ Having been significantly weakened under the Mobutu regime, it suffered severely as a result of the various conflicts that ravaged the DRC for over ten years.

51. The research and analyses carried out by the Mapping Team, and the working sessions and consultation with key figures in the Congolese judicial system, both at an institutional level and within civil society, confirmed that there are significant structural and chronic shortcomings in all parts of the Congolese justice system. Even successful criminal prosecutions are inadequate if the State does not take the necessary steps to ensure that prisoners do not escape.⁴⁶ The fact that the military courts and tribunals have exclusive jurisdiction over crimes under international law also poses a problem with regard to the punishment of serious violations of human rights and international humanitarian law.⁴⁷ Their lack of capacity and lack of independence are illustrated by the extremely low number of cases they have tried and the way they have handled such cases.

52. The allegedly high level of involvement of foreign nationals in serious violations of international humanitarian law committed in the DRC also causes a problem for the Congolese courts. Although they have jurisdiction in respect of any person, whether or not they are Congolese, they have limited means of ensuring that suspects residing outside the country appear in court. Cooperation on extradition from certain States remains unlikely, given the limited ability of Congolese military courts to guarantee fair and impartial trials and respect the fundamental rights of defendants, in particular since the death penalty is still in effect in Congolese law.

53. To sum up, the following elements lead to the conclusion that the capacity of the Congolese justice system to bring an end to impunity for crimes under international law are severely limited: (i) the limited engagement of the Congolese authorities in strengthening the justice sector, (ii) the very limited resources allocated to the judicial system for tackling impunity, (iii) the acceptance and tolerance of multiple incidents of interference by the political and military authorities in court cases that confirm the system's lack of independence, (iv) the inadequacy of the military justice system, which has sole jurisdiction for dealing with the numerous crimes under international law often

⁴⁵ See in particular the *Report from the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy, addendum, Mission in the DRC*, (A/HRC/8/4/Add.2) (hereinafter referred to as the "Despouy report").

⁴⁶ "The disastrous state of the prison system, perhaps the weakest link in the judicial chain, means that it is easy for suspects and convicted prisoners to escape; this includes some very influential figures, who "sometimes "escape" with the connivance of the authorities." *Combined report of seven thematic special procedures on Technical Assistance to the Government of the DRC and urgent examination of the situation in the east of the country* (A/HRC/10/59), par. 63. According to figures from MONUC, during the second half of 2006 only, at least 429 prisoners, including some who had been convicted for serious violations of human rights, escaped from prisons throughout the DRC. See *Despouy report* (A/HRC/8/4/Add.2), par. 55.

⁴⁷ Military justice should "be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalised criminal court". Commission on Human Rights (E/CN.4/2005/102/Add.1), Principle 29.

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committed by the security forces, (v) inadequate judicial practice and jurisprudence in this area, (vi) and non-compliance with international principles in relation to minors and the inadequacy of the judicial system for cases of rape. Given the multitude of possible crimes under international law committed, the effectiveness and independence of the judicial system is crucial in light of the large number of senior figures in the armed groups involved in various alleged violations of human rights and international humanitarian law.

IV. Formulation of options in the field of transitional justice mechanisms that could help to combat impunity in the DRC.

54. The transitional justice mandate with which the Mapping Team has been entrusted consists of providing various options in order to help the Government of the DRC to deal with the many serious human rights and international humanitarian law violations committed on its territory, with a view to achieving "truth, justice, reparation and reform".⁴⁸ This mandate also echoes the demands that Congolese society has made of its leaders, initially at the Inter-Congolese Dialogue which resulted in the global and inclusive Agreement concerning transition in the Democratic Republic of the Congo in Sun City (South Africa) in 2002⁴⁹ and, subsequently, at the Conference on Peace, Security and Development which was held in January 2008 in North Kivu and South Kivu. This mandate has also received firm support from the Security Council, which has asked MONUC "to help [the Government] to create and apply a transitional justice strategy".⁵⁰

55. In order to carry out this mission, the Mapping Team has examined recent experience in DRC in terms of transitional justice and has identified existing issues in this area, particularly in the light of the conclusions of the evaluation of the judicial system that are presented in this report. The experience of the Truth and Reconciliation Commission (TRC) that operated in the DRC during the transition, and current reforms of the justice and security sectors have also been reviewed. In addition, there were consultations with Congolese experts, particularly judicial authorities and representatives from the Ministries of Justice and Human Rights, international experts in this field, local and international human rights and criminal law specialists and victims' associations. As there was a convincing need for national approval of transitional justice measures if these were to be effective, several round-table meetings were also organised, in order to gather views and opinions from civil society on this subject.⁵¹

⁴⁸ Article 1.3 of the ToR.

⁴⁹ Available at the following address:

<http://home.hccnet.nl/docu.congo/Frans/OudSysteem/accordglobal.html> [in French]

⁵⁰ Mandate repeated by the Security Council in several of its resolutions, in particular Resolution 1794 (2000) dated 21 December, para. 16, and Resolution 1856 (2008) dated 22 December 2008, para. 4.

⁵¹ Round-table meetings concerning the combat against impunity and transitional justice were organised by the Mapping Exercise in Bunia, Goma, Bukavu and Kinshasa in May 2009.

Unofficial translation from French original

CHAPTER I. MARCH 1993 – JUNE 1996: FAILURE OF THE DEMOCRATISATION PROCESS AND REGIONAL CRISIS

130. In the early 1990s, under pressure from the people and donors, President Mobutu was compelled to re-establish a multiparty system and convene a national conference. As the months went by, however, Mobutu managed to off-balance his opponents and remain in power through the use of violence and corruption, and by using tribal and regional antagonisms to his advantage. This strategy had particularly serious consequences for Zaire, including the destruction of key infrastructures, economic meltdown, the forced deportation of civilians in Katanga, ethnic violence in North Kivu and increased tribalism. Violations of human rights also became commonplace across the entire country.

131. In 1994, after months of institutional paralysis, supporters and opponents of President Mobutu eventually came to an agreement on the appointment by consensus of a prime minister and the establishment of a transition parliament. However, the agreement did not succeed in solving the political crisis, curbing the criminalisation of security forces or setting the country on the road towards elections. From July 1994 onwards, the influx of 1.2 million Rwandan Hutu refugees following the Tutsi genocide in Rwanda further destabilised the province of North Kivu and made the situation in South Kivu still more delicate. Due to the presence among the refugees of members of the former *Forces armées rwandaises* (later “ex-FAR”), as well as militias responsible for the genocide (the Interahamwe), and given the alliance that had existed for some years between the former Rwandan regime and President Mobutu, this humanitarian crisis quickly degenerated into a diplomatic and security crisis between Zaire and the new Rwandan authorities.

132. Faced with the use by the ex-FAR and the Interahamwe of refugee camps as a base from which to lead their incursions into Rwanda, in 1995 the new Rwandan authorities opted for a military solution to the crisis. With the aid of Uganda and Tutsis from North and South Kivu who had been denied Zairian citizenship by the transition parliament in Kinshasa, they organised a rebellion to counter the ex-FAR and Interahamwe and bring about a change of regime in Kinshasa.

133. During this period, the most serious violations of human rights and international humanitarian law were concentrated for the most part in Katanga, North Kivu and in the city-province of Kinshasa.

A. Shaba (Katanga)

134. For over a century, a sizeable community from the Kasai provinces had settled in Katanga⁸⁷ to construct the railway at the request of the Belgian colonial authorities and

⁸⁷ The province of Katanga was called Shaba from 1971 to 1997.

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Banyamulenge community who were consulted claimed not to have accurate information on these events.

2. Kinshasa

189. After war broke out in North and South Kivu, the people of Kinshasa became increasingly hostile towards Rwandans and peoples of Rwandan origin, in particular the Tutsis, whom they systematically accused of being in collusion with the AFDL/APR.

- In late October 1996, during public demonstrations staged by students in protest of the presence of “Rwandans” in Kinshasa, men, women and children of Rwandan nationality or origin, particularly those of Tutsi derivation, were publicly humiliated and beaten. Instead of protecting these people, the security forces reportedly conducted arbitrarily arrests of a number of Rwandans, most of them Tutsis. With the cooperation of the people, they also looted and seized many of their homes. The victims were arrested and detained at various detention sites, including the *Service d'action et de renseignements militaires* (SARM) building in the Ngaliema commune, the *Service national d'intelligence et de protection* (SNIP) building opposite the Primature in the Gombe commune and the Tshatshi camp. The detention conditions themselves led to large numbers of deaths, as detainees received no food or medical care. Many victims were tortured and subjected to cruel, inhuman and degrading treatment. An unknown number of people were allegedly executed by the security forces, particularly in the Tshatshi camp. Still more were reportedly deported to Rwanda and Burundi by the Zairian authorities. Others were forced to flee quickly into other countries.¹⁷⁵

3. Orientale Province

190. After the start of the First Congo War, and as the AFDL/APR troops advanced across Orientale Province, the Zairian security services and the people of Kisangani adopted an increasingly hostile attitude towards the Rwandans and peoples of Rwandan origin, especially Tutsis, who they systematically accused of being in collusion with AFDL/APR.

- From October 1996, the Zairian security services and civilians arbitrarily arrested several dozen civilians of Rwandan nationality or origin, as well as people resembling them, in the town of Kisangani and the surrounding area. They reportedly killed an unknown number of these people; at least one person was

¹⁷⁵ Interviews with the Mapping Team, Kinshasa, April and May 2009; *Report of the Special Rapporteur on the situation of human rights in Zaire* (E/CN.4/1997/6); AI, “Zaire/Rwanda: Disappearances/Fear for Safety”, 1996; AI, “Zaire-Violentes persécutions perpétrées par l’Etat et les groupes armés”, 1996.

Unofficial translation from French original

180. From December 1996, the Kinshasa Government attempted to launch a counter-offensive from Kisangani and Kindu with the aid of the ex-FAR/Interahamwe. However, it proved impossible to reorganise the ailing Zairian army in such a short space of time. The AFDL/APR/UPDF troops, who were reinforced from February 1997 by anti-Mobutu Katangese soldiers who had served in the Angolan Government army (the ex-Tigers) since the 1970s, and by children involved with armed forces and armed groups (CAAFAG),¹⁵³ commonly known as the *Kadogo* (“small ones” in Swahili) and recruited during the conquests, took control of Kisangani on 15 March 1997 and Mbuji Mayi and Lubumbashi in early April. After the fall of Kenge in Bandundu province, the AFDL/APR troops and their allies reached the gates of the capital and President Mobutu had to resign himself to stepping down. On 17 May 1997, AFDL/APR troops entered Kinshasa, and on 25 May, the AFDL president, Laurent-Désiré Kabila, declared himself President of the Republic and renamed the country the Democratic Republic of the Congo (DRC). Within a few months, however, President Kabila’s authoritarian measures, his renegeing on contracts signed with a number of foreign companies and his refusal to cooperate with the special Team sent by the UN Secretary-General to investigate the massacre of refugees in the East of the DRC lost the new regime its main international allies.

A. Attacks against Tutsi and Banyamulenge civilians

1. South Kivu

181. Since the 1980s, the issue of the nationality of Tutsis living in South Kivu, like that of the Banyarwanda in North Kivu, had been a matter of controversy. Most Tutsis in South Kivu declared themselves to be Zairian Banyamulenge,¹⁵⁴ the descendants of Tutsis from Rwanda and Burundi who had settled on the Hauts Plateaux in the Uvira and Fizi territories before the colonial partitioning of 1885. The other communities, on the other hand, were of the opinion that most Tutsis living in South Kivu were political refugees and, as economic migrants who had arrived in the country in the twentieth century, they could not, therefore, claim Zairian nationality. The decision taken in 1981 by President Mobutu to repeal the law of 1972, by which Zairian nationality had been granted collectively to peoples of Rwandan and Burundian origin present in the Zairian territory before 1 January 1950, strengthened the position of the so-called “indigenous” communities. Since then, there had been widespread suspicion over the true nationality of

¹⁵³ Children associated with armed groups and armed forces (CAAFAG) designates children who were enlisted in regular or irregular armed forces or armed groups either of their own free will or by force, regardless of their role.

¹⁵⁴ Gisaro Muhoza, of Tutsi origin, a deputy for the Congolese parliament in the territory of Uvira, popularised this term in the late 1960s to distinguish ethnic Tutsis historically based in South Kivu, the Banyamulenge, from those arriving from the 1960s onwards as refugees or economic migrants. Banyamulenge means “people of Mulenge”, and takes its name from a city in the Uvira territory with a very large Tutsi population. It should be noted, however, that most of Mulenge’s inhabitants are not Tutsis but Vira. Over time, the term Banyamulenge has become increasingly used to designate all Zairian/Congolese Tutsis.

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- In the CETA (airborne forces' training centre) and Tshatshi military camps, FAC/APR units raped a large number of wives and daughters (sometimes minors) of ex-FAZ soldiers who had left for Kitona. They forced some victims to live with them as sex slaves and carry out domestic chores for them.⁴⁵⁰
- At the Kokolo camp, FAC/APR units raped a large number of wives and daughters of ex-FAZ soldiers who had left for Kitona, as well as women arrested at random in the town. Many gang rapes took place in the area of the camp known as "Camp Américain". One girl was raped by several soldiers and then tortured. The soldiers poured hot wax over her genital area and the rest of her body.⁴⁵¹
- Over the course of the period in question, many sources report that across Kinshasa the AFDL/APR soldiers also raped and beat a large number of women, including many prostitutes.⁴⁵²

301. At the end of September 1997, several of Kinshasa's districts were hit by shells fired from Brazzaville by the armed groups fighting for the control of the presidency in the Republic of the Congo. The FAC/APR reacted by firing on Brazzaville for two days with rocket launchers.

- From 29 September to 1 October 1997, shots from heavy weapons fired indiscriminately from Brazzaville reportedly caused the deaths of at least 21 people in different districts of Kinshasa.⁴⁵³

302. Following President Kabila's decision to ban political party activity, the new regime's security forces targeted the leaders and activists of the main opposition parties. During the crackdown, female members of the immediate family of arrested opponents were frequently the victims of rape. In this context, the Mapping Team documented the following alleged incidents:

- Between 1997 and 1998, FAC/APR soldiers frequently arbitrarily arrested and tortured PALU (*Parti lumumbiste unifié* – Unified Lumumbist Party) activists. On 25 July 1997, during a crackdown operation on a PALU demonstration, they killed between one and four activists and injured at least four. Several dozen

⁴⁵⁰ Interviews with the Mapping Team, Kinshasa and Matadi, March and April 2009; Colonel Kisukula Abeli Meitho, *La désintégration de l'armée congolaise de Mobutu à Kabila*, L'Harmattan, 2001.

⁴⁵¹ Interviews with the Mapping Team, Kinshasa, April 2009; *Report of the Special Rapporteur (A/52/496)*.

⁴⁵² *Report of the Special Rapporteur (A/52/496)*; ASADHO (Association africaine de défense des droits de l'homme), "Appel urgent. SOS au Congo-Zaïre: les espaces démocratiques menacés", 1997; ACPC, "30 jours de violations des droits de l'homme sous le pouvoir de l'AFDL", 1997; UDPS/Belgium (Union for Democracy and Social Progress), "l'UDPS/Belgique accuse M. Kabila pour crimes contre l'humanité", November 1998. Available at the following address: www.congoline.com/Forum1/Forum02/Kashala03.htm

⁴⁵³ Interviews with the Mapping Team, Kinshasa, March 2009; IRIN, "Emergency Update No. 260 on the Great Lakes", 1 October 1997; *Reuters*, "Kabila to send troops to Brazzaville", 1 October 1997.

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PALU activists were arbitrarily arrested and tortured on this occasion. On the same day, the soldiers searched and looted the residence of the party's president, Antoine Gizenga, in the Limete commune. During the operation, they killed a PALU activist and seriously injured six more by beating them with whips, iron bars and rifle butts.⁴⁵⁴

- Between 1997 and 1998, FAC/APR soldiers frequently arrested UDPS activists and tortured them for several months at various detention sites.⁴⁵⁵
- On 10 December 1997, FAC/APR soldiers beat and gang-raped two sisters of the President of the FSDC (*Front pour la survie de la démocratie au Congo* – Front for the Survival of Democracy in Congo). The FSDC President, a former dignitary under Mobutu, was finally arrested in February 1998. During his detention at the central prison and then at the Mikonga military training centre, he was frequently tortured.⁴⁵⁶

10. Bas-Congo

303. Under President Mobutu's regime and until its fall, in May 1997, the various Zairian security services, in particular the Civil Guard, committed many acts of violence, especially rape, and tortured many civilians with complete impunity. An illustrative case has been heard in the Rotterdam District Court (Netherlands).

- In October 1996, at Matadi, the Civil Guard commander Colonel Sébastien Nzapali, nicknamed "King of the Beasts" on account of his notorious brutality, had a customs officer working at the Matadi port tortured. On 7 April 2004, Colonel Nzapali was sentenced to two and a half years in prison by the Rotterdam District Court (Netherlands) for these crimes. Nzapali had been living in the Netherlands since 1998 but his application for political asylum was denied.⁴⁵⁷

304. From the start of 1997, the Angolan government made contact with the Rwandan and Ugandan authorities and lent its support to the AFDL/APR/UPDF operation aimed at removing President Mobutu from power. The FAA (*Forces armées angolaises*) soldiers took advantage of their presence in Kinshasa alongside AFDL/APR/UPDF troops to step up their crackdown on Cabindan populations who had taken refuge in the province of Bas-Congo.

⁴⁵⁴ HRW, "Uncertain Course: Transition and Human Rights Violations in the Congo", 1997; Info-Congo/Kinshasa, 11 August 1997; AI, "Deadly alliances in Congolese forests", 1997.

⁴⁵⁵ HRW, "Uncertain Course: Transition and Human Rights Violations in the Congo", 1997; AI, "Deadly alliances in Congolese forests", 1997; AI, *DRC: A Year of Dashed Hopes*, 1998.

⁴⁵⁶ Interview with the Mapping Team, Kinshasa, May 2009; AI, *DRC: A Year of Dashed Hopes*, 1998.

⁴⁵⁷ Interviews with the Mapping Team, Bas-Congo, March 2009; Verdict of the Rotterdam District Court (Netherlands), 7 April 2004.

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CHAPTER III. AUGUST 1998–JANUARY 2001: THE SECOND WAR

308. From late 1997 onwards, the relationship between President Kabila, Rwanda and the Tutsi soldiers present in the Forces armées congolaises (FAC) had deteriorated significantly, primarily because the Rwandan authorities and certain Congolese Tutsi soldiers had accused the Congolese president of favouring his Katanga clan, failing to respect his commitments in relation to recognising the right of the Banyamulenge to Congolese nationality and being too conciliatory towards the ex-Forces armées rwandaises/Interahamwe [ex-FAR/Interahamwe] and Mayi-Mayi militias, which were hostile to the presence of the *Armée patriotique rwandaise* (APR) in the Congo. In July 1998, fearing a coup d'état, President Kabila dismissed the Rwandan general James Kabarebe from his position as Chief of Staff of the FAC and ordered the APR soldiers to leave Congolese territory. In response, on 2 August 1998, some Tutsi soldiers mutinied and, with the help of the APR, the Ugandan army [Ugandan People's Defence Force (UPDF)], the Burundi army [*Forces armées burundaises (FAB)*] and some soldiers from the *ex-Forces armées zaïroises* (ex-FAZ), launched a rebellion intended to overthrow President Kabila.

309. Within a few weeks, this coalition, under the banner of a new political and military movement, the *Rassemblement congolais pour la démocratie* (RCD),⁴⁶⁴ took control of the main towns in North and South Kivu, Orientale Province and North Katanga and broke through into the province of Équateur. Its offensive into the province of Bas-Congo and Kinshasa failed, however, due to the military intervention of Angola and Zimbabwe alongside President Kabila. During the following months, the DRC therefore found itself divided into two zones, one led by Laurent Kabila with the support of the armed forces of Zimbabwe [Zimbabwe Defence Forces (ZDF)], Angola (*Forças Armadas Angolanas* – Angolan Armed Forces (FAA)), Namibia [Namibia Defence Force (NDF)], Chad [Armée nationale tchadienne (ANT)] and Sudan, and the other controlled by the armed wing of the RCD, the *Armée nationale congolaise* (ANC), the Rwandan army (APR), the Ugandan army (UPDF) and the Burundian army (FAB).

310. Over the months, the military situation became more complex. To limit the ANC's and APR's grip on North and South Kivu, Laurent Kabila formed alliances with the Mayi-Mayi armed groups, the Burundian Hutu armed group, the Forces pour la défense de la démocratie (FDD)⁴⁶⁵ and with ex-FAR/Interahamwe and "Hutu armed elements", now reorganised within the *Armée de libération du Rwanda* (ALiR). Uganda, meanwhile, whose army was in control of a large part of Orientale Province, created and supported a second political and military movement, the *Mouvement pour la libération du Congo* (MLC), led by Jean-Pierre Bemba, to manage the areas it had conquered in the province of Équateur. In March 1999, against a background of growing disagreement

⁴⁶⁴ The RCD was officially created on 16 August 1998. Led by a Congolese, Wamba Dia Wamba, the movement's stated aim was to end the presidency of Laurent-Désiré Kabila.

⁴⁶⁵ The FDD was the armed wing of the Burundi Hutu movement of the Centre national pour la défense de la démocratie (CNDD).

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between Rwanda and Uganda as to which strategy to pursue against President Kabila, the RCD split into a pro-Rwandan wing (RCD-Goma) and a pro-Ugandan wing [*RCD-Mouvement de libération* (ML)]. In spite of these divisions, the RCD-Goma army (the ANC) and the APR continued to extend their area of influence into North Katanga, the Kasais and Équateur.

311. On 10 July 1999, under intense diplomatic pressure, an agreement was signed in Lusaka between the principal belligerents.⁴⁶⁶ In addition to a ceasefire, the agreement called for the disarmament of all armed groups, starting with the ex-FAR/Interahamwe, the departure of foreign troops and for inter-Congolese political discussions to be held. This highly ambitious agreement had no effect on the ground, as the belligerents continued to seek a military solution to the crisis and the conflict became more entrenched, against a background of the pillaging of the country's natural resources and an exacerbation of violence directed at civilians, especially women, in particular in North and South Kivu, North Katanga and Orientale Province.

A. Attacks directed at Tutsi civilians

312. Following the outbreak of the second war, on 2 August 1998, radio and television stations based in Kinshasa broadcast official communiqués calling for a general mobilisation of the population and collectively accusing the Tutsis of being in collusion with APR rebels and soldiers. In the days that followed, President Kabila's security services and those people who were hostile to the rebellion embarked on a campaign of hunting down Tutsis, Banyamulenge and people of Rwandan origin in general. Numerous civilians deemed to have a "Tutsi" or "Rwandan" appearance were also targeted. In total, several thousand people were arrested and had their property confiscated or destroyed. Several hundred of them disappeared, the majority of them allegedly victims of summary executions. In the area controlled by the Kabila Government, around 1,500 people were arbitrarily held in detention camps, officially in order to guarantee their safety. From July 1999 onwards, having then lived for over a year in deplorable conditions, these people were gradually able to leave the country as the result of an agreement between the Congolese Government, the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and several host countries.

1. Kinshasa

313. In early August 1998, clashes broke out between the FAC, which had remained loyal to President Kabila, and Tutsi soldiers in the Kokolo and Tshatshi camps.⁴⁶⁷ At the

⁴⁶⁶ For the text of the Agreement, see S/1999/815, appendix.

⁴⁶⁷ On 4 August 1998, hundreds of Rwandan and Ugandan soldiers placed under the orders of James Kabarebe arrived by plane at the base in Kitona, in Moanda (Bas-Congo), from Goma. A number of soldiers from the ex-FAZ stationed at the base for months rallied to support them. During the days that followed, this Rwandan-Ugandan-Congolese military coalition advanced rapidly along the road between Moanda, Boma and Matadi, heading for Kinshasa.

Unofficial translation from French original

same time, President Kabila's security forces embarked on a series of searches throughout the capital, looking for rebels and their possible accomplices. Almost a thousand civilians responded to the call from the Congolese authorities and signed up to "popular defence" groups. The Congolese Government apparently equipped them with edged weapons and used them alongside the regular security forces. People of Tutsi or Rwandan origin or who bore a physical resemblance to them were the prime targets. Several senior figures in the regime, including the head of President Kabila's cabinet, Mr Abdoulaye Yerodia Ndongbasi, stirred up hatred against the Tutsis, comparing them to a "virus, a mosquito and filth that must be crushed with determination and resolve".⁴⁶⁸ In this context, the Mapping Team documented the following alleged incidents.

- From August 1998 onwards, elements of the *Police d'intervention rapide* (PIR) [Police Rapid Intervention Force] arrested several high-ranking figures suspected of supporting the RCD as well as numerous Tutsi or Rwandan civilians. Unknown numbers of women were also arrested and raped by police officers in the prisons of the PIR and the *Inspection de la police provinciale de Kinshasa* (Ipkin) [Kinshasa Provincial Police Inspectorate]. On 14 September 1998, 111 people, including numerous Tutsis, were detained in the *Centre pénitentiaire et de rééducation de Kinshasa* [Kinshasa Penitentiary and Re-education Centre] (CPRK, the former Makala prison).⁴⁶⁹
- Also from August 1998 onwards, FAC soldiers arrested, took out of combat and shot some 20 Rwandan soldiers, Congolese Tutsis and a number of ex-FAZ members suspected of having supported the rebels. The bodies of the victims were buried on the road to Matadi, at a location between the Mbenseke cemetery and the Gombe-Lutendele neighbourhood in the municipality of Mont-Ngafula. Other groups of Rwandan/Banyamulenge soldiers were subsequently executed in similar circumstances.⁴⁷⁰
- Again from August 1998 onwards, an unknown number of people held at the Palais de Marbre, the GLM (Litho Moboti Group) and the Palais de la Nation, including numerous Tutsis, were shot dead and buried where they had been detained or tied up in sacks weighted down with stones and thrown into the river.⁴⁷¹

⁴⁶⁸ International arrest warrant dated 11 April 2000 from the Examining Magistrate Vandermeersch (Belgium) for Mr. Abdoulaye Yerodia Ndongbasi; ASADHO, "A round-table discussion on peace and national reconciliation is essential": press release no. 11/986, September 1998.

⁴⁶⁹ Interviews with the Mapping Team, Kinshasa, April 2009; IRIN, "Update No. 483", citing an article from *Libération*, 19 August 1998; IRIN, "Update No. 473 for Central and Eastern Africa", 4 August 1998; *The Times*, "Embattled Congo plans "nightmare" for Tutsi rebels", 12 August 1998; *The Times*, "Kabila régime calls for slaughter of the Tutsis", 14 August 1998; ICRC, press release, 17 September 1998; HRW, *Casualties of War*, February 1999.

⁴⁷⁰ Interviews with the Mapping Team, Kinshasa, March 2009.

⁴⁷¹ Interviews with the Mapping Team, Kinshasa, March and April 2009; HRW, *Casualties of War*, February 1999.

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- From August 1998 onwards and over the course of the following months, FAC soldiers executed or tortured and subjected to cruel, inhuman and degrading treatment an unknown number of civilians, including numerous Tutsis and Rwandans and people who resembled Tutsis in the Kokolo camp. The victims were often tortured in the prison of the 50th Brigade and in the offices of the land forces information officer, which had been converted into *ad hoc* prison cells. On 19 August, over 160 Tutsi prisoners were counted by the ICRC in the Kokolo camp. Most of the prisoners were held in conditions likely to result in a significant loss of human life. Women detainees were raped on a regular basis, particularly when they went to take a shower. According to several witnesses, the bodies of people who had been killed or had died were burnt or buried in mass graves dug inside the camp itself.⁴⁷²
- Again, from August 1998 onwards and over the course of the following months, FAC soldiers detained, tortured and executed an unknown number of people, including numerous Tutsis, in underground prison cells at the Tshatshi camp in Kinshasa. According to one witness, a soldier from the camp's 501st battalion explained that "the people who are here are to be slaughtered". The bodies of the victims were thrown directly into the river.⁴⁷³

314. When the ANC/APR/UPDF troops entered the suburbs of Kinshasa around 26 August 1998, the members of the popular defence groups and to a lesser extent, the FAC began to hunt down the infiltrators and their supposed accomplices. An unknown number of Tutsis, people of Rwandan origin and others who resembled them were killed during this period. On 27 August, in the municipality of Kasavabu, a civilian declared on Radio France Internationale (RFI) that it was the population and not the soldiers who were at the front of the queue to "burn the Tutsis".⁴⁷⁴ People with traces of red mud on their shoes, such as is found in the Bas-Congo, people wearing sports clothes, certain members of the attacking forces moving around as civilians and several people with learning disabilities who did not comply with the ceasefire were attacked.⁴⁷⁵ In total, at least 80 people were killed, some of them burned alive by necklacing, others impaled or mutilated to death and others shot. The bodies of the victims were most often left in the streets or thrown into the River Ndjili or the River Congo.⁴⁷⁶ During these events, several hundreds

⁴⁷² Interviews with the Mapping Team, Kinshasa, March and April 2009; ICRC, press release, 28 August 1998; IRIN, 28 August 1998; HRW, *Casualties of War*, February 1999.

⁴⁷³ Interviews with the Mapping Team, Kinshasa, March and April 2009.

⁴⁷⁴ "It was the people. It was not the soldiers. It was us, we were the ones who burnt the Tutsis. We, when we see a Tutsi - myself, when I see one, I burn him." BBC [British Broadcasting Corporation], Summary of World Broadcasts, 29 August 1998.

⁴⁷⁵ HRW, *Casualties of War*, February 1999; AI, *DRC: War against unarmed civilians*, 1998.

⁴⁷⁶ *Report on the situation of human rights in the DRC* (E/CN.4/1999/31), appendix III; ASADHO, "RDC: Le pouvoir à tout prix. Répression systématique et impunité", Annual report 1998, p.16; *Libération*, "La vie reprend à Kinshasa", 1 September 1998.

Unofficial translation from French original

- On 18 August 1998, around the town of Kalima, in the Pangi region, members of the FAC who had remained loyal to President Kabila allegedly killed at least 133 civilians of Rwandan origin, the majority of whom were Tutsis. Most of the victims were shot dead at the Rushurukuru power station and in the town of Kakula.⁵⁰¹

7. Kasai Oriental

- From August 1998 onwards, in Mbuji Mayi, the security services reportedly arbitrarily arrested and killed an unknown number of Tutsis, people of Rwandan origin and those resembling them: In November 1999, they arrested at least ten Tutsis, whom they then transferred first to Makala prison in Kinshasa and then to the refugee camp in the municipality of Mont-Ngafula, where they remained until 2001. Tutsis and people of Rwandan origin were also transported to Kananga by lorry. On 10 October 1999, the ANR arrested a human rights activist involved in protecting the Tutsi and Rwandan community in Mbuji Mayi. The activist was then transferred to the headquarters of the ANR in Kinshasa, where he was arbitrarily detained for several months in cruel, inhuman or degrading conditions. Under pressure from human rights NGOs, the Special Rapporteur on the situation of human rights in the DRC and the media, however, he was released on 6 January 2000.⁵⁰²

B. Attacks on other civilian populations

1. Bas-Congo

329. On 4 August 1998, hundreds of Rwandan troops and a small number of Ugandan troops placed under the orders of James Kabarebe arrived by plane at the military base in Kitona, in Moanda, having travelled from Goma. Some ex-FAZ soldiers stationed at the Kitona base for several months rallied to join them. During the days that followed, the Rwandan-Ugandan-Congolese military coalition was reinforced by several thousand men and embarked on its conquest of the Bas-Congo via the road between Moanda, Boma and Matadi. Some elements in the FAC, which included numerous children associated with armed groups and forces (“child soldiers”) (known as “*Kadogo*” in Swahili) tried to resist, particularly in Boma and Mbanza Ngungu, but were swiftly overwhelmed; many died during the fighting.

⁵⁰¹ Interviews with the Mapping Team, Maniema, March 2009.

⁵⁰² Interview with the Mapping Team, Kasai Oriental, March-April 2009.

Unofficial translation from French original

330. Throughout their advance on Kinshasa, the Rwandan-Ugandan-Congolese coalition, referred to in the remainder of the report using the acronym ANC/APR/UPDF, killed numerous civilians and committed a large number of rapes and acts of pillaging. In this context, the Mapping Team documented the following alleged incidents.

- On 7 August 1998, fighting between elements of the ANC/APR/UPDF and FAC for the control of Boma caused the death of an unknown number of civilians, most often victims of stray bullets. The coalition forces killed at least 22 civilians close to the central bank and municipal gardens. The victims included gardeners, workers at the abattoir, two people with learning disabilities and people waiting for a vehicle to take them to Moanda.⁵⁰³
- Between 7 and 10 August 1998, in Boma, elements from the ANC/APR/UPDF confined and raped several women, often collectively, in the Premier Bassin hotel, which they had requisitioned. They also caused a significant amount of damage to the hotel.⁵⁰⁴
- From 4 August to 4 September 1998, ANC/APR/UPDF soldiers systematically pillaged the bank vaults in Moanda, Matadi and Mbanza Ngungu.⁵⁰⁵
- On 13 August 1998, ANC/APR/UPDF soldiers stopped the turbines on the Inga dam, depriving Kinshasa and a large area of the province of Bas-Congo of their main source of electricity for almost three weeks. By making property essential to the survival of the civilian population unusable, they caused the death of an unknown number of civilians, particularly children and hospital patients.⁵⁰⁶

331. On 17 August 1998, however, during the Southern African Development Community (SADC) summit, Zimbabwe, Angola and Namibia announced they were sending troops to the DRC to support the army that had remained loyal to President Kabila. During the days that followed, elements of the ZDF were deployed to Kinshasa, whilst the FAA launched a land and air offensive in the Bas-Congo. On 23 August, the FAA took back control of the Kitona base from the ANC/APR/UPDF troops.

332. During their advance along the Moanda-Boma-Matadi-Kisantu road, the FAA killed civilians, committed rape and pillaged hospitals and homes. When they entered an area, the FAA would carry out a systematic search operation and execute all those it suspected of collusion with their enemies. The FAA took advantage of these operations to rape women and pillage homes. The property pillaged was then sent to Angola by river,

⁵⁰³ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵⁰⁴ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵⁰⁵ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵⁰⁶ Interviews with the Mapping Team, Kinshasa, April 2009; *Report on the situation of human rights in the DRC* (E/CN.4/1999/31); ICRC, press releases, 19, 28 August and 9 September 1998.

Unofficial translation from French original

road and even by helicopter. The FAA killed any civilians, including women and children, who tried to oppose the atrocities. The scale of the pillaging gave both the victims and witnesses the impression that this was a planned operation. It is clear that the Angolan military hierarchy and the authorities in Kinshasa at least tolerated the commission of these various violations. In this context, the Mapping Team documented the following alleged incidents.

- On 23 August 1998, on their arrival in Moanda, elements of the FAA raped at least 30 women and girls, most of them in the Bwamanu neighbourhood. In some cases, the soldiers obliged the members of the victims' families to applaud during the rapes, on penalty of execution.⁵⁰⁷
- From 26 August 1998, elements of the FAA summarily executed an unknown number of civilians in the centre of Boma. They also raped an unknown number of women and girls. They pillaged civilian property, primarily in the city's suburban neighbourhoods.⁵⁰⁸
- From 27 August 1998, elements of the FAA raped six women shopkeepers and at least three girls in the village of Manterne, 19 kilometres from Boma, on the road to Matadi.⁵⁰⁹
- Around 27 August 1998, in the village of Kinzau Mvwete, halfway between Boma and Matadi, elements of the FAA killed 45 civilians, including women and children.⁵¹⁰
- From 4 September, elements of the FAA raped an unknown number of women and girls, in particular during search operations in the Mvuadu and Kinkanda neighbourhoods in the town of Matadi. The troops also pillaged tens of private homes.⁵¹¹
- Around 6 September, in Kimpese, elements of the FAA committed rapes and acts of pillaging on a large scale.⁵¹²

333. In mid-September 1998, the FAA, ZDF and FAC regained control of the province of Bas-Congo. The ANC/APR/UPDF troops withdrew to Angola, to an area under the control of UNITA, before leaving for Rwanda between November and December. During this period, the humanitarian situation remained very worrying because of the scale of the

⁵⁰⁷ Interviews with the Mapping Team, Bas-Congo, March 2009; HRW, *Casualties of War*, February 1999.

⁵⁰⁸ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵⁰⁹ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵¹⁰ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵¹¹ Interviews with the Mapping Team, Bas-Congo, March 2009.

⁵¹² Interviews with the Mapping Team, Bas-Congo, March 2009.

Unofficial translation from French original

pillaging, carried out primarily in hospitals, the destruction of major infrastructure and restrictions imposed on the freedom of movement of humanitarian workers in the province by the Government in Kinshasa.

2. Kinshasa

334. At the end of August 1998, soldiers from the ANC/APR/UPDF and FAC/ZDF fought each other for control of Kinshasa. In this context, the Mapping Team documented the following alleged incidents.

- At the end of August 1998, the ZDF used heavy weapons to bombard the municipalities of Kimbanseke, Masina and Ndjili and the village of Kingatoko, on the border with the province of Bas-Congo, and killed around 50 civilians. During the night of 27 to 28 August, 282 wounded civilians were taken into the capital's main hospitals and medical centres. The bombardments prompted thousands of people to move to other municipalities. Elements of the ZDF fired with heavy weapons, making no distinction between civilian and military targets. These therefore included healthcare institutions and places of worship. The military authorities often exposed civilians to indiscriminate fire, ordering them to remain in their homes so that ANC/APR/UPDF soldiers were unable to hide in abandoned houses.⁵¹³
- Between 28 August and 1 September 1998, the fighting between ANC/APR/UPDF and FAC/ZDF troops caused several civilian deaths, primarily in the municipality of Mont-Ngafula.⁵¹⁴
- On 28 August 1998, the FAC killed at least two Red Cross volunteers, one of them by smashing his skull, whilst they were trying to rescue victims from the bombardments in the Mitendi and Mbenseke neighbourhoods of the municipality of Mont-Ngafula. During the same incident, they also seriously wounded an unknown number of Red Cross volunteers.⁵¹⁵

335. On 13 August 1998, ANC/APR/UPDF troops took control of the Inga hydroelectric power station in the Bas-Congo and stopped the turbines on the dam.

- By stopping the turbines on the Inga dam for three weeks during August and September 1998, the ANC/APR/UPDF troops deprived part of the province of Bas-Congo and several neighbourhoods in Kinshasa of power and water supplies.

⁵¹³ Interviews with the Mapping Team, April 2009; *Report on the situation of human rights in the DRC* (E/CN.4/1999/31); ASADHO, press release, 6 September 1998; AI, *DRC: War against unarmed civilians*, 1998; Reuters, "Shelling in Kinshasa suburb, Civilians Flee", 23 August 1998; IRIN, "Weekly Round-Up", 4 September 1998.

⁵¹⁴ Interviews with the Mapping Team, Kinshasa April 2009.

⁵¹⁵ Interviews with the Mapping Team, Kinshasa March 2009.

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Beni and Lubero regions (Grand-Nord)

344. On 7 August 1998, the UPDF took unopposed control of the town of Beni and the surrounding region. During the following months, however, numerous local young people joined the Mayi-Mayi groups operating in the Beni and Lubero regions. With financial support and weapons provided by the Government in Kinshasa, these Mayi-Mayi groups increased in strength and stepped up the number of attacks against the UPDF military convoys travelling between Beni and Butembo and in an area to the north-west of the two towns. On 14 November 1999, Mayi-Mayi combatants attacked Ugandan troops in Beni, killing several soldiers and a UPDF colonel.

345. The Mayi-Mayi groups in Grand-Nord quickly began to fight due to rivalry for the control of the region's agro-pastoral and mining resources and local control over peace negotiations. Violent confrontations broke out between the Vurondo Mayi-Mayi of Chief Lolwako Poko Poko and those of Chief Mudohu.

346. In 2000, the attempts made by the RCD-ML to regain control of the Vurondo Mayi-Mayi and incorporate them in the Armée patriotique congolaise (APC), the armed wing of the RCD-ML, failed and led to further incidents. In August, the Vurondo Mayi-Mayi, who had been brought to Lubero by the APR for a military training course run by UPDF troops, rebelled.

- On 25 and 26 August 2000, confrontations between the Vurondo Mayi-Mayi and APC/UPDF troops in the village of Lubero reportedly resulted in tens of deaths among the Mayi-Mayi and an unknown number of civilian victims. Some sources suggest that 17 civilians were killed and seven Mayi-Mayi prisoners summarily executed.⁵³¹

347. Following these incidents, the Mayi-Mayi restarted and intensified their attacks on UPDF convoys between Beni and Butembo. In retaliation, the UPDF forces led operations against villages suspected of sheltering Mayi-Mayi groups. UPDF soldiers often made disproportionate use of force during these attacks, killing combatants and civilians indiscriminately.

- On 1 November 2000, UPDF soldiers allegedly killed between seven and eleven people during an attack on the population of the villages of Maboya and Loya, 16 kilometres north of the town of Butembo. A few hours before the attack, four UPDF soldiers had been killed by Vurondo Mayi-Mayi during an ambush close to the village of Maboya. During the afternoon, UPDF soldiers apparently launched

⁵³¹ Interview with the Mapping Team, North Kivu, February 2009; HRW, "Uganda in Eastern DRC: Fueling Political and Ethnic Strife", March 2001, p. 41.

Unofficial translation from French original

an indiscriminate attack on the inhabitants of both villages and set 43 houses on fire. Some victims were shot and killed, whilst others were burned alive.⁵³²

348. On 8 November 2000, close to the village of Butuhe, 10 kilometres north of Butembo, Vurondo Mayi-Mayi attacked a UPDF convoy that was escorting lorries transporting minerals.

- On 9 November 2000, UPDF soldiers are alleged to have killed indiscriminately 36 people in the village of Kikere, close to Butuhe, north of Butembo. The soldiers fired blindly on civilians using rifles and rocket-launchers. Some civilians died as a result of being burned alive in their homes. The soldiers also systematically killed domestic animals and destroyed civilian property.⁵³³

349. In the town of Beni, UPDF soldiers instituted a reign of terror for several years with complete impunity. They carried out summary executions of civilians, arbitrarily detained large numbers of people and subjected them to torture and various other cruel, inhuman or degrading treatments. They also introduced a particularly cruel form of detention, putting the detainees in holes dug two or three metres deep into the ground, where they were forced to live exposed to bad weather, with no sanitation and on muddy ground.

- In March 2000, UPDF soldiers allegedly killed four civilians and wounded several others in the town of Beni during an operation to quell a demonstration. The victims had been protesting against the murder of a woman, the arbitrary arrest of her husband and the pillaging of their house, committed a few days earlier by UPDF soldiers.⁵³⁴

350. During the period under consideration, UPDF soldiers carried out several operations against an armed group of Ugandan origin, the ADF-NALU (Allied Democratic Forces–National Army for the Liberation of Uganda⁵³⁵) based in the Ruwenzori massif in the Beni region. For their part, ADF-NALU carried out attacks on villages in the Ruwenzori region, kidnapping numerous civilians and pillaging their property. In this context, the Mapping Team documented the following alleged incidents.

⁵³² United Nations, press release, Commission on Human Rights, 2 April 2001; ASADHO, “L’Ouganda sacrifie la population civile congolaise”, February 2001; HRW, “Uganda in Eastern DRC: Fueling Political and Ethnic Strife”, p. 42; De l’Afrique vers le monde, “Butembo, en territoire occupé: message de paix pour le Nouvel An 2001 par l’évêque catholique et par le représentant des baptistes”, 5 January 2001. available on the Internet at: http://web.peacelink.it/dia/report/jan_05_2001.txt.

⁵³³ ASADHO, “L’Ouganda sacrifie la population civile congolaise”, February 2001; Didier Kamundu Batundi, *Mémoire des crimes impunis, la tragédie du Nord-Kivu*, 2006, p. 123; HRW, “Uganda in Eastern DRC: Fueling Political and Ethnic Strife”, p. 42.

⁵³⁴ Interviews with the Mapping Team, North Kivu, February 2009.

⁵³⁵ Formed from an amalgamation of former rebel groups, the ADF-NALU [*Allied Democratic Forces-National Army for the Liberation of Uganda*] appeared in the second half of the 1980s after the arrival in power of the Ugandan President, Yoweri Museveni. During the 1990s, the ADF-NALU were supported by President Mobutu and used North Kivu as a sanctuary.

Unofficial translation from French original

359. After the withdrawal of the FAC from Orientale Province, numerous civilians joined the Mayi-Mayi armed groups and attacked ANC/APR soldiers at several places in the region. In retaliation, ANC/APR soldiers led punitive expeditions against civilian populations suspected of collaborating with the Mayi-Mayi. In this context, the Mapping Team documented the following alleged incidents.

- On 24 October 1998, elements of the ANC/APR executed 28 civilians, including several minors, in the village of Makoka, on the border with Maniema province, in the Lubutu region. The soldiers also raped at least seven women. Before they left, they pillaged and set fire to the village. According to the villagers, there were no Mayi-Mayi in Makoka at this time.⁵⁹²
- At the end of 1999, in the Opala region, soldiers from the ANC/APR killed two boys between the villages of Yatolema and Yalikoko and raped an unknown number of women. At the end of 1999, soldiers raped at least one young girl in the town of Opala.⁵⁹³
- In October 2000, at the 63-kilometre marker on the road between Kisangani and Lubutu, elements of the ANC/APR summarily executed four young boys accused of being Mayi-Mayi. The soldiers then arrested seven members of the victims' family and tortured them for three consecutive days before releasing them. The day before the incident, a group of Mayi-Mayi had killed several ANC/APR soldiers during an ambush, forcing them to withdraw to their base in Wanie Rukula, in the Ubundu region.⁵⁹⁴

360. During the period under consideration, FAC planes bombarded ANC/APR/UPDF positions in Orientale Province on several occasions.

- On 10 January 1999, a FAC plane apparently indiscriminately bombarded the town of Kisangani, killing 12 civilians and wounding 27. On 22 February, FAC bombardments of the town of Opala caused five civilian deaths. The number of casualties caused by the bombardments could have been much higher if military sources in Kinshasa had not warned civilians in time, allowing them to leave the towns that had been targeted.⁵⁹⁵

⁵⁹² Interviews with the Mapping Team, Orientale Province, January 2009; Document submitted to the Mapping Team by the President of civil society in Wanie Rukula, Orientale Province, 2009; Congolese Foundation for the Promotion of Human Rights and Peace (FOCDP), "Memorandum to the Secretary-General of the United Nations", 2001; Justice and Liberation group, 1999 report.

⁵⁹³ Interviews with the Mapping Team, Orientale Province, January 2009.

⁵⁹⁴ Interviews with the Mapping Team, Orientale Province, February 2009.

⁵⁹⁵ Interviews with the Mapping Team, Orientale Province, January and February 2009; Horeb Group, *Annual Report*, 1999; Justice and Liberation group, "La guerre des alliés and le droit international humanitaire", May 1999; Lotus Group, *Report on the bombardments of 1999, 2000*.

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361. In August 1999, whilst international pressure on the leaders of the RCD-Goma to sign the Lusaka Agreement⁵⁹⁶ was intensifying, the simmering crisis between Rwanda and Uganda for the control of the RCD degenerated into open conflict in Kisangani. On the morning of 7 August, APR and UDF soldiers fought with heavy weapons for several hours without any civilians being wounded. The situation calmed down again over the course of the following days. Tension continued to build, nonetheless, and both sides strengthened their positions and brought large numbers of weapons into the town. On the evening of 14 August, fighting again broke out between the two armies at the airport and extended along the main roads and into the town centre.

- From 14 to 17 August 1999, APR and UDF soldiers are said to have used heavy weapons in areas with a dense civilian population as they fought to gain control of the town of Kisangani. The fighting allegedly caused the deaths of over 30 civilians and wounded over 100 of them. The APR fired on both military targets and private homes belonging to civilians suspected of supporting the Ugandans. Once the hostilities were over, Rwandan and Ugandan soldiers pillaged several places in Kisangani.⁵⁹⁷

362. After three days of fighting, Uganda and Rwanda signed a ceasefire agreement that provided for Kisangani to be demilitarised and the headquarters of the pro-Ugandan branch of the RCD, the RCD-Kisangani-*Mouvement de Libération* (RCD-K-ML) led by Wamba dia Wamba, to be relocated to Bunia on 1 October 1999. During the months that followed, Orientale Province found itself divided into a “Rwandan zone” under the control of the RCD-G and a “Ugandan zone” dominated by the various movements supported by Kampala. In May 2000, however, tension between the Ugandan and Rwandan armies again moved up a notch in Kisangani. The UDF strengthened its military positions to the north-east of the town and the APR reacted by bringing in additional weapons.

- On 5 May 2000, the APR and UDF are said to have used heavy weapons in densely populated areas, causing the deaths of over 24 civilians and wounding an unknown number of them. Before the start of the hostilities, the Ugandan army

⁵⁹⁶ For the text of the agreement, see S/1999/815, appendix.

⁵⁹⁷ Interviews with the Mapping Team, Orientale Province, December 2008; Judicial Commission of Inquiry - Republic of Uganda, *Final Report on Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC, 2001*, November 2002; Horeb Group, “Les affrontements de Kisangani: crimes contre les droits humains and le processus de paix durable”, August 1999; Justice and Liberation group, “La guerre des alliés en RDC and le droit à l’autodétermination du peuple congolais”, August 1999; Lotus Group, “Les conséquences de la contradiction des alliances and factions rebelles au nord-est de la RDC: La guerre de Kisangani”, September 1999.

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had warned the population of the imminent bombardments and had asked for the evacuation of several areas located close to their targets.⁵⁹⁸

363. On 12 May 2000, a team of United Nations military observers was sent to the area. Under international mediation, the two parties adopted a demilitarisation plan for the town, which they began to implement on 29 May. Fighting broke out again on 5 June, however, resulting in the so-called “Six-Day War”.

- The APR and UPDF fought each other in Kisangani from 5 to 10 June 2000. Both sides reportedly embarked on indiscriminate attacks with heavy weapons, killing between 244 and 760 civilians according to some sources, wounding over 1,000 and causing thousands of people to be displaced. The two armies also destroyed over 400 private homes and caused serious damage to public and commercial properties, places of worship, including the Catholic Cathedral of Notre-Dame, educational institutions and healthcare facilities, including hospitals. The UPDF had taken steps to avoid civilian losses by ordering the evacuation of combat zones before the start of hostilities and prohibiting access to three areas that were declared off-limits to non-combatants. This restriction was, however, also extended to humanitarian workers, in particular the ICRC, which was not able to get help to the wounded for several days.⁵⁹⁹

7. Ituri

364. In mid-August 1998, UPDF soldiers arrived in Ituri and quickly took control of the district without encountering any real resistance. Like the rest of Orientale Province, Ituri was placed under RCD administration. Following the movement’s split, in March 1999, into a pro-Rwandan branch (RCD-Goma) and a pro-Ugandan branch (RCD-ML), Ituri was integrated into the RCD-ML zone and administered from Kisangani. The key man on the ground in Ituri, however, was the UPDF Chief of Staff, General Kazini. He applied a policy that supported autonomy for the region in relation to the rest of Orientale Province and openly favoured the interests of the Hema community, thus reviving former conflicts over land.

⁵⁹⁸ Interviews with the Mapping Team, Orientale Province, November 2008; Judicial Commission of Inquiry - Republic of Uganda, *Final Report on Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC 2001*, November 2002; Justice and Liberation group, “La guerre des alliés à Kisangani (5 mai-10 juin 2000)”, 2000; Lotus group, “Les rivalités ougando-rwandaïses à Kisangani: La prise en otage de la population civile”, May 2000.

⁵⁹⁹ Interviews with the Mapping Team, Orientale Province, November 2008 and February 2009; Report of the inter-agency assessment mission to Kisangani (S/2000/1153), appendix; IRIN, Weekly reports, May 2000 to June 2000; Judicial Commission of Inquiry - Republic of Uganda, *Final Report on Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC 2001*, November 2002; Justice and Liberation group, “La guerre des alliés à Kisangani (5 mai-10 juin 2000)”, 2000; Lotus group, *Report on the war in Kisangani*, 2000; Lotus Group, “Kisangani, Le visage de la fatalité”, January 2001.

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365. The Hema-Gegere farmers⁶⁰⁰ who, a few years previously, had acquired new concessions from the land registry in the Djugu region, took advantage of the new political situation to enforce their rights. As the Lendu from the Walendu Pitsi⁶⁰¹ community, who held the customary rights to the land concerned, disputed the value of their title deeds, the Hema-Gegere farmers appealed to the courts and had the Walendu Pitsi expelled from the concessions they wanted. The latter refused to leave, however, and clashes broke out with the police officers who had come to remove them. Several senior Lendu, including the leaders of the Walendu Pitsi and Walendu Djatsi communities, were arrested for vandalism. In April 1999, the Hema-Gegere concession-holders paid UPDF and APC soldiers to attack the Lendu villages located in the disputed concessions.⁶⁰²

366. In this climate, the appointment in June 1999 of Adèle Lotsove, a Hema woman from the Djugu region,⁶⁰³ as Governor of the new province of Kibali-Ituri,⁶⁰⁴ was seen by the Djugu Lendu as a provocation. Her arrival in Ituri was accompanied by a deployment of Ugandan soldiers to the disputed concessions and the withdrawal of the police forces from the majority of the Djugu region. The Walendu Pitsi organised themselves into self-defence forces and confronted the UPDF soldiers and Hema self-defence forces created by the concession-holders in the Walendu Pitsi, Walendu Djatsi, Walendu Tatsi and Ndo Okelo communities. The Lendu and Hema self-defence forces quickly transformed themselves into community militias and people living in the Djugu region were subjected to a first campaign of ethnic cleansing, which resulted in hundreds of deaths. In this context, the Mapping Team documented the following alleged incidents.

- Between June and December 1999, UPDF and APC soldiers killed an unknown number of Lendu civilians in villages in the Djugu region close to the concessions claimed by the Hema-Gegere farmers. Villages in the Dz'na Buba, Linga, Jiba, Dhendo, Blukwa Mbi, Laudjo, Laudedjo Gokpa, Nyalibati and Gbakulu *groupements* were particularly badly affected. Most of the victims were Lendu but Hema were also killed during the attacks. Numerous victims died when their village was set on fire or following heavy arms fire directed at their homes. Some victims were shot dead at point-blank range.⁶⁰⁵

⁶⁰⁰ The term Hema-Gegere or Hema-Nord refers to the Hema in the northern part of the district and speaking the same language as the Lendu. Until 2002, they were allied to Hemas living in the southern part of the district (sometimes called Hema-Sud) although the latter did not speak the same language as them.

⁶⁰¹ In the remainder of the text, Lendu from the Walendu Pitsi community will be referred to by the term Walendu Pitsi.

⁶⁰² The chiefs of the Pitsi and Djatsi community were released in September 1999.

⁶⁰³ Adèle Lotsove is a Hema woman from the Bahema-Badjere chiefdom in the Djugu region. She previously occupied the post of Vice-Governor of Orientale Province.

⁶⁰⁴ The new province combined the districts of Ituri and Haut-Uélé.

⁶⁰⁵ Interviews with the Mapping Team, Ituri, March 2009; Report of the Ituri Peacekeeping Committee, Bunia, August 1999; Document submitted to the Mapping Team on statistics for the Djugu region, March 2009.

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- Between June and December 1999, members of the Lendu militia killed several tens of Hema-Gegere in the village of Libi from the Walendu Pitsi community and in the village of Fataki from the Walendu Djatsi community. These attacks led to the displacement of almost all the Hema-Gegere living in the Walendu Pitsi community.⁶⁰⁶
- From June 1999 onwards, the Lendu self-defence groups recruited large numbers of children to their ranks and used them during their attacks on Hema locations. They most often helped them to carry pillaged property.⁶⁰⁷
- On 20 June 1999, members of the Hema militias and UPDF soldiers killed at least 25 people, including several civilians, during an attack on the village of Dhendro, in the Walendu Pitsi community, on the border with the Dhendro *groupement*.⁶⁰⁸
- On 14 September 1999, members of the Lendu militias from the Walendu Pitsi community used edged weapons to kill several hundred Hema-Gegere, including a majority of civilians, during widespread attacks on locations in the Dhendro *groupement* in the Bahema-Nord community. Members of the militias also pillaged and set fire to tens of villages. The victims were buried in mass graves. According to several sources, the massacre took place in retaliation for an attack committed on 20 June by members of the Hema militias in the village of Dhendro.⁶⁰⁹
- On 14 September 1999, during a night-time offensive on the village of Fataki, in the Walendu Djatsi community, members of the Hema militias and Hema soldiers from the APC killed several tens of civilians with edged weapons, including at least 15 minors and several women. The assailants then buried the bodies themselves. Following the attack, all the Lendu left the village and Fataki became a Hema bastion in the Walendu Djatsi community.⁶¹⁰

367. During the months that followed, members of the Lendu militias tried to regain control of Fataki on several occasions. For its part, the UPDF concentrated its troops on Fataki and Linga and led several offensives against Lendu militia bases in Kpandroma and Rethy, in the Walendu Djatsi community.

⁶⁰⁶ Interviews with the Mapping Team, Ituri, March and May 2009.

⁶⁰⁷ Interviews with the Mapping Team, Ituri, March to April 2009.

⁶⁰⁸ Interviews with the Mapping Team, Ituri, March 2009; Documents submitted to the Mapping Team in February and March 1999; *Special report on the events in Ituri* (January 2002-December 2003) [S/2004/573], MONUC; Report of the Ituri Peacekeeping Committee, Bunia, August 1999.

⁶⁰⁹ Ibid.

⁶¹⁰ Interviews with the Mapping Team, Ituri, March 2009; Confidential document submitted to the Mapping Team in February 2009; Document submitted to the Mapping Team on the victims of the conflict, Ituri, March 2009.

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368. During the period under consideration, the Lendu militias also attacked villages in the Djugu region on the shores of Lake Albert, the majority of which were populated by Hema.⁶¹¹

- In July 1999, members of the Lendu militias from the Buba group in the Walendu Pitsi community allegedly killed over 100 Hema civilians in the fishing village of Musekere in the Bahema-Nord community. Having encircled the village at dawn and forced six APC soldiers there to flee, they massacred the population using machetes and other edged weapons. From the start of the conflict, the Lendu leaders of the Buba *groupement* had threatened to attack the inhabitants of Musekere on several occasions.⁶¹²

369. In October 1999, the RCD-ML set up a Peacekeeping and Monitoring Committee⁶¹³ and organised several inter-community meetings, which resulted in peace agreements being signed by the leaders of the different communities. Whilst the Peacekeeping Committee deployed in the north of the Djugu region succeeded in restoring calm to the region, however, confrontations broke out between Hema and Lendu militias in the south of the region in the Walendu Djatsi, Banyari Kilo, Mabendi, Mambisa and Ndo Okebo communities.

- On 1 December 1999, members of the Lendu militias confronted elements of the UPDF and members of the Hema militias over control of the mining town of Bambou, in the Walendu Djatsi community in the Djugu region. The fighting allegedly led to the deaths of over 200 members of the civilian population. Numerous victims were mutilated and the town looted. Most of the victims' bodies were thrown into the River Chari.⁶¹⁴

370. At the end of 1999, Ugandan soldiers and senior members of the RCD-ML⁶¹⁵ tried to ease the conflict in the Djugu region. In November, the Ugandan President, Yoweri Museveni, met representatives of the Ituri communities. On 16 December, Adèle Lotsove handed over her post as Governor to Ernest Uringi Padolo, a member of the Alur community, which was seen as neutral in the Hema/Lendu conflict.⁶¹⁶ The sector

⁶¹¹ Ibid.

⁶¹² Interviews with the Mapping Team, May 2009, ACIAR [*Australian Centre for International Agricultural Research*]-Justice Plus, "Tentative de paix, action humanitaire and bilan des affrontements sanglants entre Lendu (Bbale) et Hema (Gegere) en territoire de Djugu", August 1999–March 2000.

⁶¹³ The Committee was led by the academic Jacques Depelchin, a friend of the President of the RCD-ML, Wamba dia Wamba and the Ugandan President, Yoweri Museveni.

⁶¹⁴ Interviews with the Mapping Team, Ituri, April 2009; Confidential documents submitted to the Mapping Team in February 2009.

⁶¹⁵ In October 1999, the RCD-ML relocated its headquarters from Kisangani to Bunia.

⁶¹⁶ In numerical terms the Alur are the largest community in Ituri. In 1999, members of the Lendu militias had attacked members of the Alur community which were then supported by the Hema militias. In September 1999, however, following the peace agreement concluded in Rethy with the Lendu, the Alur distanced themselves from the Hema.

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commander who had made UPDF soldiers available to the Hema-Gegere concession-holders to attack the Walendu Pitsi was replaced. These initiatives helped to restore calm to the district over the course of 2000, but did not put an end to the serious violations of human rights in the Djugu region. In this context, the Mapping Team documented the following alleged incidents.

- In January 2000, members of the Lendu militias from the Walendu Pitsi and Bahema-Nord communities attacked people living in the Blukwa *groupement*, killing several hundreds of Hema with edged weapons. The *groupement* had been the site of violent inter-ethnic confrontations since September 1999. The attack in January took place after the departure of APC troops, fleeing from the increasing violence.⁶¹⁷
- On 26 April 2000, members of the Hema militias and UPDF troops attacked the Buba *groupement*, in the Walendu Pitsi community, causing around 10 deaths, the majority of whom were Lendu civilians.⁶¹⁸
- Between 27 August and 12 September 2000, members of the Hema militias from Mangala, Ghele, Gele and Liko, sometimes acting with the support of the Hema APC soldiers, pillaged and set fire to several villages in the Walendu Djatsi community including Mbau (27 August), Glakpa and Gobi (28 August), Logai (29 August), the villages in the Dz'na *groupement* (31 August) and Mayalibo (6-12 September).⁶¹⁹

8. Kasai Occidental

371. Between March and July 1999, ANC/APR soldiers launched a vast offensive to take control of the provinces of Eastern and Kasai Occidental. In April, they captured the areas of Lodja and Lubefu, and the FAC fled towards Kananga, committing numerous atrocities and looting as they went. Between May and June, FAC and ZDF soldiers entered into violent confrontations with ANC/APR troops for the control of the Demba and Dimbelenge regions, north of Kananga. People on both sides of the front line were subjected to numerous atrocities. Given the land-locked nature of the region and the lack of time, the Mapping Team was only able to document a limited number of incidents, which are reported below as representative of the violations committed during this period.

⁶¹⁷ Interviews with the Mapping Team, Ituri, March 2009; ACIAR-Justice Plus, "Tentative de paix, action humanitaire and bilan des affrontements sanglants entre Lendu (Bbale) and Hema (Gegere) en territoire de Djugu", August 1999-March 2000; ASADHO, press release, "Affrontements sanglants entre Lendu and Hema", 7 February 2000; ASADHO, "Rapport sur le conflit interethnique Hema-Lendu en territoire de Djugu, dans la province Orientale", 7 December 1999.

⁶¹⁸ Interviews with the Mapping Team, Ituri, April 2009; Documents submitted to the Mapping Team in March 2009.

⁶¹⁹ Interviews with the Mapping Team Ituri, March and April 2009; Documents submitted to the Mapping Team in March 2009.

Unofficial translation from French original

Mayi and were systematically killed. The bodies of some of the victims were thrown into wells.⁶⁶⁷

- On 24 November 2000, elements of the FAC summarily executed nine people, including one of the founders of the AFDL, Commander Anselme Masasu. Arrested in Kinshasa at the end of October, the victims were held for over two weeks in the GLM building in Kinshasa in cruel, inhuman or degrading conditions. On 21 November, accompanied by around 40 other people accused of preparing a coup d'état against President Kabila, they were transferred to ANR prisons in Lubumbashi. On 22 November, the victims and other accused were taken to the village of Cantonnier, about 20 kilometres from the town. Having been condemned to death at the end of a summary trial by the Military Court sitting in Cantonnier specifically for this purpose, the victims were shot. Following the publication of a press release about the case by the ASADHO on 2 December, several human rights activists were arrested in early 2001. The ASADHO's senior official in Katanga was arbitrarily detained and tortured for several months in the GLM building.⁶⁶⁸

10. Équateur

381. In November 1998, a new rebellion, the Mouvement pour la libération du Congo (MLC) began with support from Uganda. Led by Jean-Pierre Bemba Gombo, in the early days the MLC had just one battalion consisting mainly of ex-FAZ soldiers supported by elements of the UPDF. In a few months, however, the MLC army, the Armée de libération du Congo (ALC) added numerous ex-FAZ to its ranks and took control of several urban areas in the north of Équateur province. The town of Bumba fell on 17 November, the town of Lisala on 10 December, the village of Businga, on the crossroads to the towns of Gemena and Gbadolite on 20 December, the town of Gemena on 24 December and the village of Libenge, in the far west of the province, on the border with the Central African Republic, on 4 January 1999. The FAC conducted very intense air bombardments in December 1998 to block the advance of the ALC/UPDF. In this context, the Mapping Team documented the following alleged incidents.

- On 22 December 1998, an FAC Antonov dropped 11 home-made bombs on the village of Businga, killing five civilians. On 24 December, an FAC Antonov plane bombed the village a second time, killing two civilians.⁶⁶⁹

⁶⁶⁷ Interviews with the Mapping Team, Katanga, December 2008; Confidential document submitted to the Mapping Team in 2008.

⁶⁶⁸ Interviews with the Mapping Team, Katanga/Kinshasa, February 2009; *Report of the Special Rapporteur (A/56/327)*, par. 32; Actualités en RDC, "Commandant Anselme Masasu Nindaga: La VSV exige la copie du jugement de l'exécution", 21 March 2001. Available at: http://web.peacelink.it/dia/sommar/mar_21_2001.txt; AI, "From assassination to state murder?", 12 December 2002.

⁶⁶⁹ Interviews with the Mapping Team, Kinshasa, February 2009.

Unofficial translation from French original

- On 25 December 1998, an FAC plane Antonov bombed the town of Gemena, lightly wounding two civilians. On 28 December, an FAC Antonov plane indiscriminately dropped several home-made bombs on Gemena, killing at least 27 civilians.⁶⁷⁰

382. At the same time, the FAC, elements of the Armée nationale tchadienne (ANT) and others from the ALiR launched a land-based counter-offensive. During the operation, FAC/ANT/ALiR soldiers committed serious violations directed at civilians whom they considered to be hostile to the regime of President Kabila and accomplices of the ALC. In this context, the Mapping Team documented the following alleged incidents.

- On 28 December 1998, elements of the FAC killed at least four civilians in the forest surrounding the village of Businga. An eye witness reported that one of the victims, an injured woman, was shot and killed by an FAC soldier. The previous day, the FAC/ANT/ALiR had chased the ALC/UPDF from the village, causing the civilians to flee into the forest.⁶⁷¹
- On 9 January 1999, elements of the ANT set fire to 55 houses and 18 civilians were burned alive in Boyasegbakole I in the Gemena area. The massacre took place on the fringes of the confrontations between the ANT and ALC/UPDF for the control of Gemena.⁶⁷²
- Around 10 January 1999, elements of the FAC and units of President Kabila's Presidential Guard known as the PPU⁶⁷³ killed 25 people, including six women, in the village of Nduma, around 100 kilometres from Zongo. The bodies of the victims were thrown into wells. Around the same date, elements of the FAC/PPU killed 15 inhabitants of the village of Mase, two kilometres from Nduma. Some victims were burned alive, whilst others were shot dead.⁶⁷⁴
- On 29 March 1999, in the Businga region, elements of the FAC/ANT/ALiR looted the IME Loko development centre, the hospital between Businga and Gbadolite and property belonging to the Evangelical Community of Ubangi-Mongola (CEUM).⁶⁷⁵

⁶⁷⁰ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁷¹ Interviews with the Mapping Team, Kinshasa, February 2009.

⁶⁷² Interviews with the Mapping Team, Équateur, April 2009; Confidential document submitted to the Mapping Team, March 2009.

⁶⁷³ The "Presidential Protection Unit" later became the Groupe spécial de sécurité présidentielle (GSSP) [Presidential Special Security Group].

⁶⁷⁴ Interviews with the Mapping Team, Kinshasa and Équateur, February, March and April 2009; AFP [Agence France-Presse], *DRC troops massacre 300 civilians*, 13 January 1999; AI, *Killing human decency*, 2000, p. 10.

⁶⁷⁵ Interviews with the Mapping Team, Équateur, April 2009.

Unofficial translation from French original

383. After the ALC/UPDF troops had withdrawn to Lisala, the FAC/ANT/ALiR soldiers continued their offensive and arrived in Umangi during the night of 23 to 24 February 1999. On 24 February, the FAC attacked the town of Lisala. In this context, the Mapping Team documented the following alleged incidents.

- On 24 February 1999, elements of the FAC/ALiR shot and killed three civilians in the village of Umangi and a fourth in the village of Edjeke, less than 20 kilometres from Lisala.⁶⁷⁶
- Between 24 and 26 February 1999, the FAC/ANT/ALiR and ALC/UPDF shelled the town of Lisala, killing at least 15 civilians.⁶⁷⁷

384. On 26 February 1999, ALC/UPDF troops regained control of Lisala, forcing the FAC/ANT/ALiR to withdraw to Umangi.

- On 26 February 1999, elements of the FAC/ANT/ALiR killed three civilians as they withdrew to Umangi in the village of Bopuo, seven kilometres from Lisala.⁶⁷⁸
- On 28 February 1999, elements of the FAC/ANT/ALiR killed seven civilians in the village of Ngonzi-Rive, nine kilometres from Lisala. The victims, who had been taken hostage the day before, were executed in front of the school complex building in Ngonzi-Rive. One of the victims was killed for having claimed the bicycle the soldiers had taken from him.⁶⁷⁹

385. During the following months, violent fighting broke out between elements of the FAC/ANT/ALiR and the ALC/UPDF around Businga and Kateke, two villages in the district of Nord-Oubangui. The fighting resulted in heavy losses on both sides. In this context, the Mapping Team documented the following alleged incidents.

- On 28 May 1999, 12 kilometres from Businga, elements of the ALC/UPDF executed an ALiR member who was no longer able to fight. Numerous witness statements indicate that the ALC soldiers cut off the lips of Chadian prisoners. Cases of prisoners being summarily executed and mutilated were very frequent.⁶⁸⁰

⁶⁷⁶ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁷⁷ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁷⁸ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁷⁹ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁸⁰ Interviews with the Mapping Team, Kinshasa, February-March-April 2009.

Unofficial translation from French original

- In May 1999, whilst they were withdrawing from Congolese territory, elements of the ANT pillaged large amounts of civilian property and several tonnes of coffee in the town of Zongo in the district of Sud-Oubangui.⁶⁸¹

386. Taking advantage of the withdrawal of ANT troops and the arrival of reinforcements from the recruitment and training camps, ALC/UPDF soldiers launched a second major offensive in May 1999. In three months, ALC/UPDF troops regained control of the towns of Kateke (27 April 1999), Businga (14 May 1999) and Gbadolite (3 July 1999). As they retreated, elements of the FAC/ALiR carried out deliberate attacks on civilians, either because they were accused of collaborating with ALC/UPDF soldiers or in order to provide an opportunity to loot their property. In this context, the Mapping Team documented the following alleged incidents.

- On 10 May 1999, elements of the FAC/ALiR killed three minors between Businga and Loko. An unknown number of civilians were also killed in the villages of Bokosa, Bogbudu, Bobusu and Bobale.⁶⁸²
- In June 1999, elements of the FAC/ALiR killed at least eight civilians in Inke, a village 50 kilometres from Gbadolite.⁶⁸³
- Towards the end of July 1999, elements of the FAC killed between 32 and 45 civilians in the village of Bogwaka, south of Gemena. The victims, who belonged to a group of young choir members from the village of Bogon, were heading for Akula to enlist in the ALC. When they arrived in Bogwaka, in the Gemena region, the victims were intercepted by the FAC. Assuming the FAC were ALC soldiers, the victims told them they wanted to enlist in the army of the MLC. The civilians were led to the house of the FAC commander and executed one by one. The bodies were buried in Bogwaka in a mass grave behind the house used by the FAC commander at the time.⁶⁸⁴

387. In June 1999, the ALC/UPDF troops took control of Bongandanga, a town south of Lisala. Elements of the FAC, belonging to a battalion nicknamed “Robot” because of the uniforms and equipment used by the soldiers, beat a retreat towards Djolu. In this context, the Mapping Team documented the following alleged incidents.

- Before leaving Bongandanga, elements of the FAC Robot battalion killed two civilians behind the Bongandanga Institute. The victims had been accused of belonging to the ALC.⁶⁸⁵

⁶⁸¹ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁸² Interviews with the Mapping Team, Kinshasa, March/April 2009; Action humanitaire du Congo, “Situation des graves violations des droits humains dans le Nord-Équateur”, 4 April 2009.

⁶⁸³ Ibid.

⁶⁸⁴ Interviews with the Mapping Team, Équateur, April 2009.

⁶⁸⁵ Interviews with the Mapping Team, Équateur, March-April 2009.

Unofficial translation from French original

392. On 9 August 2000, a UPDF tank is said to have fired on a boat transporting FAC soldiers and at least several dozen soldiers drowned near the Protestant Mission in Kala, a village 30 kilometres from Libenge:

- Between 20 July and 10 September 2000, elements of the 10th Brigade of the FAC executed tens of civilians in the village of Dongo. On 21 July, the soldiers first arrested and executed the civilians who were still in the village when they arrived. During the days that followed, they arrested and executed the civilians who had fled into the bush and who had finally agreed to return. The killings ceased on 10 September when the ALC/UPDF regained control of Dongo. The bodies of the victims were placed in a number of mass graves opposite the area office on avenue Mbenga, close to the market, on the road between Dongo and Ikwangala. On 14 September, the MLC brought several international journalists to the area so that international public opinion would become aware of the massacres.⁶⁹⁷

⁶⁹⁷ Interviews with the Mapping Team, Kinshasa and Équateur, April 2009; Ian Fisher, "Congo's War Triumphs over Peace Accord", New York Times, 18 September 2000; Voice of America, "Congo Rebels", 14 September 2000.

Unofficial translation from French original

CHAPTER IV. JANUARY 2001–JUNE 2003: TOWARDS TRANSITION

393. Following the assassination of Laurent-Désiré Kabila on 16 January 2001 and his replacement by his son Joseph Kabila, a new phase of the conflict began. The belligerents agreed to implement a plan to withdraw their forces and start preparing for the Inter-Congolese Dialogue (ICD). From March 2001 onwards, MONUC's military observers were able to be deployed along the front line and consolidate the ceasefire.

394. In the provinces of North and South Kivu, however, the war continued between Kabila's Government (the Mayi-Mayi groups, FDD and ALiR) and the soldiers of the ANC, (the armed wing of the RCD-Goma), and the Rwandan soldiers of the APR.

395. In Orientale Province, the efforts made by Uganda to unite its two allies, the RCD-ML and the MLC, failed. After the RCD-ML rallied to the Government in Kinshasa, the ALC (the army of the MLC) and the ANC stepped up their attacks on the army of the RCD-ML, the APC. The attacks were designed to prevent the government army of the FAC from regaining a foothold in North Kivu and Orientale Province through its new ally, the RCD-ML.

396. In spite of reluctance on both sides, the Inter-Congolese dialogue began on 25 February 2002 in Sun City (South Africa). On 19 April, President Joseph Kabila and the head of the MLC, Jean-Pierre Bemba, announced the conclusion of a framework power-sharing agreement for which they gained the support of most of those involved in the Dialogue, except the RCD-Goma and several parties from the unarmed political opposition, including the UDPS.

397. On 30 July 2002, the Congolese and Rwandan Presidents signed a peace agreement in Pretoria, providing for the withdrawal of Rwandan troops from Congolese territory in return for the dismantling of the ex-FAR/Interahamwe and Hutu armed groups within the *Forces démocratiques de libération du Rwanda* (FDLR⁶⁹⁸).⁶⁹⁹ At the same time, the Government in Kinshasa concluded a peace agreement with Uganda in Luanda on 6 September, providing for the withdrawal of Ugandan troops from the Congo and the re-establishment of peace in the Ituri district.⁷⁰⁰ Starting in September 2002, Zimbabwean, Angolan, Namibian, Rwandan and Ugandan troops began to withdraw from Congolese territory. Under intense international pressure, the various elements and entities involved in the Inter-Congolese Dialogue finally signed the Global and All-Inclusive Agreement in Pretoria on 17 December 2002.⁷⁰¹ In spite of the continued fighting in North and South Kivu, the deterioration in the security situation in North

⁶⁹⁸ The ALiR was dissolved as part of the FDLR at the end of 2000.

⁶⁹⁹ For the text of the Agreement, see S/2002/914, appendix.

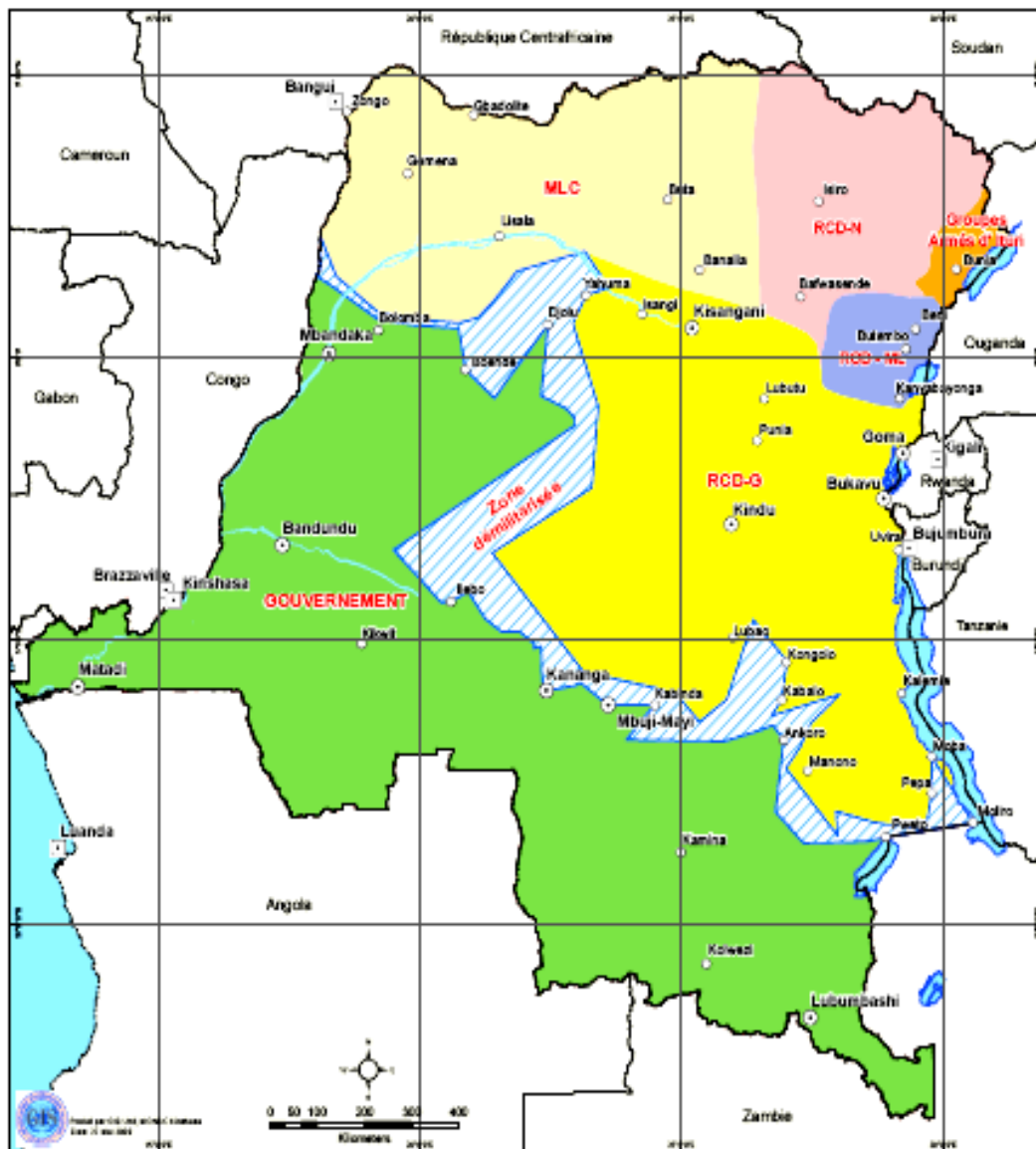
⁷⁰⁰ Available at the following address: www.droitcongolais.info/files/0426_accord_du_6_septembre_2002_rdc-ouganda_r.pdf.

⁷⁰¹ Available at the following address: <http://democratie.francophonie.org/IMG/pdf/VII.1.pdf>.

Unofficial translation from French original

Katanga and the intensification of the war between the different militias in Ituri, the participants in the Inter-Congolese Dialogue ratified the Global and All-Inclusive Agreement in Sun City (South Africa) on 1 April 2003 along with an additional memorandum on the integration of the various armed groups into a single national army. The transition institutions were officially put in place on 30 June 2003.

Zones Gouvernementales et Rebelles en Juin 2002



Government and Rebel Zones, June 2002

Unofficial translation from French original

400. In April 2002, Joseph Kabila and Jean-Pierre Bemba signed a power-sharing agreement. As the agreement was rejected by the RCD-Goma and the main opposition party, the UDPS, the negotiations taking place as part of the Inter-Congolese Dialogue stalled. On 14 May 2002, in Kisangani, a group of soldiers and police officers with no identifiable leader called on the RCD-Goma security forces to rebel. They also incited the local population to kill any Rwandans in the town.

- On 14 May 2002, several unidentified civilians, responding to the call of the ANC's rebels, are said to have killed at least six people. The victims were Rwandans, people of Rwandan origin and those who resembled them.⁷⁰⁶

401. Over the course of the day, soldiers from the ANC/APR were sent reinforcements from Goma and regained control of the town.

- Between 14 and 22 May 2002, elements of the ANC/APR allegedly killed at least 276 civilians and wounded hundreds in Kisangani, particularly in neighbourhoods in the municipality of Mangobo, at Camp Ketele, at Bangoka airport and on the Tshopo bridge. The soldiers also committed an unknown number of rapes and looted civilian property during their search operations. Numerous bodies were thrown into the River Tshopo, some of which had been mutilated and disembowelled.⁷⁰⁷

402. During the period under consideration, the Bas-Uélé district remained under the control of ALC/UPDF soldiers. The latter allegedly committed serious violations against all those who dared to dispute their authority or criticised their involvement in pillaging the natural resources of the region. The case below is mentioned for illustrative purposes.

- From 2001 to January 2003, elements of the ALC/UPDF apparently tortured and killed an unknown number of civilians in the town of Buta. Most of the victims were held in muddy holes in conditions likely to cause death through disease or exhaustion. After a human rights activist had been tortured and held in one of the

⁷⁰⁶ Interviews with the Mapping Team, Orientale Province, December 2008; Eleventh report of the Secretary-General on MONUC (S/2002/6); Report of the Special Rapporteur (E/CN.4/2003/3/Add.3); DRC Ministry of Human Rights, "Livre blanc spécial sur les récurrentes violations des droits de l'homme and du droit international humanitaire dans la ville de Kisangani", June 2002; Groupe Justice et Libération, "Vraie ou fausse mutinerie de Kisangani and le massacre des populations civiles", June 2002; ANMDH, "Kisangani – Les événements du 14 May 2002 – Rapport sur le massacre de la population and le pillage des biens des paisibles citoyens", 30 May 2002, Lotus Group, "Comprendre les événements du 14 mai 2002 et agir pour le respect des droits humains and une paix juste", July 2002; Synergie pour la paix (SYPA), Rapport d'enquête sur le massacre de Kisangani du 14 au 16 mai 2002, June 2002; AI, "RDC: Il faut que justice soit rendue maintenant aux victimes des massacres de Kisangani", press release, 12 June 2002; AI, *DRC, Our brothers who help kill us: economic exploitation and human rights abuses in the east*, 2003; HRW, "Crimes de guerre à Kisangani: Identification des officiers impliqués", 20 August 2002.

⁷⁰⁷ Ibid.

Unofficial translation from French original

muddy holes by the soldiers, MONUC and United Nations organisations sent out an investigative mission and had these prisons shut down.⁷⁰⁸

403. Between 2001 and 2003, troops from the ALC, the army of the MLC, and the few soldiers in Roger Lumbala's RCD-National⁷⁰⁹ confronted elements of the APC, the armed wing of the RCD-ML, for control of the district of Haut-Uélé on several occasions. During the period under consideration, the town of Isiro passed back and forth into the hands of both sides several times. In October 2002, faced with the advance of the APC, the ALC sent reinforcements from Équateur to Isiro as part of the "Clean the blackboard" operation (*Operation effacer le tableau*). This operation was designed to destroy the APC once and for all, so as to deprive the Government in Kinshasa of its ally, the RCD-ML, in the eastern Congo and to get hold of the natural resources still under the control of the RCD-ML before the transition period began. The UPC, which was also trying to crush the APC, joined in with the operation. Elements from the "Clean the blackboard" operation mounted an ambush against the APC in the village of Madesi. In this context, the Mapping Team documented the following alleged incidents.

- On 30 or 31 July 2002, elements of the APC gang-raped six women in the area around the village of Madesi.⁷¹⁰
- During and after the fighting, between 31 July and 2 August 2002, elements of the ALC taking part in the "Clean the blackboard" operation tortured, mutilated and killed at least 16 APC combatants as well as an unknown number of civilians, including women and children. ALC soldiers used the organs of some of their victims (genitals and ears) as war trophies and showed them to the population of Isiro. The Mapping Team was not in a position to confirm the allegations that elements of the "Clean the blackboard" operation indulged in acts of cannibalism after the fighting.⁷¹¹
- In early March 2003, ALC soldiers tortured to death six palm-oil sellers in Ganga in the Haut-Uélé district. The day after the killing, they massacred a woman by beating her with a hammer on the grounds that she was wearing an item of clothing with the APC logo on.⁷¹²

⁷⁰⁸ Interviews with the Mapping Team, Orientale Province, January 2009.

⁷⁰⁹ The RCD-National is a small political and military movement that appeared in 2001 and had a military presence in the regions of Isiro and Watsa. Led by Roger Lubumla, who had long been President of the UDPS opposition party in France, the movement allied itself to Jean-Pierre Bemba's MLC on the ground and had few of its own troops.

⁷¹⁰ Interviews with the Mapping Team, Orientale Province, January and February 2009; Voix des opprimés, "Rapport sur les événements du Haut-Zaïre entre 1993 et 2003", 2008.

⁷¹¹ Ibid.

⁷¹² Ibid.

Unofficial translation from French original

- In late 2002 and early 2003, elements from the Forces armées du peuple congolais (FAPC), an armed group active in the Aru and Mahagi regions of the Ituri district raped and killed an unknown number of civilians in the area around the Kilomoto gold mine, in the Watsa region of the Haut-Uélé district.⁷¹³

B. Ituri

404. During the second half of 2000, the underlying conflict between the President of the RCD-ML, Wamba dia Wamba and his two principal lieutenants, the Nande Mbusa Nyamwisi⁷¹⁴ and the Hema John Tibasima⁷¹⁵ broke out in public. Wamba dia Wamba had long criticised Nyamwisi and Tibasima for trying to orchestrate the conflict between the Hema and Lendu communities⁷¹⁶ in order to establish a power base in the district and control the region's natural resources. In August, Wamba dia Wamba tried to regain control of the movement by dismissing Nyamwisi and Tibasima from their posts, but they resisted and the number of incidents on the ground between the different factions of the APC increased. After several unsuccessful attempts at mediation by Uganda and a series of confrontations in the centre of Bunia, Wamba dia Wamba was exiled to Kampala in December, leaving the leadership of the RCD-ML to Nyamwisi and Tibasima.

405. In January 2001, Ituri saw a resurgence of violence in the Djugu area. Between January and February, members of the Hema militias from Bogoro, generally accompanied by Hema soldiers from the APC and UPDF soldiers, led indiscriminate attacks in the Walendu Tatsi community, next to the Bahema-Nord community, killing an unknown number of civilians. In this context, the Mapping Team documented the following alleged incidents.

- On 4 January 2001, during a failed attack on Kpandroma, members of the Hema militias based in Fataki killed at least 35 Lendu civilians in the Zabu *groupement* in the Walendu Pitsi community, particularly in Aruda and Mola and the surrounding area.⁷¹⁷
- In early 2001, members of the Hema militias killed at least 16 people and kidnapped two minors who have been since recorded as having disappeared in the

⁷¹³ Interviews with the Mapping Team, Orientale Province, January and February 2009.

⁷¹⁴ Originally from North Kivu, Mbusa Nyamwisi was then Prime Minister of the RCD-ML.

⁷¹⁵ A former director of the Okimo mining company, which sold gold from Ituri, John Tibasima was the Movement's Defence Minister.

⁷¹⁶ Since 2000, Mbusa Nyamwisi and the UPDF had organised military training for Lendu militiamen at the Nyaleke camp, close to the town of Béni, in North Kivu. John Tibasima supervised the training in Uganda and in the Rwampara camp, close to Bunia, of thousands of Hema militiamen in order to integrate them into the APC.

⁷¹⁷ Interviews with the Mapping Team, Ituri, April 2009.

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Salimboko, Poli-Masumbuku and Penyi *groupements* in the Walendu Tatsi community.⁷¹⁸

- Also in early 2001, members of the Lendu militias killed an unknown number of civilians, including a majority of Hema and Alur in the villages alongside Lake Albert in the Bahema Banywagi and Bahema-Nord communities.⁷¹⁹
- Between January and February 2001, UPDF soldiers attacked around 20 villages in the Walendu Tatsi community, killing around 100 people, including various Lendu civilians. During the attacks, the soldiers also committed rape, looted and caused an unknown number of people to disappear. Most of the victims were killed in villages located near the Zumbe power station, in the Bedu Ezekere *groupement*, where they had gathered under the protection of members of the Lendu militias.⁷²⁰
- On 3 February 2001, members of the Hema militias and UPDF troops killed 105 people, including numerous Lendu civilians, in the villages in the Bulu *groupement* in the Ndo Okebo community in the Djugu region. The victims often came from the Walendu Pitsi community. They had taken refuge in the Bulu *groupement* following recent attacks on their village.⁷²¹

406. At the end of 2000, the conflict between the Hema and Lendu finally reached the Irumu region. The UPDF soldiers lent their support to the local Hema communities and violent incidents broke out on the ground.

- Between 9 and 18 January 2001, members of the Hema militias allegedly killed around 60 people, including numerous Lendu and Ngiti civilians,⁷²² in the village of Kotoni, in the Irumu region and the surrounding area.⁷²³

407. Following the bombardment of the Walendu Bindi community by a UPDF helicopter, Ngiti militiamen, originally in conjunction with the Djugu Lendu from the Walendu Bindi community, launched an attack on 19 January 2001 against UPDF

⁷¹⁸ Interviews with the Mapping Team, Ituri, February 2009; Documents produced by members of the Lendu communities and submitted to the Mapping Team in March 2009.

⁷¹⁹ Interviews with the Mapping Team, Ituri, March and April 2009; Documents submitted to the Mapping Team in March 2009.

⁷²⁰ Interviews with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri* (January 2002-December 2003) [S/2004/573], MONUC; Documents submitted to the Mapping Team in April 2009; Transcription of the phone message of the chief of the Walendu Tatsi community to the press, 11 February 2001, list of events that occurred in the community.

⁷²¹ Interview with the Mapping Team, Ituri, May 2009; Report of the Bbale community submitted to the Mapping Team in March 2009.

⁷²² The Ngiti are Lendu from the Irumu region.

⁷²³ Interviews with the Mapping Team, Ituri, February 2009; Documents produced by members of the Lendu communities and submitted to the Mapping Team in March 2009.

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positions at the airport in Bunia. During the attack, Ngiti militiamen tried to destroy the helicopter the UPDF had used to bomb their villages. The UPDF finally repelled the attack but at the cost of a significant loss of human life.

- On 19 January 2001, Hema militiamen and civilians allegedly killed between 200 and 250 civilians from the Lendu, Ngiti, Nande and Bira ethnic groups in the Mudzipela neighbourhood in the town of Bunia. The victims, who included a large number of women and children, were killed with machetes, spears or studded batons. Most of them were subjected to mutilation. Some were decapitated and their heads carried through the town as trophies. The Hema militiamen and civilians also systematically looted the victims' property and set fire to several houses. Shortly before the massacre, UPDF officers and senior members of the Hema community in Bunia had held a meeting and called on Hema civilians to attack the Lendu population.⁷²⁴

408. In order to restore calm to Ituri and avoid new splinter groups developing within the RCD-ML, Uganda forced the RCD-ML and MLC to join forces within a new movement, the Front de libération du Congo (FLC), led by Jean-Pierre Bemba.⁷²⁵ On 6 February 2001, the FLC organised consultations with the traditional chiefs in Ituri and on 17 February, the latter signed a memorandum of agreement, providing in particular for an immediate cessation of hostilities, the disarmament of the militiamen and the dismantling of the training camps.⁷²⁶ During the months that followed, the number of violations decreased significantly. Inter-community tension on the ground nonetheless remained high and the militias continued to arm themselves. In this context, the Mapping Team documented the following alleged incidents.

- On 26 April 2001, armed men killed six members of the ICRC during an attack on a humanitarian convoy in the area around Fataki in the Walendu Djatsi community, in the Djugu region. Local sources indicate that the attack is thought to have been perpetrated by Ugandan soldiers and Hema militiamen. The attack was supposedly aimed at ending the presence of humanitarian personnel in areas where the displaced Lendu had taken refuge. During the period under consideration, numerous sources indicate that Hema militias and armed groups severely hampered the work of humanitarian organisations in areas populated principally by Lendu.⁷²⁷

⁷²⁴ Interviews with the Mapping Team, Ituri, March 2009; Documents submitted to the Mapping Team in Bunia in March 2009; *Special report on the events in Ituri (S/2004/573)*, MONUC; *New York Times*, "Congo's War Turns a Land Spat Into a Blood Bath", 29 January 2001.

⁷²⁵ The army of the MLC, the ALC, already controlled the districts of Haut-Uélé and Bas-Uélé.

⁷²⁶ The memorandum of agreement also included various provisions on the reform of the local land and judicial system and on combating impunity.

⁷²⁷ Interviews with the Mapping Team, Ituri, March and May 2009, HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

Unofficial translation from French original

- In 2001, Hema soldiers from the APC killed 40 Lendu, a majority of them civilians, including women, children and elderly and disabled people, in the village of Gobu in the Bahema-Nord community. The victims were taken to a ditch and shot. Their bodies were then thrown into the ditch.⁷²⁸
- In January 2002, UPDF troops and Hema militiamen opened fire on the population of the village of Kobu in the Walendu Djatsi community in the Djugu region, killing 35 Lendu civilians. As they entered the village, Ugandan soldiers killed four civilians in the marketplace, including one disabled person. Almost all of the population fled and hid in the forest for nearly two months. On their return to the village, the villagers found 35 decomposed bodies, which they buried in various places. Those responsible for the massacre were trying to remove Lendu populations from the Kobu area, close to the Kilomoto gold mines. Following the killing, the population of Kobu sent a petition to Governor Lopondo, who visited the area shortly afterwards accompanied by senior figures in the UPDF. Following the visit, UPDF soldiers left the area.⁷²⁹
- On 26 January 2002, members of the Hema militias killed around 100 Lendu in a forest a few kilometres from Datule, in the Bahema-Sud community in the Irumu region. The victims had been chased from the village of Datule the previous day by a UPC commander. They were killed with machetes, spears and studded batons. A young girl of 13 was the only person to survive the attack.⁷³⁰
- On 28 January 2002, Hema militiamen killed and mutilated around 50 Lendu civilians in Kasenyi in the Irumu region. Having been informed of the massacre that had taken place on 26 January, the victims had fled the village of Datule on 27 January in the hope of reaching the Lendu villages in the Walendu Bindi community. They were hiding behind a police station when they were surprised and killed.⁷³¹
- Between January and May 2002, Hema militiamen in the region forcibly recruited all the men from the Alur ethnic group living in the village of Gobu in the Bahema-Nord community in the Djugu region.⁷³²
- Between February and April 2002, elements of the UPDF and Hema militiamen killed several hundred Lendu civilians in the Walendu Bindi community in the Irumu region. They also tortured and raped an unknown number of people. The

⁷²⁸ Interviews with the Mapping Team, Ituri, March 2009.

⁷²⁹ Interviews with the Mapping Team, Ituri, April 2009; ASADHO, *Annual Report 2002*, March 2003, p. 28.

⁷³⁰ Ibid.

⁷³¹ Interviews with the Mapping Team, Ituri, April-May 2009; ASADHO, *Annual Report 2002*, March 2003, p. 28.

⁷³² Interviews with the Mapping Team, Ituri, March and April 2009.

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villages of Aveba, Bukiringi, Nombe, Kaswara, Djino, Kagaba, Biro, Kapalayi, Gety étang, Tsubina, Kinyamubaya, Karach, Bolomo, Bachange, Tsede, Molangi, Tamara, Irura, Modiro, Mukiro and Anyange were all pillaged.⁷³³

409. In February 2002, against a background of growing economic rivalry between Hema and Nande businessmen and disagreements on the new strategic directions taken by the Mouvement,⁷³⁴ the Defence Minister of the RCD-ML, Thomas Lubanga, and the Hema soldiers of the APC broke away from the RCD-ML to form a political and military Hema group, the *Union des patriotes congolais* (UPC). In response, Mbusa Nyamwisi and Nande officers in the APC, supported by certain members of the UPDF, reduced Hema influence in the district,⁷³⁵ intensified their cooperation with the FAC⁷³⁶ and encouraged members of the Lendu and Ngiti militias to join forces in political military groups, namely the *Front National Intégrationniste* (FNI)⁷³⁷ and the *Forces de résistance patriotique en Ituri* (FRPI)⁷³⁸. During the course of 2002, these various armed groups received significant supplies of weapons from Uganda and the Government in Kinshasa. In this context, the Mapping Team documented the following alleged incidents.

- Starting on 21 May 2002 and during the course of the next six months, elements of the UPC killed at least 46 civilians, most of them from the Bira ethnic group, in Walu in the Ngombe-Nyama *groupement*, in the Irumu region. The militiamen also raped an unknown number of women, looted and destroyed educational institutions and hospitals. These attacks were supposedly intended as retaliation for the help given to the Lendu by the Bira during the previous attacks against the Hema in the region.⁷³⁹
- In May 2002, Lendu militiamen accompanied by civilians killed at least 80 people, mainly Hema and Alur, in the village of Gobu in the Bahema-Nord community. The victims were civilians or soldiers who were no longer able to fight. Most were summarily executed with edged weapons. According to several witness statements, the Hema militiamen in the area had fled before members of the Lendu militias arrived in the village.⁷⁴⁰

⁷³³ Interviews with the Mapping Team, Ituri, March-April 2009; Confidential documents on the events in Ituri submitted to the Mapping Team, March 2009; *Special report on the events in Ituri* (S/2004/573), MONUC.

⁷³⁴ In 2001, Mbusa Nyamwisi broke away from the FLC and the MLC to enter into an alliance with the Government in Kinshasa.

⁷³⁵ Governor Uringi was replaced by a Kasaian, Jean-Pierre Molondo, the bishop of Bunia, a Hema accused of having taken part in the ethnic conflict, who was in turn replaced by a Nande.

⁷³⁶ From 2002, the FAC set up an integrated operational headquarters (EMOI) in Nyaleke with the APC from Nyamwisi.

⁷³⁷ The FNI united the Lendu militias from the Djugu region.

⁷³⁸ The FRPI brought together the Ngiti militias from the Irumu region. The Ngiti are related to the Lendu but nonetheless distinct from them.

⁷³⁹ Interviews with the Mapping Team, Ituri, May 2009; *Special report on the events in Ituri* (S/2004/573), MONUC.

⁷⁴⁰ Interviews with the Mapping Team, Ituri, April 2009.

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- In early June 2002, elements of the UPDF and Hema militiamen indiscriminately killed members of the Lendu militias and an unknown number of civilians in the Lendu villages in the Walendu Pitsi community. By way of example, in June 2002, Hema militiamen and elements of the UPDF killed at least 27 people in Buba.⁷⁴¹

410. In June 2002, faced with the advance of Lendu militiamen into the Banyali-Kilo community in the Djugu region, the local Security Council for the town of Mongwalu decided to chase away or eliminate any Lendu living in the town. In this context, the Mapping Team documented the following alleged incidents.

- On 10 June 2002, elements of the UPC supported by local youths, systematically attacked the houses of Lendu living in Mongwalu, killing around 20 civilians. The victims, who were long-term residents of Mongwalu, were either shot dead or killed with studded batons.⁷⁴²
- On 11 June 2002, in retaliation for a massacre carried out the day before, several hundred Lendu from the villages of Kobu, Bambou and Kpandroma killed tens of civilians with edged weapons, most of them from the Hema ethnic group, in the town of Mongwalu. The Hema left Mongwalu following the massacre.⁷⁴³

411. In early August 2002, elements of the UPC, with support from UPDF troops, are reported to have chased elements of the APC out of the town of Bunia. In this context, the Mapping Team documented the following alleged incidents.

- Between 7 and 10 August 2002, in Bunia, at least 300 civilians were killed on the basis of their ethnic origin, most of them by UPC militiamen. Between 7 and 8 August, elements of the UPC killed an unknown number of Bira, Lendu and Nande civilians during raids on the neighbourhoods of Mudzipela, Bigo and Saio. Lendu and Ngiti militiamen responded by killing an unknown number of Hema civilians in the districts of Mudzipela, Saio, Rwambuzi and Simbiliabo. At the same time, Lendu and Ngiti militiamen killed 32 Hema civilians and wounded and mutilated an unknown number of them at a farm in the village of Lengabo, a few kilometres from Bunia. Between 9 and 11 August, elements of the UPDF and the UPC killed at least 80 Lendu, Nande and Bira civilians at the Governor's

⁷⁴¹ Interviews with the Mapping Team, Ituri, April 2009; Documents submitted to the Mapping Team, Ituri, March 2009.

⁷⁴² Interviews with the Mapping Team, Ituri, April and May 2009; *Special report on the events in Ituri (S/2004/573)*, MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁴³ Interviews with the Mapping Team, Ituri, April and May 2009; Document submitted to the Mapping Team, "Rapport d'enquête-massacre à Mongwalu", undated; *Special report on the events in Ituri (S/2004/573)*, MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

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residence, at the hospital in Bigo and at Bunia central prison. The bodies of the victims were then placed in mass graves.⁷⁴⁴

412. Over the course of the following months, violent fighting broke out on several fronts, between elements of the UPC and UPDF on the one hand, and those of the APC and FNI-FRPI on the other. Both coalitions targeted civilian populations on the basis of their ethnic origins. Numerous civilians from non-belligerent tribes were also massacred on the basis of their actual or supposed support for one or other camp. Many of them were also victims of forced recruitment to the various armed groups. The mining regions north of Bunia, control of which was seen as strategic by the various groups involved, were the theatre for some particularly violent fighting.

413. On 9 August 2002, having had to leave Bunia quickly, Governor Loponde, the APC troops and Lendu and Ngiti militiamen⁷⁴⁵ established a base in Komanda for the purpose of preparing the counter-offensive. The UPC, meanwhile, consolidated its positions south of Bunia in order to prevent the counter-attack from elements of the APC and FNI-FRPI and to gain control of the area's mining resources. In this context, the Mapping Team documented the following alleged incidents.

- On 9 August 2002, elements of the APC and Lendu and Ngiti militiamen killed tens of civilians, mostly Hema, in the town of Komanda and the surrounding villages in the Basili-Basumu community, in the Irumu region. Guided by the Ngiti militiamen who had infiltrated the village and by local youths, elements of the APC and members of the militias moved from house to house, killing Hema civilians purely on the basis of their ethnic origin. Most of the victims were killed with edged weapons. Some were tied up and then killed with spears.⁷⁴⁶
- From 14 to 19 August 2002, elements of the UPC killed over 50 civilians from different ethnic groups during an attack on the village of Komanda. Most of the victims were shot or killed with edged weapons when they fled Komanda for Beni. Many of the victims had left Bunia a few days previously following the takeover of the town by the UPC and had taken refuge in Komanda. The aim of the UPC attack was to avenge the massacre committed in Komanda on 9 August.⁷⁴⁷

⁷⁴⁴ Interview with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁴⁵ The latter did not come from Bunia but had been recruited on the way, during their flight to Beni, in the village of Medu, halfway between Bunia and Komanda.

⁷⁴⁶ Interviews with the Mapping Team, Orientale Province, January 2009 and Ituri, April 2009; Document submitted to the Mapping Team, Ituri, April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁴⁷ *Ibid.*

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- On 28 August 2002, Hema-Gegere militiamen associated with the UPC killed several tens of “non-native” inhabitants⁷⁴⁸ in the gold-producing town of Mabanga in the Mambisa community, in the Djugu region. The victims were killed either with machetes or with studded batons. Sixteen of them were clubbed to death with planks of wood. The Hema-Gegere militiamen associated the “non-natives” with Governor Loponde and APC soldiers. Whilst the Lendu militiamen were trying to take control of the region’s mines, the Hema-Gegere militiamen feared that the “non-natives” were helping them. During previous fighting in Mabanga, the Lendu militiamen had systematically killed Hema civilians but had spared the “non-native” populations. After the massacre, UPDF troops intervened to provide cover for the flight of the non-natives to Bunia.⁷⁴⁹
- On 31 August 2002, elements of the UPC supported by Bira militiamen killed at least 14 civilians, including women and children, in several villages in Songolo in the Walendu Bindi community, in the Irumu region. They also carried out acts of pillaging and widespread destruction, setting fire to over 1,000 houses. Several victims were mutilated and killed in an extremely cruel fashion. At least three women were impaled. Songolo was considered to be one of the FRPI fiefdoms.⁷⁵⁰
- Between 5 and 15 September 2002, elements of the FRPI and APC systematically massacred over 1,000 Hema-Gegere and Bira civilians, including large numbers of children, in Nyakunde and the surrounding villages in the Andisoma community, in the Irumu region. They also carried out numerous acts of pillaging. The victims were killed purely on the basis of their ethnic origin, mostly using arrows or edged weapons. Elements of the APC and FRPI had set up road blocks so that no-one from the Hema or Bira ethnic groups was able to escape from Nyakunde. FRPI militiamen sorted civilians and the soldiers there who were no longer able to fight based on their ethnic origin in the Evangelical Medical Centre. They systematically killed Hema and Bira and spared the members of other ethnic groups. Numerous victims were detained in cruel, inhuman or degrading conditions for several days before they were finally executed. Most of the massacres took place once the fighting with the UPC militiamen present in Nyakunde had been over for several days.⁷⁵¹

⁷⁴⁸ The term “non-natives” here refers to inhabitants of Ituri who originated from other parts of the DRC. The term used locally is “Jajambo”.

⁷⁴⁹ Interviews with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁵⁰ Interviews with the Mapping Team, Ituri, March and April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁵¹ Interview with the Mapping Team, Ituri, April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003; AI, “DRC: On the precipice: the deepening human rights and humanitarian crisis in Ituri”, 2003.

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- On 13 September 2002, elements of the FRPI from Gety killed around 150 people, including numerous civilians, most of them Hema, in the lakeside *groupement* of Bandikado in the Bahema–Sud community, in the Irumu region. They killed and mutilated an unknown number of people in Nyamavi, for example. They also looted the villages before leaving the *groupement*. These attacks also caused several thousand people to be displaced for several years.⁷⁵²
- On 11 October 2002, in the Djugu region, elements of the FNI from the Walendu Djatsi community killed an unknown number of Alur, Hema, Bira and Nyali civilians in the mining town of Nizi in the Mambisa community. They also killed 28 people and kidnapped 23 women in the mining area of Kilomoto. During these attacks, the militiamen mutilated numerous victims, carried out large-scale pillaging and set fire to numerous buildings, including the community offices, schools and a hospital. The victims' bodies were buried in nine mass graves. According to witnesses, the FNI militiamen accused inhabitants of the town from all ethnic groups of supporting the UPC.⁷⁵³

414. Between October and December 2002, confrontations between elements of the FNI-FPRI and UPC had spread throughout the Irumu region. The UPC troops led major military operations in the same region directed at the FRPI bases in the Walendu Bindi community and Lendu enclaves in the Bahema-Sud community. The Bira farmers living in Pinga, in Songo in the Irumu region were also attacked, with the UPC suspecting them of funding the FNI and FRPI. In this context, the Mapping Team documented the following alleged incidents.

- Between 15 and 16 October 2002, UPC militiamen killed at least 180 people, including civilians, in Zumbe in the Walendu Tatsi community. The militiamen also raped at least 50 women. Most of the victims were killed with machetes or spears. Some were shot dead. Some survived but were badly mutilated. Having looted large amounts of property and stolen 1,500 head of cattle, the UPC troops set fire to the village, destroying more than 500 buildings, including health centres and schools. Zumbe was an FRPI fiefdom.⁷⁵⁴
- On 20 October 2002, elements of the UPC from Bunia and Bogoro killed at least 10 Lendu civilians during attacks on several villages, including Nombe, Medhu, Pinga, Kagaba, Singo and Songolo in the Walendu Bindi community, in the Irumu region. A Bira woman married to a Lendu civilian was also killed. The

⁷⁵² Interviews with the Mapping Team, Ituri, April 2009; Document submitted to the Mapping Team: Report on the violation of human rights committed during the organised attacks on the Bahema-Sud community from 2001 to 2003, undated.

⁷⁵³ Interview with the Mapping Team, Ituri, April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁵⁴ Interviews with the Mapping Team, Ituri, April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC.

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- Between 12 and 29 October 2002, elements of the ALC and RCD-N taking part in the “Clean the blackboard” operation allegedly killed at least 173 Nande and Pygmy civilians in Mambasa and in the villages along the main road between Mambasa and Beni, particularly in Teturi, Mwemba and Byakato, in the Mambasa region. The soldiers also carried out acts of cannibalism, mutilated an unknown number of civilians, raped a large number of women and children and committed widespread pillaging. The victims were killed purely on the basis of their ethnic origin, with Nande and Pygmies accused of supporting the RCD-ML.⁷⁵⁸

417. Following their victory over the APC in Mambasa, elements of the ALC/RCD-N/UPC, with the help of UPDF soldiers, launched a major military operation in order to take control of the mining town of Mongwalu.

- On 20 November 2002, during their attack on Mongwalu, elements of the ALC/RCD-N/UPC are alleged to have killed at least 50 Lendu, including civilians and Lendu militiamen who were no longer able to fight. Most of the victims were shot dead or killed with edged weapons. Some were killed whilst they were hiding in a church. Some survived but were badly mutilated and tortured.⁷⁵⁹

418. On 30 November 2002, APC, FNI and FRPI troops regained control of the towns of Irumu and Komanda. Following the scandal caused by the publicity organised about acts of cannibalism committed by troops taking part in the “Clean the blackboard” operation, the international community put pressure on the leaders of the MLC, the RCD-ML and the RCD-N to sign a ceasefire agreement in Gbadolite on 30 December 2002.⁷⁶⁰ The UPC, however, which in December 2002 had successfully taken control of the strategic town of Mwanga and blocked access north of Bunia for the FNI militiamen based in the Kilomoto region, rejected the agreement. Faced with the closer relationship between the Government in Kinshasa and Uganda and the ALC’s withdrawal from Ituri, the UPC entered into an alliance with Rwanda, which brought weapons and military advisers into the area immediately. In response to the arrival of Rwandan soldiers into the area, Uganda ended its collaboration with the UPC and offered its support to the Lendu militia and the APC. During the first half of 2003, fighting between the UPC and elements of the FNI, FRPI, APC and UPDF intensified and spread throughout the district.

⁷⁵⁸ Minority Rights Group International, *Erasing the Board. Report of the international research mission into crimes under international law committed against the Bambuti Pygmies in the eastern DRC*, 2004; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁵⁹ Interviews with the Mapping Team, Ituri, April and May 2009, *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood*, July 2003.

⁷⁶⁰ Following the “Erasing the board” operation, the Kabila Government wrote to the President of the Security Council to ask him to set up an International Criminal Court for the DRC. The proposal was supported by Jean-Pierre Bemba, who asked in return that the court should be competent to judge all the crimes committed in the country since 1996.

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419. On 23 January 2003, the UPC officially asked the UPDF troops to evacuate Ituri. In February, the Peacekeeping Commission in Ituri began its work but the UPC rejected the creation of the interim institutions provided for in the agreement of September 2002. The hardening of the UPC's positions and the open conflict with the UPDF caused several internal splits. The Hema-Sud militiamen led by Chief Kawa Mandro left the UPC to create a new armed group, the Parti pour l'unité et la sauvegarde de l'intégrité du Congo (PUSIC), with the support of Uganda. In the Mahagi and Aru regions, Jérôme Kakwavu also left the UPC and created the Forces armées du peuple congolais (FAPC) with the support of Ugandan soldiers who wanted an ally in areas with substantial forest resources.

- On 2 January 2003, elements of the FAPC from Mahagi allegedly killed around ten Alur civilians in the village of Djalusene, in the Djukoth community, in the Mahagi region. They also raped several women and set fire to numerous houses.⁷⁶¹

420. Between January and March 2003, the UPC carried out several military offensives in order to take control of the mining areas around Mongwalu and Kobu.⁷⁶² In this context, the Mapping Team documented the following alleged incidents.

- On 13 January 2003, elements of the UPC from Mongwalu killed at least ten Alur civilians in Nyangaraye. The victims were killed with machetes, most of them in the Catholic church where they had been assembled. The bodies were then burned when the church was set on fire.⁷⁶³
- Between 18 and 20 February 2003, elements of the UPC from Mwanga and Kunda raped and killed an unknown number of civilians during attacks on the villages of Ngongo Kobu, Lipri, Nyangaraye and Bambou. During the attacks, the militiamen also destroyed infrastructure owned by the Kilomoto mining company, including schools and hospitals.⁷⁶⁴
- On 24 February 2003, elements of the FNI and FRPI, under the command of Mathieu Ngudjolo and Germain Katanga respectively, indiscriminately killed between 200 and 350 people, including a majority of Hema civilians, in the village of Bogoro in the Bahema-Sud community. They also raped numerous women and girls and reduced some of them to sexual slavery. They also took part in widespread pillaging of the village and destroyed numerous homes. Elements of the FNI and FRPI included numerous children under the age of 15 amongst

⁷⁶¹ Interviews with the Mapping Team, Ituri, April 2009.

⁷⁶² Interviews with the Mapping Team; Ituri, April 2009; Confidential documents submitted to the Mapping Team, April 2009; *Special report on the events in Ituri (S/2004/573)*, MONUC.

⁷⁶³ Ibid.

⁷⁶⁴ Ibid.

Unofficial translation from French original

their combatants. Ngudjolo and Katanga are currently being tried in the International Criminal Court for the crimes committed during this attack.⁷⁶⁵

- On 25 February 2003, elements of the UPC took hostage, tied up and killed around 50 Lendu delegates in the village of Sangi in the Walendu Djatsi community, who had come to negotiate with UPC officers. Four days previously, having carried out an attack on the village of Buli and suffered significant losses, UPC officers had invited senior Lendu figures in the area to take part in peace talks in the village of Sangi. The victims, who included numerous women, were killed with machetes, knives and batons. Some were tied up and then killed in the village church. Others were taken to Kobu and killed there. Only two people survived the massacre. The victims' bodies were buried in several mass graves.⁷⁶⁶
- For several days, starting on 25 February 2003, elements of the UPC raped and killed an unknown number of people in the villages of Jitchu, Buli, Ngabuli, Pili, Athe, Bakpa, Lambi and Widde in the Walendu Djatsi community. On 25 February, for example, heavy weapons fire directed at the village of Buli caused numerous civilian casualties. The militiamen also arrested tens of civilians, including numerous women and children who were hiding in the Jitchu forest in the area around Buli. Having brought them back to the village of Kobu and held them there, they executed them with edged weapons. The 40 or so bodies found in Kobu were then buried in the village by the local people.⁷⁶⁷
- On 4 March 2003, FNI militiamen from Zumbe and elements of the APC killed at least 47 civilians during an attack on the village of Mandro. The place was a former UPC training centre which had been a bastion of the PUSIC since February 2003. The victims, most of them Hema-Sud, were indiscriminately killed with edged weapons, or shot. Elements of the FNI also kidnapped an unknown number of women, who were reduced to slavery. Before leaving Mandro, the FNI troops systematically pillaged and stole civilian property, in particular bringing several thousand head of cattle back to Zumbe.⁷⁶⁸

421. On 6 March 2003, after the UPC had attacked the UPDF base in Ndele, a few kilometres from Bunia, UPDF soldiers and elements of the FNI and FRPI set up a joint military operation and regained control of the town of Bunia.

⁷⁶⁵ Document submitted to the Mapping Team: *Report on the violation of human rights committed during the attacks organised against the Bahema-Sud community from 2001 to 2003, March 2009; Special report on the events in Ituri (S/2004/573), MONUC; Second special report of the Secretary-General on MONUC (S/2003/566); Pre-Trial Chamber I of the ICC, 2 July 2007, Arrest warrant for Germain Katanga, ICC-01/04-01/07, Pre-Trial chamber I of the ICC, Amended Document Containing the Charges Pursuant to Article 61(3)(a) of the Statute, 26 June 2008.*

⁷⁶⁶ Ibid.

⁷⁶⁷ Ibid.

⁷⁶⁸ Interviews with the Mapping Team, Ituri, March 2009, *Special report on the events in Ituri (S/2004/573), MONUC.*

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- On 6 March 2003, elements of the UPC and UPDF/FNI/FRPI fought each other with heavy weapons in Bunia, reportedly killing between 17 and 52 civilians. After the withdrawal of UPC troops from the town, elements of the FNI killed an unknown number of Hema civilians on the basis of their ethnic origins. Elements of the UPDF/FNI/FRPI also looted and destroyed numerous buildings, private homes and premises used by local and international NGOs. UPDF soldiers sometimes intervened to ask elements of the FNI/FRPI to stop the atrocities and leave the town.⁷⁶⁹

422. After taking control of Bunia, elements of the FNI launched a major offensive against the UPC bastions located north of the town. In this context, the Mapping Team documented the following alleged incidents.

- Between 9 and 13 March 2003, elements of the FNI killed at least 113 civilians in the villages of the Kilo-Banyari community, in the Djugu region, and in the villages in the Sindoni-Akeso *groupement* and along the road to Mongwalu, including Itende, Kabakaba and Kilo-Missio. The victims were of various ethnic origins but included a large number of Nyali. During the attacks, FNI militiamen mutilated civilians, pillaged property and set fire to villages. On 10 March, for example, elements of the FNI opened fire on the population of Kilo, indiscriminately killing 20 civilians. The UPDF soldiers there tried, without any great success, to stop the FNI atrocities directed at civilians.⁷⁷⁰
- On 3 April 2003, elements of the FNI killed and mutilated several hundred people, including a majority of Hema civilians, in the Largude *groupement* in the Bahema-Nord community. Some victims, including children, were killed by heavy weapons fire, others by being shot or with edged weapons. The militiamen also attacked the hospital in Drodoro, where they killed at least 27 people. Numerous women were kidnapped by the militiamen and reduced to sexual slavery. At the end of the hostilities some of the women were released, but others are still recorded as having disappeared.⁷⁷¹
- On 13 May 2003 in Mongwalu, elements of the FNI killed two MONUC military observers. The militiamen mutilated the victims' bodies and stole both their personal property and MONUC property. The militiamen suspected the observers of supporting the UPC troops who were threatening to attack Mongwalu. Hundreds of civilians from various ethnic groups had taken refuge in the house where the military observers were living. Both victims were arrested on the road

⁷⁶⁹ Interviews with the Mapping Team, Ituri, March and April 2009, *Special report on the events in Ituri (S/2004/573)*, MONUC; AI, *DRC-Ituri - a need for protection, a thirst for justice*, 2003.

⁷⁷⁰ Interviews with the Mapping Team, Ituri, April 2009, HRW, *Le fléau de l'or*, June 2005.

⁷⁷¹ Interviews with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri (S/2004/573)*, MONUC.

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to the airport and then publicly executed. On 19 February 2007, the military tribunal at the Bunia garrison sentenced seven FNI militiamen who were involved in the murders to life imprisonment for war crimes.⁷⁷²

423. After the departure of the UPDF troops from the Ituri district, under considerable international pressure, in early May 2003, the UPC and FNI troops fought to take control of the strategic locations left vacant by the Ugandan soldiers. Anticipating new massacres, thousands of Bunia's inhabitants opted to leave the town. Some followed the UPDF troops to Uganda. Others fled to Beni, in North Kivu. On 6 May, serious clashes broke out in Bunia between elements of the FNI under the orders of Mathieu Ngudjolo and elements of the UPC under the command of Bosco Ntaganda.

- On 6 May 2003, FNI militiamen and, to a lesser extent, members of the UPC militias allegedly indiscriminately killed several hundred civilians, committed rape and carried out widespread pillaging in Bunia during fighting for control of the town. They also mutilated numerous civilians. Elements of the FNI particularly targeted neighbourhoods inhabited primarily by Hema, such as Mudzipela and Nyagasenza. They killed religious representatives, set fire to numerous houses and looted the offices of several international NGOs including Medair, Agro-Action Allemande (AAA) and COOPI [Cooperazione Internazionale].⁷⁷³

424. The UPC swiftly led a counter-offensive and finally took control of Bunia.

- Having gained control of the town on 12 March 2003, UPC militiamen are reported to have killed several hundred civilians, mostly Ngiti Lendu and Jajambo from other districts, primarily Nande.⁷⁷⁴

425. In response to this series of massacres and the attacks carried out against MONUC facilities, the Secretary-General of the United Nations asked Member States on 15 May 2003 to form a coalition in order to end the humanitarian disaster and allow MONUC to complete its deployment in Bunia.⁷⁷⁵ On 16 May, Tanzania organised a summit, during which President Kabila met delegations from the Administration intérimaire de l'Ituri [Interim Administrative Authority for Ituri] and the leaders of the main armed groups. In light of the continued fighting, on 30 May the Security Council

⁷⁷² Interviews with the Mapping Team, April and May 2009; Judgment of the military court at the Bunia garrison on 19 February 2007, RP no 103/2006; HRW, *Ituri: Couvert de sang, Violence ciblée sur certaines ethnies dans le nord-est de la RDC*, July 2003.

⁷⁷³ Interviews with the Mapping Team, Ituri, March and April 2009, *Special report on the events in Ituri (S/2004/573)*, MONUC; AI, *DRC-Ituri - How many more have to die?* 2003; AI, *DRC-Ituri - a need for protection, a thirst for justice*, 2003; MSF, "Ituri: promesses non tenues ? Un semblant de protection and une aide inadéquate", 25 July 2003.

⁷⁷⁴ Ibid.

⁷⁷⁵ Letter sent to the President of the Security Council by the Secretary-General (S/2003/574).

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adopted Resolution 1484 (2003), authorising the deployment to Bunia of an interim emergency multinational force under European command.

426. On 31 May 2003, the FNI and Lendu from Datule launched a major offensive against the village of Tchomia, which at the time was under the control of PUSIC troops. The attack was intended as revenge for the attack carried out by the PUSIC on Datule on 26 January 2002. In just a few hours, elements of the FNI chased out the PUSIC troops and destroyed their military camps.

- On 31 May 2003, elements of the FNI, often accompanied by members of their families, including women and children, are alleged to have killed almost 300 people in the village of Tchomia in the Bahema-Sud community, systematically massacring the Hema-Sud victims on the basis of their ethnic origin. The militiamen moved from house to house, killing civilians. They reportedly also killed 40 people at the hospital in Tchomia. During the killings, elements of the FNI had blocked all access roads into Tchomia in order to prevent anyone escaping from the village. The militiamen and their families embarked on widespread pillaging of the area. Before they left, they set fire to schools, churches and the hospital. They also kidnapped ten women, whom they used to carry the property they had pillaged and as sex slaves.⁷⁷⁶

427. The interim emergency multinational force began its deployment in Bunia on 6 June 2003. After a few weeks, it managed to restore order in the town and put an end to ethnic killing. Outside Bunia, however, the acts of violence continued. Elements of the FNI, FRPI and FAPC launched a series of attacks against UPC and PUSIC positions in the Djugu and Irumu regions. These violent clashes resulted in numerous massacres of civilians, most of them from the Hema ethnic group. In this context, the Mapping Team documented the following alleged incidents.

- On 7 and 20 June 2003, elements of the FNI killed an unknown number of Hema civilians, estimated at 137 according to some sources, in the village of Katoto in the Bahema–Nord community, in the Djugu region. The victims were shot dead or killed with edged weapons. The bodies were buried in approximately 30 mass graves. The militiamen also mutilated several people, pillaged the village and set fire to houses. Katoto was chosen as a target because of the presence of UPC and PUSIC positions in the village.⁷⁷⁷
- In June 2003, elements of the FPAC and FNI killed 33 civilians in the mining town of Nizi in the Mambisa community, in the Djugu region. The attack was

⁷⁷⁶Interviews with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri (S/2004/573)*, MONUC; AI, *DRC-Ituri - How many more have to die*, 2003.

⁷⁷⁷Interviews with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri (S/2004/573)*, MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003; documents submitted to the Mapping Team, April 2009.

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intended to destroy the UPC camp and chase away the Hema who controlled the Kilomoto mining company.⁷⁷⁸

- On 11 June 2003, elements of the FNI, FRPI and APC killed an unknown number of civilians, estimated at over 160 according to some sources, in the Bagungu and Beiziha *groupements*, close to Kasenyi, in the Irumu region. The victims, mostly Hema displaced by the war, were either shot dead or killed with edged weapons. Around 30 victims were killed when they were trying to flee by boat across Lake Albert. The militiamen also kidnapped over 20 people, including women, and executed any who did not have the strength to carry the property that had been pillaged. They also set fire to over 200 homes.⁷⁷⁹
- On 10 June 2003, FNI militiamen from Djugu slaughtered around 40 civilians, mostly Alur, in Nioka in the Mahagi region. Until then the area had been occupied by UPC militiamen. Most of the victims, who included several children, were either shot dead or killed with edged weapons. Elements of the FNI had criticised the inhabitants of Nioka for having given shelter to Hema who had been displaced by the war.⁷⁸⁰

428. Following the withdrawal of the UPDF soldiers from the mining region of Mongwalu, in March 2003, FNI troops took control of the area. On 10 June, UPC troops regained control of the town of Mongwalu but, after 48 hours, FNI troops launched a counter-attack with the support of elements of the UPDF.

- On 11 June 2003, FNI militiamen allegedly killed several hundred people, including numerous civilians, in Mongwalu. They also raped tens of women and carried out acts of systematic pillaging in the town and its surrounding area. Following the attack, hundreds of bodies were found in the area and burned on the orders of FNI militiamen.⁷⁸¹

429. During the period under consideration, all the armed groups in Ituri (UPC, FNI, FRPI, FAPC and PUSIC) are alleged to have recruited thousands of children along ethnic lines.

- Between 2001 and 2003, thousands of Hema children recruited by the UPC had undergone military training in the Mandro, Katoto and Bule camps. During the

⁷⁷⁸ Interviews with the Mapping Team, Ituri, April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

⁷⁷⁹ Interviews with the Mapping Team, April 2009; Documents submitted to the Mapping Team, April 2009; *Special report on the events in Ituri* (S/2004/573), MONUC.

⁷⁸⁰ Interviews with the Mapping Team, Ituri, March 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; Justice Plus, "Massacre des civils à Nyoka (Mahagi)", press release, 23 June 2003.

⁷⁸¹ Interviews with the Mapping Team, Ituri, April and May 2009, *Special report on the events in Ituri* (S/2004/573), MONUC; HRW, *Ituri: Covered in Blood. Ethnically Targeted Violence in Northern DRC*, July 2003.

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training, they were often tortured, subjected to cruel, inhuman or degrading acts and raped. In 2000, at least 163 of these children were sent to Uganda to undergo military training at a UPDF camp in Kyankwanzi before finally being repatriated to Ituri by UNICEF in February 2001. Between 2002 and 2003, some children associated with the UPC were kidnapped and taken to Rwanda to undergo military training in the APR camps. An unknown number of Lendu children were taken to military training camps in North Kivu. Other communities were affected by the same phenomenon, primarily the Alur, largely in the Mahagi region.⁷⁸²

C. Katanga

430. Throughout 2000, the Mayi-Mayi led by Chief Makabe based in Musao, in the Badia area, fought alongside the FAC and ZDF in order to prevent the ANC/APR from taking control of the Malemba Nkulu region. As the front stabilised and the number of atrocities by the FAC directed at the civilian population increased, however, the relationship between the FAC and the Mayi-Mayi deteriorated significantly. In January 2001, the accidental killing of two Mayi-Mayi in the Makabe group by FAC soldiers during a joint operation degenerated into open conflict.

- In January and March 2001, elements of the FAC reportedly set fire to around 20 villages in the areas of Badia (Ayamba, Lufuy, Kikose, Lubinda, Kyungu, Kimbalama, Kalembe, Kishiko, Katota, Lwamba Numbi, Lwamba Kamalenge, Kakongolo, Kajima, Kalwenye, Munengwelela and Musao) and Mwanza Seya (Nshimbi, Kimiba, Lubembey, Bunda and Mputu 1) in the Malemba Nkulu region. These attacks are said to have resulted in over ten civilian deaths and caused thousands of others to be displaced. The soldiers had accused the inhabitants of the villages of supporting the Mayi-Mayi.⁷⁸³

431. In 2001, following the introduction of the ceasefire between the principal belligerents and the cessation of most military operations in Katanga, the Government in Kinshasa dissolved the FAP but did not implement an appropriate demobilisation and reintegration plan. Feeling they had been abandoned by those in power, the Mayi-Mayi led by Chief Makabe and his lieutenant Kabale became more and more aggressive

⁷⁸² Interviews with the Mapping Team, Ituri, April and May 2009; Confidential documents submitted to the Mapping Team, May 2009; *Special report on the events in Ituri* (S/2004/573), MONUC; *Reports of the Secretary-General on children and armed conflict* (S/2002/1299, A/58/546-S/2003/1053 and Corr. 1 and 2 and A/59/695-S/2005/72); BBC News, “UN finds Congo child soldiers”, 21 February 2001; BBC News, “DRC awash with child soldiers”, 17 February 2003.

⁷⁸³ Interviews with the Mapping Team, Katanga, December 2008; Confidential document of the working group on international crimes committed in the DRC submitted to the Mapping Team; CVDHO [Commission de vulgarisation des droits de l’homme and de développement], “Alerte sur la situation d’insécurité générale et de violation massive des droits de l’homme and du droit humanitaire dans le territoire de Malemba Nkulu, février-mars 2001”, April 2001; ASADHO, CDH [Centre démocrate humaniste], CVDHO, “Nord- Katanga: attaques délibérées contre la population civile”, October 2003, p. 23; Kalenge Yamukena Yantumbi, *Le Nord-Katanga à feu and à sang*, Kyamy Network Editions, Lubumbashi, 2004, p. 113 to 116.

*Unofficial translation from French original***2. Beni and Lubero regions (Grand-Nord)**

442. In the Beni and Lubero regions controlled by the RCD-ML, fighting continued between the troops from the APC (the armed wing of the RCD-ML) and the UPDF on the one hand and the various Mayi-Mayi groups on the other.

- In 2001, elements of the APC allegedly killed at least five civilians and set fire to houses in the village of Kiantsaba, 15 kilometres from Beni. APC soldiers and the Vurondo Mayi-Mayi had long been in dispute over control of the village.⁸⁰⁸

443. From 2001, Mayi-Mayi groups and UPDF soldiers, sometimes supported by elements of the APC, engaged in fierce fighting to gain control of the village of Irango, around 20 kilometres from Beni.

- In 2001, elements of the UPDF allegedly killed an unknown number of people in the village of Irango. The victims had been accused of supporting the Mayi-Mayi. The soldiers also raped numerous girls. During the attack, they set fire to and looted several houses.⁸⁰⁹

444. In the town of Beni, UPDF soldiers instituted a reign of terror for several years with complete impunity. They summarily executed civilians, tortured and arbitrarily detained an unknown number of people, several of them in muddy holes two or three metres deep.

- Throughout 2001, elements of the FDLR are alleged to have terrorised and killed tens of civilians in the region north of Kanyabayonga. Civilian killings were reported, particularly in the villages of Kayna, Mayene, Nyamindo, Kisandja and Kiteka.⁸¹⁰

E. South Kivu

445. During the period under consideration, the RCD-Goma tried to secure a popular base in South Kivu and increase the isolation of the FDLR by organising an inter-Kivu dialogue in September 2001 and offering local Mayi-Mayi groups the opportunity to sign a separate peace agreement. With the exception of the Mudundu 40 group, Mayi-Mayi groups in the province, although encouraged by the Government in Kinshasa, refused to negotiate with the RCD-Goma. The inter-Kivu dialogue was boycotted by most local civil society organisations.

⁸⁰⁸ Interviews with the Mapping Team, North Kivu, February 2009.

⁸⁰⁹ Interviews with the Mapping Team, North Kivu, February 2009.

⁸¹⁰ Interviews with the Mapping Team, North Kivu, February and April 2009.

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SECTION II. INVENTORY OF SPECIFIC ACTS OF VIOLENCE COMMITTED DURING THE CONFLICTS IN THE DRC

525. The aim of this section of the report is to produce an inventory of the specific acts of violence that were committed during the conflicts in the DRC, namely acts of violence committed against women (Chap. I), acts of violence committed against children (Chap. II) and acts of violence related to the illegal exploitation of natural resources (Chap. III). Given that the methodology used in Section I of the report would not enable full justice to be done to the numerous victims of these specific acts of violence, and would not appropriately reflect the scale of the violence practised by all armed groups involved in the different conflicts in the DRC, it was decided from the outset to devote an entire section of the report to these issues and to spend time seeking out information and documents that would support the multiple aspects of these acts of violence rather than confirming individual acts perpetrated against countless victims. This approach has highlighted the widespread and systematic nature of these violations and enabled a brief analysis to be produced.

526. It is important to stress that women and children were the main victims of the most serious violations of human rights and international humanitarian law committed primarily against the civilian population of the DRC between 1993 and 2003 and listed in Section I of this report. Women and children were therefore the main victims of violations of the right to life, to physical integrity and to safety. They were also particularly affected by forced deportations, slavery, looting and the destruction of goods and property. This over-exposure can be explained by their specific vulnerability and also by their demographic weight within the DRC's population.⁹⁵⁸

527. Finally, it would have been unthinkable to produce an inventory of the most serious violations of human rights and international humanitarian law committed within the DRC between March 1993 and June 2003 without considering, however briefly, the role played by natural resource exploitation in the perpetration of these crimes. In a significant number of cases, the struggle between different armed groups for access to, and control over, the DRC's resources served as a backdrop to the violations perpetrated against the civilian population.

528. The first two chapters will therefore analyse the fate of women and children in the DRC between 1993 and 2003 and focus particularly on the specific acts of violence to which they were subjected. The third chapter will be devoted to the link between the perpetration of violations of human rights and international humanitarian law and natural resource exploitation in the DRC.

⁹⁵⁸ According to the National Institute of Statistics (INS) of the DRC's Ministry of Planning (figures from December 2006), young people under the age of 18 account for 48.5% and women 51% of the population.

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Forces armées congolaises (FAC)

693. Not only did the Government apparently incorporate most of the *Kadogo* who had fought in the AFDL/APR into the new government army but also, with the start of the second war, began to actively recruit children once more. An official announcement broadcast on the national radio on 7 August 1998 invited children and youths between the ages of 12 and 20 to enlist in the armed forces following the commencement of the second war. In addition to Kinshasa, recruitments took place at the Mbuji-Mayi airport in Kasai Occidental and in Katanga.¹²⁶⁷ Despite a presidential decree of June 2000 on the demobilisation of children and announcements made by Joseph Kabila in June 2001, child recruitment continued unabated. By 2003, the UN estimated that 10% of the FAC was made up of CAAFAG and the Minister of Human Rights admitted that there were 3,000 CAAFAG waiting to be demobilised within the FAC.¹²⁶⁸

Rassemblement congolais pour la démocratie and local defence forces linked to the RCD

694. The army of the RCD (and later that of the RCD-G), the ANC, with the support of the APR, were among those groups with the most CAAFAG in their ranks. The ANC used a wide range of methods to recruit children, some focusing on voluntary recruitment and others on forced. Numerous children were abducted both day and night, from their homes, from schools or at the market.¹²⁶⁹

695. After the second war broke out in August 1998, ANC/APR soldiers reportedly recruited large numbers of children into their ranks in South Kivu, along with a hundred or so minors who had previously been demobilised by UNICEF. To begin with, child recruitment into the ANC took place on a voluntary basis in the context of an awareness raising campaign aimed at parents. When this failed, the ANC soldiers proceeded to conduct systematic forced recruitments. Many children were abducted as they left their schools or while at the market. The recruits were forced to undergo military training in the DRC or Rwanda, under the command of APR soldiers. In 2002, there were still more than a thousand children in the ranks of the ANC/APR. Despite official denials, the forced recruitment of children continued until at least June 2003.¹²⁷⁰

696. In addition to its main forces, the RCD-Goma had a paramilitary force under its control known as the *Forces de défense locale* (FDL), which claimed to have 10,000 members, and which operated along the same lines as forces that had existed in Rwanda

¹²⁶⁷ HRW, *Casualties of War*, February 1999.

¹²⁶⁸ AI, *Children at War*, 2003.

¹²⁶⁹ *Additional report of the Special Representative of the Secretary-General for children and armed conflict* (E/CN.4/2000/71); *Fifth report of the Secretary-General on MONUC* (S/2000/1156); HRW, "Reluctant recruits: children and adults forcibly recruited for military service in North Kivu", May 2001.

¹²⁷⁰ Interviews with the Mapping Team, South Kivu, February, March 2009; HRW, *Casualties of War*, 1999; Child Soldiers, *CRC Country Briefs*, 2004; Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2001 – DRC*, 2001.

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715. It must be noted that these principles were not respected by the Congolese military courts, which have sole competence to hear crimes under international law.¹³⁰⁰ In fact, a number of CAAFAG were detained,¹³⁰¹ prosecuted and sometimes sentenced to death by the Military Order Court (*Cours d'ordre militaire*),¹³⁰² which has been criticised for its injustices, in violation of all principles of international law with regard to fair trials for children under the age of 18, in particular the Convention on the Rights of the Child. Seven children were tried separately in Kinshasa, Mbandaka and Matadi between 1999 and 2002 and sentenced to death. They were convicted of "conspiracy", "first-degree murder", "squandering of weapons" and "murder in times of war". In six of these cases, the sentence was commuted to life imprisonment by presidential decree but one child was executed in Kinshasa on 15 January 2002, only 30 minutes after his sentence had been passed.¹³⁰³

5. Demobilisation and reintegration

716. The first demobilisation efforts date back to 1998, and all peace accords and ceasefire agreements since the 1999 Lusaka Accord have constantly highlighted the obligation on armed groups to demobilise CAAFAG and bring their recruitment and use to an end.

717. In the face of national and international pressure to end the recruitment and use of CAAFAG, most of the armed groups' leaders have stated their opposition to this practice and given commitments to bring child recruitment to an end. Yet the demobilisation of CAAFAG has often been more a symbolic, public relations-oriented exercise than a sincere commitment. A large proportion of demobilised CAAFAG were, in fact, later re-recruited.¹³⁰⁴

718. In 2000, in his report on children and armed conflict, the Secretary-General estimated that there were between 10,000 and 20,000 children under 15 years of age in the various fighting forces in the DRC.¹³⁰⁵ That same year, President Kabila signed a decree banning the recruitment of children under 18 years of age into the armed forces and the deployment of child soldiers in combat zones. During the same period, the RCD-

¹³⁰⁰ Since the 2002 reform, military courts have not had the authority to hear cases involving children (Art. 114 of the Military Judicial Code). Previously, as soon as they were enrolled in a military school or were serving under the flag, they could be tried before the military courts (Art. 129 of the Military Justice Code).

¹³⁰¹ Child soldiers arrested in Bas-Congo in 1998 reportedly remained in detention for more than five years without appearing before a judge. See CODHO, *Des arrestations et détentions arbitraires à Kinshasa*, 2003.

¹³⁰² On 1 May and 20 August 2001 and 22 May 2003, the Special Rapporteur on extrajudicial, summary or arbitrary executions, in association with the Special Rapporteur on the situation of human rights in the DRC sent urgent appeals to the Government of the DRC in relation to the death sentences passed on five minors by the Military Order Court (E/CN.4/2002/74/Add.2 and E/CN.4/2004/7/Add.1), *Tenth report of the Secretary-General on MONUC* (S/2002/169); AI, *Children at War*, 2003.

¹³⁰³ MONUC, Child Protection Section, September 2002.

¹³⁰⁴ For concrete cases of "false demobilisations" and "re-recruitment", see AI, *Children at War*, 2003.

¹³⁰⁵ *Report of the Secretary-General on children and armed conflict* (A/55/163-S/2000/712).

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Goma issued an instruction creating a committee for the demobilisation and reintegration of child soldiers in the territory under its control.¹³⁰⁶ And yet the results were not forthcoming on either side. In May 2001, the Special Representative of the Secretary-General for children and armed conflict, Mr Olara Otunnu, visited the DRC and met with President Joseph Kabila, with the leaders of the RCD and with the leaders of the *Front pour la libération du Congo* (FLC), led by Jean-Pierre Bemba.¹³⁰⁷ Following this visit, both the Government and the RCD produced action plans for the demobilisation of CAAFAG. At the start of 2001, the Government agreed to demobilise a total of 4,000 CAAFAG; however, a year later, only around 300 had actually been released.¹³⁰⁸ At the same time, the RCD estimated that there were 2,600 CAAFAG within its forces.¹³⁰⁹ Transit and orientation camps were established in Kisangani, Goma and Bukavu. Yet again, despite these claims, the armed groups continued to enlist children. The ANC/APR, for example, incorporated CAAFAG who had been serving in the local defence forces (FDL) into its army.¹³¹⁰ Only around 650 CAAFAG were demobilised by the RCD-Goma between December 2001 and November 2003.¹³¹¹

719. Rwandan children were also recruited and used by various groups, above all the ex-FAR/Interahamwe/ALiR/FDLR, different Mayi-Mayi groups and, in part, the RCD. Between May 2001 and July 2004, more than 550 of them were demobilised. Many of them had left Rwanda with their families during or immediately after the 1994 genocide. They were recruited or abducted from refugee camps or from the villages in which they were living.¹³¹²

720. CAAFAG were also abandoned or released by different armed groups in an ad-hoc manner.¹³¹³ At the start of 2003, the RCD-ML gave NGOs access to some camps and dozens of CAAFAG were released and entrusted to a local NGO with a view to reintegrating them into their communities.¹³¹⁴ This scant progress was continually thwarted by persistent parallel recruitments, however, including the abduction of girls for sexual purposes - in particular in Maniema, Katanga, in North and South Kivu and Ituri¹³¹⁵ - and the continuing and widespread use of CAAFAG.¹³¹⁶ The intensification of

¹³⁰⁶ *Fourth report of the Secretary-General on MONUC* (S/2000/888 and Corr.1).

¹³⁰⁷ *Report of the Special Representative of the Secretary-General for children and armed conflict* (A/56/453).

¹³⁰⁸ *Tenth report of the Secretary-General on MONUC* (S/2002/169); Beth Verhey, *Going Home. Demobilising and Reintegrating Child Soldiers in the DRC*, Save the Children, 2003, which indicates that the number of children associated with the government forces in 2001 was 280.

¹³⁰⁹ Beth Verhey, *Going Home. Demobilising and Reintegrating Child Soldiers in the DRC*, Save the Children, 2003.

¹³¹⁰ *Eleventh report of the Secretary-General on MONUC* (S/2002/621).

¹³¹¹ *Report of the Secretary-General on children and armed conflict* (A/58/546-S/2003/1053 and Corr.1 and 2).

¹³¹² Save the Children, *Crossing the Border*, July 2004.

¹³¹³ *Fourteenth report of the Secretary-General on MONUC* (S/2003/1098).

¹³¹⁴ AI, *Children at War*, 2003.

¹³¹⁵ *Fourteenth report of the Secretary-General on MONUC* (S/2003/1098).

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and Uganda for several years. The FDL was made up of numerous CAAFAG who received only rudimentary military training and who were rarely paid.¹²⁷¹

Mouvement national de libération du Congo (MLC)

697. The MLC's army, the ALC, with the backing of the Ugandan Army, the UPDF, allegedly also recruited children, primarily in Mbandaka, Équateur Province. In 2001, the MLC admitted to having 1,800 CAAFAG within its ranks.¹²⁷² The child soldiers were involved in ALC offensives during which serious violations of human rights and international humanitarian law were committed. This was particularly the case in the attacks carried out within the context of the "Erasing the Board" operation.¹²⁷³

Rassemblement congolais pour la démocratie–Kisangani/Mouvement de libération (RCD-K/ML)

698. According to MONUC, a considerable number of children were recruited, both voluntarily and forcibly, by the APC, the military wing of the RCD-K/ML. Abducted children are reported to have sometimes been taken to Uganda to undergo military training.¹²⁷⁴

Mayi-Mayi Groups

699. In 2002, a number of organisations estimated that one-half of all Mayi-Mayi forces were children, including some scarcely eight years of age.¹²⁷⁵ The different Mayi-Mayi groups did allegedly abduct and recruit children, particularly in North and South Kivu, in Ituri, Maniema and Katanga.¹²⁷⁶ Between 2001 and 2003, groups operating in Malemba Nkulu territory, Katanga, abducted and recruited several dozen CAAFAG. Most of these were used to carry looted goods and munitions, to do the cooking and to act as sex slaves. Some of them received guns and served as guards while others participated in the hostilities against the ANC/APR and then later against the FAC.¹²⁷⁷ Other Mayi-Mayi

¹²⁷¹ AI, *Children at War*, 2003.

¹²⁷² Ibid.

¹²⁷³ Minority Rights Group International, *Erasing the Board: Report of the international research mission into crimes under international law committed against the Bambuti Pygmies in the eastern DRC*, 2004.

¹²⁷⁴ Interviews with the Mapping Team, Orientale Province, January–February 2000. At the end of 2000, some 165 Congolese children were abducted from Bunia, Beni and Butembo and deported to Uganda. *Fifth report of the Secretary-General on MONUC (S/2000/1156)*; *Report of the Special Representative of the Secretary-General for children and armed conflict (A/56/453)*.

¹²⁷⁵ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004 – DRC, 2004*; Watch List, *The Impact of Armed Conflict on Children in the DRC*, 2003.

¹²⁷⁶ Interviews with the Mapping Team, North Kivu, South Kivu, Katanga, Maniema, 2008 and 2009; AI, *Children at War*, 2003.

¹²⁷⁷ Interviews with the Mapping Team, Katanga, December 2008.

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ANNEX II

LIST OF DOCUMENTS ON THE DEMOCRATIC REPUBLIC OF THE CONGO CONSULTED BY THE MAPPING TEAM

The Mapping Team reviewed numerous reports, from both public and confidential sources, in relation to the most serious violations of human rights and international humanitarian law committed within the territory of the DRC between March 1993 and June 2003. The following is a **non-exhaustive** list of the public reports consulted by the mapping team. The titles of the non-public reports are not listed for confidentiality purposes.

United Nations

Secretary-General

- *Report of the Secretary-General on the situation of human rights in Zaire* (E/CN.4/1994/49), 23 December 1993
- *Report of the Secretary-General's Investigative Team charged with investigating serious violations of human rights and international humanitarian law in the DRC* (S/1998/581, annex), 22 January 1998
- *Report of the Secretary-General's Investigative Team on the events in Mambasa, 31 December 2002-10 January 2003* (S/2003/674, Annex 1), 2 July 2003
- *MONUC Special report on the events in Ituri (January 2002-December 2003)* (S/2004/573) 16 July 2004

Reports of the Secretary-General on MONUC

- *Reports of the Secretary-General on MONUC* (S/2000/30), 17 January 2000
- *Second report of the Secretary-General on MONUC* (S/2000/330 and Corr.1), 18 April and 23 April 2000
- *Third report of the Secretary-General on MONUC* (S/2000/566 and Corr.1), 12 and 29 June 2000
- *Fourth report of the Secretary-General on MONUC* (S/2000/888 and Corr.1), 21 September and 4 December 2000
- *Fifth report of the Secretary-General on MONUC* (S/2000/1156), 6 December 2000
- *Sixth report of the Secretary-General on MONUC* (S/2001/128 and Corr.1), 12 and 14 February 2001
- *Seventh report of the Secretary-General on MONUC* (S/2001/373), 17 April 2001
- *Eighth report of the Secretary-General on MONUC* (S/2001/572), 8 June 2001
- *Ninth report of the Secretary-General on MONUC* (S/2001/970 and Corr.1), 16 and 23 October 2001
- *Tenth report of the Secretary-General on MONUC* (S/2002/169), 21 February 2002
- *Eleventh report of the Secretary-General on MONUC* (S/2002/621), 5 June 2002
- *Twelfth report of the Secretary-General on MONUC* (S/2002/1180), 18 October 2002

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- *Thirteenth report of the Secretary-General on MONUC (S/2002/1180), 21 February 2003*
- *Fourteenth report of the Secretary-General on MONUC (S/2003/1098), 17 November 2003*
- *Fifteenth report of the Secretary-General on MONUC (S/2004/251), 25 March 2004*
- *Sixteenth report of the Secretary-General on MONUC (S/2004/1034), 31 December 2004*
- *Seventeenth report of the Secretary-General on MONUC (S/2005/167), 15 March 2005*
- *Eighteenth report of the Secretary-General on MONUC (S/2005/506), 2 August 2005*
- *Nineteenth report of the Secretary-General on MONUC (S/2005/603), 26 September 2005*
- *Twentieth report of the Secretary-General on MONUC (S/2005/832), 28 December 2005*
- *Twenty-first report of the Secretary-General on MONUC (S/2006/390), 13 June 2006*
- *Twenty-second report of the Secretary-General on MONUC (S/2006/759), 21 September 2006*
- *Twenty-third report of the Secretary-General on MONUC (S/2007/156 and Corr.1), 20 March 2007*
- *Twenty-fourth report of the Secretary-General on MONUC (S/2007/671), 14 November 2007*
- *Twenty-fifth report of the Secretary-General on MONUC (S/2008/218), 2 April 2008*
- *Twenty-sixth report of the Secretary-General on MONUC (S/2008/433), 3 July 2008*
- *Twenty-seventh report of the Secretary-General on MONUC (S/2009/160), 27 March 2009*
- *Second Special report of the Secretary-General on MONUC (S/2003/566), 27 April 2003*
- *Third Special report of the Secretary-General on MONUC (S/2004/650), 16 August 2004*
- *Fourth Special report of the Secretary-General on MONUC (S/2008/728), 21 November 2008*

Reports of the Secretary-General on children and armed conflict presented to the Security Council

- *Report of the Secretary-General on children and armed conflict (S/2000/712), 19 July 2000*
- *Report of the Secretary-General on children and armed conflict (S/2001/852), 7 September 2001*
- *Report of the Secretary-General on children and armed conflict (S/2002/1299), 26 November 2002*
- *Report of the Secretary-General on children and armed conflict (S/2003/1053 and Corr.1 and 2), 10 November 2003 and 20 February and 17 April 2004*
- *Report of the Secretary-General on children and armed conflict (S/2005/72), 9 February 2005*
- *Report of the Secretary-General on children and armed conflict (S/2006/826), 26 October 2006*

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- *Report of the Secretary-General on children and armed conflict (S/2007/757), 21 December 2007*
- *Report of the Secretary-General on children and armed conflict (S/2008/693), 10 November 2008*
- *Report of the Secretary-General on children and armed conflict (S/2009/158 and Corr.1), 26 March and 13 August 2009*

Security Council

- Resolution 1234 (1999) of 9 April 1999
- Resolution 1258 (1999) of 6 August 1999
- Resolution 1273 (1999) of 5 November 1999
- Resolution 1279 (1999) of 30 November 1999
- Resolution 1291 (2000) of 24 February 2000
- Resolution 1304 (2000) of 16 June 2000
- Resolution 1314 (2000) of 11 August 2000
- Resolution 1316 (2000) of 23 August 2000
- Resolution 1323 (2000) of 13 October 2000
- Resolution 1332 (2000) of 14 December 2000
- Resolution 1341 (2001) of 22 February 2001
- Resolution 1365 (2001) of 31 July 2001
- Resolution 1376 (2001) of 9 September 2001
- Resolution 1379 (2001) of 20 November 2001
- Resolution 1399 (2002) of 19 March 2002
- Resolution 1417 (2002) of 14 June 2002
- Resolution 1445 (2002) of 4 December 2002
- Resolution 1457 (2003) of 24 January 2003
- Resolution 1468 (2003) of 20 March 2003
- Resolution 1484 (2003) of 30 April 2003
- Resolution 1489 (2003) of 26 June 2003
- Resolution 1493 (2003) of 28 July 2003
- Resolution 1499 (2003) of 13 August 2003
- Resolution 1501 (2003) of 26 August 2003

- *Security Council mission visit to the DRC, 4-8 April 2000 (S/2000/416)*
- *Report of the Security Council mission visit to the Great Lakes regions, 27 April-7 April 2002 (S/2002/537/Add.1)*
- *Security Council demands that rebel group in DRC bring perpetrators of Kisangani massacres to justice. In presidential statement, members call for immediate demilitarization of Kisangani by RCD-Goma (SC/7462), 23 July 2002*
- *Security Council condemns continuing exploitation of natural resources in the DRC (SC/7925), 19 November 2003*

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MONUC's Office of Human Rights and the UN High Commissioner for Human Rights

- *Report on the human rights situation in the DRC presented to the Security Council by the UN High Commissioner for Human Rights (S/2003/216), 24 February 2003*
- *The human rights situation in the DRC, 2007*

Special Reports

- *The human rights situation in Zaire (E/DEC/1994/270), 25 July 1994*
- *The human rights situation in Zaire (E/CN.4/RES/1994/87), 9 March 1994*
- *The human rights situation in Zaire (E/CN.4/RES/1995/69), 6 March 1995*
- *Report of the Special Rapporteur on the human rights situation in Zaire (E/CN.4/1995/67 and Corr.1), 19 December 1994 and 17 February 1995*
- *The human rights situation in Zaire (E/DEC/1995/280), 25 July 1995*
- *Report of the Special Rapporteur on torture and other punishments or cruel, inhuman and degrading treatment (E/CN.4/1996/35), 9 September 1996*
- *Report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37), 1st March 1996*
- *Decisions adopted by the working group on arbitrary detention (E/CN.4/1996/40/Add.1), 31 October 1995*
- *Report of the Special Rapporteur on the human rights situation in Zaire (E/CN.4/1996/66 and Corr.2 and 3), 29 January and 28 March and 15 April 1996*
- *The human rights situation in Zaire (E/CN.4/RES/1996/77), 23 April 1996*
- *The human rights situation in Zaire (E/DEC/1996/282), 24 July 1996*
- *Report of the joint mission charged with investigating allegations of massacres and other attacks on human rights that took place in East Zaire from September 1996 (A/51/942), 2 July 1997*
- *The human rights situation in Zaire (E/CN.4/RES/1997/58), 15 April 1997*
- *The human rights situation in the DRC (E/DEC/1997/267), 22 July 1997*
- *Report of the Special Rapporteur on the human rights situation in Zaire: mission to the Kivu septentrional (E/CN.4/1997/6/Add.1), 16 September 1996*
- *Report of the Special Rapporteur on the human rights situation in Zaire: mission to rebel-occupied zones in Eastern Zaire (E/CN.4/1997/6/Add.2), 2 April 1997*
- *Report of the Special Rapporteur on extra-judicial, summary or arbitrary executions: country situations (E/CN.4/1997/60/Add.1), 23 December 1996*
- *Report of the Special Rapporteur on the human rights situation in Zaire (E/CN.4/1997/6), 28 January 1997*
- *Report of the Special Rapporteur on the human rights situation in Zaire (A/52/496), 17 October 1997*
- *Report of the Special Rapporteur on the human rights situation in the DRC (A/53/365), 10 September 1998*
- *The human rights situation in the DRC (A/Res/53/160), 9 December 1998*
- *Report of the Special Rapporteur on the issue of the use of mercenaries (E/CN.4/1998/31), 27 January 1998*

Unofficial translation from French original

- *Report of the Special Rapporteurs on the allegations of massacres in the DRC* (E/CN.4/1998/64), 23 January 1998
- *Report of the Special Rapporteur on the human rights situation in the DRC* (E/CN.4/1998/65 and Corr.1), 30 January and 30 April 1998
- *The human rights situation in the DRC* (E/CN.4/RES/1998/61), 21 April 1998
- *The human rights situation in the DRC* (E/DEC/1998/260), 30 July 1998
- *Report of the Special Rapporteur on the human rights situation in the DRC* (A/54/361), 17 September 1999
- *Report of the Special Rapporteur on the human rights situation in the DRC* (E/CN.4/1999/31), 8 February 1999
- *The human rights situation in the DRC* (E/CN.4/RES/1999/56), 27 April 1999
- *The human rights situation in the DRC* (A/55/318) – Note by the Secretariat, 23 August 2000
- *Report of the Special Rapporteur on the human rights situation in the DRC* (A/55/403), 20 September 2000
- *The human rights situation in the DRC* (A/Res/55/117), 12 March 2001
- *Report of the Special Rapporteur on the human rights situation in the DRC* (E/CN.4/2000/42), 18 January 2000
- *The human rights situation in the DRC* – (E/CN.4/2000/43) – Note by the Secretariat, 10 December 1999
- *Report of the Working Group on enforced or involuntary disappearances* (E/CN.4/2000/64 and Corr.1 and 2), 21 December 1999 and 11 and 20 April 2000
- *The human rights situation in the DRC* (E/CN.4/RES/2000/15), 18 April 2000
- *The human rights situation in the DRC* (E/DEC/2000/248), 28 July 2000
- *Report of the mission of the Special Rapporteur on the human rights situation in the DRC, report of the Special Rapporteuse on extra-judicial, summary or arbitrary executions, and of a member of the Working Group on enforced or involuntary disappearances* (A/56/220) – Note by the Secretary-General, 26 July 2001
- *Report of the Special Rapporteur on the human rights situation in the DRC* (A/56/327), 31 August 2001
- *Report of UN High Commissioner for Human Rights* (A/56/36 and Corr.1), 28 September 2001
- *The human rights situation in the DRC* (A/Res/56/173), 27 February 2002
- *Report of the Special Rapporteur on the human rights situation in the DRC* (E/CN.4/2001/40), 1 February 2001
- *Report of the Special Rapporteur on the human rights situation in the DRC* (E/CN.4/2001/40/Add.1), 27 March 2001
- *The human rights situation in the DRC* (E/CN.4/RES/2001/19), 20 April 2001
- *The human rights situation in the DRC* (E/DEC/2001/254), 24 July 2001
- *Report of the mission of the Special Rapporteuse on the human rights situation in the DRC, report of the Special Rapporteuse on extra-judicial, summary or arbitrary executions, and of a member of the Working Group on enforced or involuntary disappearances* (A/57/349), 23 August 2002
- *Interim report of the Special Rapporteur on the human rights situation in the DRC* (A/57/437), 26 September 2002

Unofficial translation from French original

- *Report of the Special Representative of the Secretary-General on human rights defenders* (E/CN.4/2002/106), 27 February 2002
- *The human rights situation in the DRC* (E/CN.4/2002/47) – Note by the Secretariat, 16 January 2002
- *The human rights situation in the DRC* (E/CN.4/2002/48) – Note by the Secretariat, 8 January 2002
- *Report of the Special Rapporteuse on violence against women: its causes and consequences* (E/CN.4/2002/83/Add.1), 28 January 2002
- *The human rights situation in the DRC* (E/CN.4/RES/2002/14), 19 April 2002
- *The human rights situation in the DRC* (E/DEC/2002/248), 25 July 2002
- *Report of the mission of the Special Representative on the human rights situation in the DRC, of the Special Representative on extra-judicial, summary or arbitrary executions, and of a member of the Working Group on enforced or involuntary disappearances* (A/58/127), 9 July 2003
- *Interim report of the Special Rapporteuse on the human rights situation in the DRC* (A/58/534), 24 October 2003
- *Report of the Special Rapporteuse on extra-judicial, summary or arbitrary executions – mission to the DRC* (E/CN.4/2003/3/Add.3), 4 January 2002
- *Report of the Special Rapporteuse on the human rights situation in the DRC* (E/CN.4/2003/43), 15 April 2003
- *Report of the mission of the Special Rapporteuse on the human rights situation in the DRC, of the Special Rapporteuse on extra-judicial, summary or arbitrary executions, and of a member of the Working Group on enforced or involuntary disappearances* (E/CN.4/2003/44), 31 December 2002
- *The human rights situation in the DRC* (E/CN.4/RES/2003/15), 17 April 2003
- *Report of the Special Rapporteuse on the human rights situation in the DRC* (E/CN.4/2004/34), 10 March 2004
- *Report of the Special Rapporteuse on violence against women: its causes and consequences* (A/HRC/7/6/Add.4), 27 February 2008
- *Report of the Special Rapporteur on the independence of judges and lawyers* (A/HRC/8/4/Add.2), 11 April 2008
- *Combined report of seven thematic special procedures on technical assistance to the Government of the DRC and urgent examination of the situation in the east of the country* (A/HRC/10/59), 5 March 2009

Special Representative of the Secretary-General for children and armed conflict

- *Impact of armed conflict on children* (A/51/306/Add.1) – Note by the Secretary-General, 6 September 1996
- *Impact of armed conflict on children* (A/51/306), 26 August 1996
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict* (A/53/482), 12 October 1998
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict* (A/54/430), 1 October 1999
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict* (A/55/442), 3 October 2000

Unofficial translation from French original

- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/56/453)*, 9 October 2001
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/57/402)*, 24 September 2002
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/58/328 and Corr.1)*, 29 August 2003 and 16 January 2004
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/59/426)*, 8 October 2004
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/60/335 and Corr.1)*, 7 September and 23 November 2005
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/61/275 and Corr.1)*, 17 August and 10 October 2006
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/62/228)*, 13 August 2007
- *Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/63/227)*, 6 August 2008

Group of experts

- *Report of the United Nations Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (S/2001/49)*, 16 January 2001
- *Report of the United Nations Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (S/2001/357)*, 12 April 2001
- *Addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (S/2001/1072)*, 13 November 2001
- *Interim report of the United Nations Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (S/2002/565)*, 22 April 2002
- *Final report of the United Nations Expert Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the DRC (S/2002/1146)*, 16 October 2002

IRIN (Integrated Regional Information Networks)

- Number 23: “Weekly Roundup of Main Events in the Great Lakes region”, 19-25 August 1996
- Number 24: “Weekly Roundup of Main Events in the Great Lakes region”, 26 August-1 September 1996
- Number 25: “Weekly Roundup of Main Events in the Great Lakes region”, 2-8 September 1996
- Number 26: “Weekly Roundup of Main Events in the Great Lakes region”, 9-15 September 1996
- Number 27: “Weekly Roundup of Main Events in the Great Lakes region”, 16-22 September 1996
- Number 28: “Weekly Roundup of Main Events in the Great Lakes region”, 23-29 September 1996
- Number 29: “Weekly Roundup of Main Events in the Great Lakes region”, 30 September- 6 October 1996

Unofficial translation from French original

- Number 30: “Weekly Roundup of Main Events in the Great Lakes region”, 7-13 October 1996
- Number 31: “Weekly Roundup of Main Events in the Great Lakes region”, 14-21 October 1996
- Number 32: “Weekly Roundup of Main Events in the Great Lakes region”, 22-27 October 1996
- Number 34: “Weekly Roundup of Main Events in the Great Lakes region”, 3-10 November 1996
- Number 35: “Weekly Roundup of Main Events in the Great Lakes region”, 11-17 November 1996
- Number 36: “Weekly Roundup of Main Events in the Great Lakes region”, 18-24 November 1996
- Number 37: “Weekly Roundup of Main Events in the Great Lakes region”, 25 November- 1 December 1996
- Number 38: “Weekly Roundup of Main Events in the Great Lakes region”, 2-8 December 1996
- “Updates Great Lakes”, First semester 1997
- “Great Lakes”, 1 July-14 October 1997
- “Weekly reports - Year 1998”
- “Weekly reports - Year 1999”
- “Weekly reports - Year 2000”
- “Weekly reports - Year 2001”
- “Weekly reports - Year 2002”
- “Weekly reports - Year 2003”

Special Reports

- “IRIN Update on Masisi, Rutshuru and Lubero zones, North Kivu” – 23 August 1996
- “IRIN Update on South Kivu” – 26 October 1996
- “IRIN Briefing on the conflict in South Kivu” – 10 July 1996
- “IRIN Briefing on the conflict in South Kivu” – 7 October 1996
- “IRIN Special report on Ituri clashes” – 3 March 2000
- “IRIN Special report on Ituri district” – 2002
- “IRIN Youth in Crisis” – 2007

WFP (World Food Programme)

- *WFP Emergency Report No. 22*, 7 June 1996

UNICEF (United Nations Children’s Fund)

- “UNICEF Ambassador Jessica Lange shocked and deeply moved by systematic rape of women and children in eastern DRC,” 11 August 2003

Unofficial translation from French original

OCHA [Office for the Coordination of Humanitarian Affairs]

- *Shabunda mission report, June 2001*

ICJ (International Court of Justice)

- *Application instituting proceedings filed in the registry of the court on 23 June 1999.*

Armed activities on the territory of the Congo (DRC v. Rwanda)

- *Application instituting proceedings filed in the registry of the court on 17 October 2000.*

Arrest warrant of 11 April 2000 (DRC v. Belgium)

- *Case concerning the Arrest warrant of 11 April 2000 (DRC v. Belgium)*

[Request for the indication of provisional], Order of 8 December 2000

- *Arrest warrant of 11 April 2000 (DRC v. Belgium) (content), Judgement of 14 February 2002*

- *Case concerning armed activities on the territory of the Congo (new application: 2002) (DRC v. Rwanda) (provisional measures), Order of 10 July 2002*

- *Case concerning armed activities on the territory of the Congo (new application: 2002) (DRC v. Uganda), 19 December 2005*

- *Case concerning armed activities on the territory of the Congo (new application: 2002) (DRC v. Rwanda) Jurisdiction of the Court and admissibility of the application. Summary of the judgement 3 February 2006*

ICC (International Criminal Court)

- *Arrest warrant issued by the Pre-Trial Chamber 1 in the case The Prosecutor v. Thomas Lubanga Dyilo – ICC-01/04-01/06*

- *Arrest warrant issued by the Pre-Trial Chamber 1 in the case The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui – ICC-01/04-01/07*

- *Arrest warrant issued by the Pre-Trial Chamber 1 in the case The Prosecutor v. Bosco Ntaganda – ICC-01/04-02/06*

Unofficial translation from French original

Intergovernmental reports

All Party Parliamentary Group on the Great Lakes and Genocide Prevention

- *Cursed by riches: Who benefits from resource exploitation in the DRC?*, 2003

Government reports

Government of the DRC- Ministry of Human Rights

- "Livre Blanc: Les pays agresseurs et leurs complices congolais à l'est", 30 June 1999
- "Livre Blanc: La guerre d'agression en RDC: Trois ans de massacres et de génocide à huis clos", October 2001
- "Livre Blanc: Sur la persistance des violations massives et flagrantes des droits de l'homme par les troupes d'agression rwandaise, ougandaise et burundaises ainsi que leurs complices congolais", February 2002
- "Livre Blanc: Sur les récurrentes violations des droits de l'homme et du droit international humanitaire dans la ville de Kisangani", 30 June 2002
- "Livre Blanc: Kisangani – Massacre des 14 et 15 Avril 2002", 30 June 2002

Republic of Uganda

- *Judicial Commission of Inquiry – Republic of Uganda, Final Report on Allegations into Illegal Exploitation of Natural Resources and Other Forms of Wealth in the DRC 2001*, November 2002

Immigration and Refugee Board of Canada

- "DRC, Situation of certain groups", April 1998
- "DRC, The August 1998 rebellion and groups affected", December 1998
- "DRC, Situation of children", March 2004

Commission des recours des réfugiés de la République française

- "RDC: les zones de rébellion", October 2002
- "RDC: les différentes forces en armes depuis 1997", January 2006

U.S. Department of State

- *U.S. Department of State Country Report on Human Rights Practices in the DRC 1998*
- *U.S. Department of State Country Report on Human Rights Practices in the DRC 1999*
- *U.S. Department of State Country Report on Human Rights Practices in the DRC 2000*
- *U.S. Department of State Country Report on Human Rights Practices in the DRC 2001*
- *U.S. Department of State Country Report on Human Rights Practices in the DRC 2002*
- *U.S. Department of State Country Report on Human Rights Practices in the DRC 2003*

Unofficial translation from French original

U.S. Institute of Peace

- *Zaire - Predicament and Prospects, Minority Rights 1997*
- *Zaire Crises on War and Governance 1997*
- *DRC - Reconstructing Peace in the Congo 1999*

U.S. Committee on Refugees

- "Ethnic Cleansing and Displacement in eastern Zaire", 6 July 1996

NGO Reports

APREDECI (Action paysanne pour la reconstruction et le développement communautaire intégral)

- *Rapport circonstanciel – Novembre 1996 et ses événements, 1996*
- *L'apocalypse au Nord-Kivu*, in collaboration with the *Groupe des volontaires pour la paix (GVP)* and the *Centre de recherche et d'encadrement populaire (CRE)*, 1997
- *Rapport sur le massacre de Mudja*, April 1997
- *Mission d'enquête sur la situation des droits de l'homme dans la province du Nord-Kivu*, 1997

AZADHO/ASADHO (Association zairoise de défense des droits de l'homme/Association africaine de défense des droits de l'homme)

- "Périodique des droits de l'homme", March-April 1993
- "État des libertés - Spécial 1993", 1 March 1993
- "Périodique des droits de l'homme", July 1993
- "Périodique des droits de l'homme", no. 9, January 1994

- "Périodique des droits de l'homme", no. 12, September 1994
- "L'armée tue, July-August", 1994
- *Nord et Sud-Kivu : La violence au quotidien*, 1994
- *État des libertés et droits de l'homme au Zaïre*, 1994
- "Périodique des droits de l'homme", no. 14, February 1995
- "Périodique des droits de l'homme", no. 18, July-October 1995
- "Périodique des droits de l'homme", no. 19, January 1996
- *Massacre à Kitshanga au Nord-Kivu*, 1996
- "Nord-Kivu, État d'urgence", April 1996
- "Périodique des droits de l'homme", no. 20, January 1997
- "Nord-Kivu : Conflits armés", 4 September 1997
- "Des espoirs déçus à une vague d'inquiétude, les occasions manquées", 1 February 1998
- "Une année d'administration AFDL : Plus ça change, plus c'est la même chose", 1 November 1997
- "Existence de fosses communes au Nord-Kivu", March 1997

Unofficial translation from French original

- "Nord-Kivu, report of 13 June 1998"
- "Périodique des droits de l'homme", no. 21, February 1998
- Communiqué de presse, 6 September 1998
- "Massacre à Goma", 15 February 1998
- *Rapport annuel 1998*
- "Carnage à Butembo – Plus de 300 morts !", 4 March 1998
- *Report of the International NGO Commission on the massive human rights violations in the DRC*, prepared in collaboration with the International Centre for Human Rights and Democratic Development (Montreal, Canada) (ICHRDD) June 1998
- "Situation des droits de l'homme dans le territoire de Beni sous administration RCD (août 1998-juillet 1999)", September 1999
- "Le conflit interethnique Hema-Lendu en territoire de Djugu", 12 July 1999
- *Massacre à Katogota*, 2000
- *Rapport annuel 2000*
- "Affrontements sanglants entre Lendu et Hema", 7 February 2000
- *L'Ouganda sacrifie la population civile congolaise*, 2001
- *Rapport annuel 2002*
- "Rapport semestriel sur la RDC: L'état des libertés fondamentales et des droits de l'homme après Sun City – pire qu'avant", 1 June 2002

CADDHOM (Collectif d'actions pour le développement des droits de l'homme)

- "Rapport semestriel – July à December 1997", 1998
- "Atrocités commises en province du Kivu de 1996 à 1998", July 1998
- "Massacres de Kasika au Sud-Kivu", 1998
- "Enquête sur les massacres des réfugiés", 1998
- "Rapport semestriel – 2 août au 2 février 1999", 1999
- "Victimes des tortures en chefferies des Wamuzimu", December 2003
- "Appel urgent – Des arrestations et détentions arbitraires à Kinshasa", April 2003

COJESKI (Collectif des organisations des jeunes solidaires du Congo)

- "Vue synoptique sur les violations massives des droits de l'homme pendant les trois premiers mois d'agression du Sud-Kivu/RDC", 20 November 1998
- "Cinq mois d'invasion de la RDC: Les droits de l'homme en péril dans les provinces occupées de l'est du Congo", 1999
- "Les violations caractérisées des droits de l'homme dans le Kivu – Rapport narratif des forfaits pour la période allant du 1^{er} octobre 1999 au 29 février 2000", March 2000

CDJP (Commission diocésaine justice et paix)

- "Morts et blessés au Katanga – février à juillet", 1995
- "S.O.S. lancé par les associations des droits de l'homme du Sud-Maniema", 31 January 2002

Unofficial translation from French original

- "Graves violations des droits de l'homme consécutives aux affrontements Mayi-Mayi et militaires du RCD (de juin à août 2002) : Cas des territoires de Kabambare, Kasongo, Pangi (Province du Maniema) et Shabunda (Sud-Kivu)", 26 August 2002
- "Documents aux Onusiens", 20 November 2002
- *Rapport annuel*, 2002
- "Plaidoyer pour les déplacés des conflits insensés au Sud-Maniema", 1 September 2003
- "Besoins humanitaires prioritaires de la province du Maniema". Plaidoyer", 2003
- "Au nom de toutes les miennes. S.O.S. pour les femmes victimes des crimes sexuels et autres violences à Kalima", 2 November 2003
- "Contact de Kaparanga entre RCD et miliciens Mayi-Mayi", February 2003
- "La province du Maniema durant sept ans de guerre et de conflits sanglants (1998-2004)", 2004

Congo-Afrique

- "Cour d'ordre militaire : nature, organisation et compétence" – no. 319, 1 November 1997
- "Carnets de guerre d'un Kinois", November 1998
- "Administration de la justice et bonne gouvernance en Afrique", November 1998
- "Le droit est mort. Vive le droit" – no. 331, 1 January 1999
- "Quel avenir pour le droit pénal en République démocratique du Congo ?" – no. 350, 1 December 2000
- "Diamants sanglants et économie des guerres civiles en Afrique" – no. 360, 1 December 2001
- "La justice militaire dans le système judiciaire congolais" – no. 352, 1 February 2001
- "Justice militaire en RDC : La réforme du 18 novembre 2002" – nos. 367 to 370, 1 November 2002
- "Répression des crimes internationaux (569 à 587)" - nos. 369 et 370, 1 November 2002
- "Armes, minerais et ethnies : Au cœur de la guerre en RDC" – no. 378, 1 October 2003
- "Lutte contre l'impunité pour un état de droit en RDC" – no. 399, 1 November 2005

CVDHO (Commission de vulgarisation des droits de l'homme et du développement)

- "Situation d'insécurité générale dans le territoire de Malemba Nkulu", 5 April 2001
- "Rapport sur le drame d'Ankoro", 29 September 2002
- "Cannibalisme dans le territoire de Malemba Nkulu", 10 March 2003
- "Nord-Katanga : attaques délibérées contre la population civile", October 2003

GAPS (Gender Action for Peace and Security)

- "Human rights situation – Kasai Occidental", March 2000
- "Human rights situation – Kasai Occidental", January to March 2001, April 2001

Unofficial translation from French original

Groupe justice et libération

- "La guerre du Congo à Kisangani et les violations des droits de l'homme du 2 août au 17 septembre 1998", September 1998
- "Initiatives de paix et violations du droit international humanitaire", 1 May 1999
- "La guerre des alliés à Kisangani (du 5 mai au 10 juin 2000) et le droit à la paix", 30 June 2000
- "Massacre des populations civiles dans les villages de Masimango, Kababali et Abali", 15 July 2001
- "Avant comme après la guerre, le calvaire de la population d'Isangi continue", 30 November 2003

Groupe Jérémie

- "Massacres de Birava, Sud-Kivu", 13 April 1995
- "La violation des droits de l'homme dans le territoire contrôlé par l'AFDL", 1 January 1997
- "Donner la parole à la base: Vue d'ensemble des déclarations, réflexions et autres documents d'analyse des organisations de la société civile nationale sur la guerre actuelle en RDC", 1999
- "Violations au Sud-Kivu, janvier à juin 2001", 2001

Groupe Lotus

- "Les premières retombées de la guerre des Kivu", November 1996
- "RDC – D'un régime autoritaire à une rébellion", October 1998
- "FAC torture in Bondo", January 1998
- "Les conséquences de la contraction des alliances et factions rebelles au nord-est de la RDC", September 1999
- "Le conflit de leadership dans la rébellion-agression congolaise et les violations des droits de l'homme", April 1999
- "Rapport sur le bombardement de la ville de Kisangani dans la nuit du 10 au 11 janvier 1999", January 1999
- "Les rivalités ougando-rwandaïses à Kisangani : La prise en otage de la population civile", May 2000
- "Rapport de la guerre de six jours à Kisangani", July 2000
- "Les affrontements de Juin 2000 entre les troupes rwandaïses et ougandaïses à Kisangani", July 2000
- "Le calvaire des populations rurales", October 2001
- "Des foyers d'insécurité et de violation des droits de l'homme à Kisangani", December 2001
- Communiqué de presse – Opala, January 2003
- "La population et les acteurs de la paix civile paient le prix de la confusion et du chaos créés par la rébellion de l'armée du RCD/Goma", May 2002
- "Le visage de la fatalité – Guerre de six jours", July 2002

Unofficial translation from French original

- "Comprendre les événements du 14 mai et agir pour un respect des droits de l'homme et une paix juste", July 2002
- "Mémorandum adressé à la délégation dépêchée à Kisangani par le Secrétaire général de l'ONU pour enquêter sur les fosses communes", December 2002
- "Ituri et Kisangani - Situation sécuritaire extrêmement inquiétante", March 2003

Haki Za Binadamu

- "Monitoring : Cas types des violations des droits de l'homme au Maniema", 1995
- "Massacres de réfugiés hutu au Maniema", 1996
- "Assassinat de onze religieux hutu rwandais", 1997
- "Maniema S.O.S. : les femmes en proie aux instincts sexuels des soudards, 1997
- "Violence sexuelle au Maniema", 1997
- "Situation des droits de l'homme au Maniema, RDC, Monitoring d'octobre 1998 à juin 2000", 2000
- "Droits de l'homme – Maniema, juin à juillet 2002", August 2002
- "Rapport trimestriel d'observation des droits de l'homme – January to March 2003", April 2003

Halte Africa

- *Rapport sur la situation à Fizi*, 2002

Héritiers de la justice

- "Situation des droits de l'homme en RDC – Sud-Kivu", 31 December 1998
- "Actualités de ce mercredi 18 août 1999", 1999
- "Le Gouverneur du Sud-Kivu n'a pas convaincu", February 2000
- "Une population désespérée, délaissée et prise en otage", 2001

Groupe Horeb

- "Les affrontements de Kisangani, crimes contre les droits humains et processus de paix durable", January 1999
- "Évaluation – La perte de vitesse du RCD aggrave les violations systématiques et flagrantes des droits de l'homme à Kisangani", June 1999

Info-Congo/Kinshasa

- "Info-Congo/Kinshasa", August 1997
- "Info-Congo/Kinshasa", January 1999
- "Même fragile, un cessez-le-feu bienvenu", no. 160, 1 April 2000
- "Des combats presque partout", no. 161, 1 May 2000

La Grande vision pour la défense des droits de l'homme

Unofficial translation from French original

- "Rapport du 1^{er} novembre 1996 sur les événements sanglants survenus à Goma et ses alentours", November 1996
- "Rapport sur les violations des droits de l'homme dans la zone agropastorale de Masisi", 1997

ANMDH (Friends of Nelson Mandela for the Defense of Human Rights)

- "Rapport intérimaire de la guerre du Nord et Sud-Kivu et les violations des droits de l'homme", 28 November 1996
- "Rapport succinct", 1997
- "La précarité de la situation des droits de l'homme avant la chute de la ville de Kisangani", 1997
- "La destruction de la ville de Kisangani et la situation des droits de l'homme dans la province Orientale", 2000
- "Quelles sont les chances de la cohabitation Hema-Lendu ?", February 2000
- "Guerre à Kisangani", June 2000
- "Rapport sur la violation des droits de l'homme à l'est de la RDC", January 2001
- "La guerre interethnique en Ituri et l'implication de l'armée ougandaise", February 2001
- "Rapport de synthèse sur la guerre interethnique", February 2001
- "Les événements des 14 et 15 mai 2002 à Kisangani", May 2002
- "Un aperçu sur la situation des droits de l'homme en RDC", November 2002

LINELIT (Ligue nationale pour les élections libres et transparentes)

- "Nouvelles révélations sur le massacre des réfugiés hutu rwandais dans la province de l'Équateur", 1997
- "Massacre de quinze civils par l'AFDL à Kinshasa - Jungle ou état de droit ?", July 1997

Groupe Lufalanga pour la justice et la paix

- "Rapport trimestriel d'activités - avril à juin 2002", 15 July 2002
- "Agents de la RTNC/Kisangani (Radio télévision nationale congolaise) menacés par les autorités du RCD/Goma", 2003

Mahano

- "Numéro 22, Spécial Nord-Kivu, avril-mai-juin 1993", 1993
- "Numéro 24, octobre-novembre-décembre 1993", 1993

Peacelink/OSPITI

- *La violation des droits de l'homme dans le territoire contrôlé par l'AFDL*, 1996
- "Eyewitness Report – November 1996", January 1997
- *Les morts de la libération*, 1997

Unofficial translation from French original

- *Rapport sur la situation qui prévaut actuellement dans les provinces du Nord et du Sud-Kivu*, 1997

SCEPDHO (Structure de culture, d'éducation populaire et des droits de l'homme)

- "Rapport annuel – Bas-Congo" – 1998, January 1999
- "Rapport des droits de l'homme sur les événements survenus au cours de la marche pacifique organisée par la secte religieuse Bundu dia Kongo dans les districts de Boma et du Bas-Fleuve", 24 August 2002

SOPROP (Solidarité pour la promotion sociale et la paix)

- "Situation des droits de l'homme à Goma et ses environs jusqu'au 21 septembre 1998", October 1998
- "Situation des droits de l'homme au Nord-Kivu", November 1998
- "Situation des droits de l'homme dans la ville de Goma et ses environs depuis l'éclatement de la rébellion", October 1998
- "Génocide en coulisse", 31 December 1999
- "Alerte dans les territoires de Masisi et Walikale, province du Nord-Kivu/RDC", 2002
- "Rapport d'investigation, Nord-Kivu, avril-août 2001", August 2001
- "Abus et violations au Nord-Kivu, juillet-septembre 2002", September 2002
- "Nord-Kivu, janvier-mars 2002", March 2002
- "Nord-Kivu, janvier-mars 2003", March 2003

UVG-Kis (Union des victimes des guerres de Kisangani)

- "Les victimes de la guerre de six jours à Kisangani", 2000
- "Événements des 14 et 15 mai 2002 : massacre des populations civiles et des policiers", 2002
- "Situation des différentes guerres de 1996–2000", undated

VSV (Voix des sans-voix pour les droits de l'homme)

- "Bref aperçu sur la situation des droits de l'homme à Kinshasa sous l'AFDL", 22 May 1997
- "L'insécurité atteint le sommet de l'État, January" 2001
- "Rapport sur les violations des droits de l'homme à Isiro, Novembre 2001", December 2001
- "Rapport annuel 2002", March 2003
- "Situation des droits de l'homme dans le district du Haut-Uélé en général et dans la ville d'Isiro en particulier", May 2002
- "Victimes des tortures corporelles et traitements dégradants", 2003
- "Exactions commises par les rebelles de John Garang du Sud-Soudan dans le district du Haut-Uélé en RDC de 1999 à Juillet 2003", September 2003
- "Rapport sur les violations des droits de l'homme au Haut-Uélé 1993-2003", September 2006

Unofficial translation from French original

- "Violations massives des droits de l'homme commises dans le district du Haut-Uélé, période de 1994 à 2003", 2008

Other national documents

- "Mémorandum des communautés hutu et tutsi du Nord-Kivu à la Commission d'enquête sur les massacres de Walikale, Masisi et Bwito en mars et avril 1993, Les communautés zaïroises hutu et tutsi du Nord-Kivu", April 1993
- "Recensement des victimes hunde des massacres et affrontements interethniques de 1993 à nos jours, Les communautés zaïroises hutu et tutsi du Nord-Kivu", April 1993
- "Insécurité de la communauté tutsi et diverses tracasseries, Communauté tutsi de Jomba", 2 February 1995
- "Rapport sur l'arrivée et le séjour des rebelles à Idjwi, Collectivité de Rubenga, 30 January 1997
- "Rapport final des activités de ramassage et inhumation de corps des victimes de la guerre de libération du Congo-Zaïre, Équipe d'urgence de la biodiversité (EUB), 7 February 1997
- "Rapport d'enquête sur les violations des droits de l'homme à l'est du Congo, Église luthérienne du Congo", May 1997
- "Témoignage des femmes rescapées de Tingi-Tingi", May 1997
- "Les morts de la libération, Comité Palermo Bukavu", June 1997
- "Rapport circonstancié sur les cas de violation des droits de l'homme au Zaïre", Prison Fellowship, 1997
- "Trente jours de violations des droits de l'homme sous le pouvoir de l'AFDL, Association des cadres pénitentiaires du Congo (ACPC)", 1997
- "Bulletin droits de l'homme Hebdo, fusillade au CPRK (Centre pénitentiaire et de rééducation de Kinshasa)", Congosol, September 1998
- "Qui gagne dans le bain de sang au Sud-Kivu ? : Cri du cœur des mamans, Les femmes du Sud-Kivu", 28 February 2000
- "Rapport sur l'état des droits de l'homme en Ituri, Justice Plus", July 2002
- "Femmes dans la tourmente des guerres en RDC, Dignité des sans-voix (DSV)", 2002
- "Le corps des femmes comme champ de bataille durant la guerre de la RDC", Réseau des femmes pour le développement associatif (RFDA), Réseau des femmes pour la défense des droits et la paix (RFDP) and International Alert (IA), 2004
- "Akele and Sita (Professeurs), Crimes humanitaires en droit congolais", January 1999
- "Justin Balegamire, Attaques invasives de l'est zaïrois par le peuple tutsi (1994 à 1996)", January 1997
- "M. Dibinga Wa Said, Massacre de Nyalukungu, Sud-Kivu", July 1999
- Didier Kamundu Butundi, *Mémoire des crimes impunis, la tragédie du Nord-Kivu*, 2006
- Kankonde Luteke, "L'épuration ethnique des Kasaiens au Shaba", 4 September 1995
- Charles Mfwamba, *Rapport sur la situation des droits de l'homme dans la société minière de Bakwanga*, August 1999
- Faustin Ngabu, "Massacres à Walikale et Masisi", 8 May 1993
- Faustin Ngabu, "Situation qui prévaut dans le diocèse autour des massacres dans les zones de Walikale et Masisi", 11 May 1993

Unofficial translation from French original

- Germain Sylai Gotto and Mamadou Bineta, "Le calvaire des déplacés katangais", September 1999
- François Zoka, Pierre Kibaka and Jean-Pierre Badidike, "La guerre des alliés à Kisangani et le droit de la paix", 2000

NGO reports**ACCORD**

- *DRC Country Report*, 2002

AI (Amnesty International)

- *Report on Zaire*, 1992
- *Extrajudicial execution – At least 15 civilians in Kinshasa*, 25 February 1993
- *Recent arrests in Kinshasa*, 25 May 1993
- *Violence against democracy*, 16 September 1993
- *Zaire collapsing under crisis*, 2 February 1994
- *Zaire – Nine demonstrators killed*, 8 March 1995
- *Zairian human rights activists under threat*, 1st September 1995
- *Zaire fears for safety*, 11 January 1996
- *Zaire action needed*, 14 June 1996
- *Appeal for the protection of human rights in the crisis in eastern Zaire*, 11 August 1996
- *Zaire Tutsi ethnic group and other civilians*, 22 October 1996
- *Zaire crisis facing Rwandese cannot be solved*, 31 October 1996
- *Zaire fear of mass human rights violations*, 10 November 1996
- *Zaire arm flows*, 11 November 1996
- *Amnesty International condemns massacre of around 500 refugees in eastern Zaire*, 26 November 1996
- *Killings, torture and arbitrary arrests persist*, 29 November 1996
- *Violent persecution by State and armed groups*, 29 November 1996
- *Lawlessness and insecurity in North and South-Kivu*, 30 November 1996
- *Hidden from scrutiny – Human Rights abuses in eastern Zaire*, 19 December 1996
- *Still in need of protection – Repatriation, refoulement and the safety of refugees and the internally displaced*, 24 January 1997
- *Appeal for a Commission to investigate reports of atrocities in eastern Zaire*, 24 March 1997
- *Mineral wealth should not overshadow shameful human rights records*, 2 June 1997
- *Amnesty International condemns AFDL abuses against Rwandese refugees in eastern Zaire*, 23 April 1997
- *United Nations investigation on massacres must not be based on concessions with the Government*, 16 July 1997
- *DRC Rwandese refugees*, 21 July 1997
- *Truth about massacres*, 2 October 1997
- *Rapes, killings and other human rights violations by the security forces*, 1997
- *Deadly alliances in Congolese forests*, 1997

Unofficial translation from French original

- *A long-standing crisis spinning out of control*, 1998
- *Civil liberties denied*, 2 February 1998
- *One year on – No more excuses President Kabila*, 15 May 1998
- *Legacy of killings must end*, 30 June 1998
- *Security Council shamefully abandons victims in the DRC*, 15 July 1998
- *Government cracks down on human rights organizations*, 4 August 1998
- *Urgent appeal to safeguard human rights*, 7 August 1998
- *Fuelling ethnic hatred escalates human rights crisis*, 13 August 1998
- *A long-standing crisis spinning out of control*, 3 September 1998
- *War against unarmed civilians*, 23 November 1998
- *A year of dashed hopes*, 1998
- *Thousands of civilians victims of atrocities in the DRC*, 1998
- *Government terrorises critics*, 2000
- *Killing human decency*, 31 April 2000
- *Torture/Fear of disappearance*, 23 October 2000
- *Torture – A weapon of war against unarmed civilians*, 2001
- *Rwandese-controlled east – Devastating human toll*, 2001
- *Take a step to stamp out the torture by Rwandese forces and their allies*, 2001
- *Deadly conspiracies*, 2001
- *Making a killing – The diamond trade from assassination to State murder*, 2002
- *Fear of detention*, 2002
- *DRC Alarming increase in arbitrary arrests and detentions*, 8 January 2002
- *Stop diamond company guards killings*, 27 February 2002
- *DRC Inter-Congolese dialogue*, 12 March 2002
- *DRC Death penalty/unfair trial*, 18 March 2002
- *Kisangani killings – victims need justice now*, 12 June 2002
- *Prisoners of conscience*, 17 July 2002
- *The United Nations must take urgent steps to stop escalation of ethnic killings*, 17 October 2002
- *Government must investigate human rights violations in Mbuji Mayi diamond fields*, 22 October 2002
- *The expansion of MONUC must be used to protect human rights where they are more seriously at risk*, 5 December 2002
- *One hundred and fifteen people face imminent execution*, 12 December 2002
- *DRC public statement – A neglected human rights tragedy in Ituri*, 20 March 2003
- *End the use of child soldiers*, 31 March 2003
- *Time to stop the carnage and economic exploitation*, 28 April 2003
- *The United Nations should deploy a rapid reaction force in Ituri*, 20 May 2003
- *Extrajudicial executions, torture and ill-treatment*, 29 May 2003
- *Amnesty International media briefing – DRC Mission findings*, 1 August 2003
- *Stop the cycle of economic violence*, 30 October 2003
- *Children at war*, 9 September 2003
- *Child soldiers tell their story*, 9 November 2003
- *Stop the use of child soldiers*, 10 November 2003
- *Addressing the present and building a future*, 2003
- *On the precipice: The deepening human rights and humanitarian crisis in Ituri*, 2003

Unofficial translation from French original

- *Ituri – How many more have to die?*, 2003
- *Ituri – A need for protection, a thirst for justice*, 2003
- *Irene Khan Amnesty International high-level mission Great Lakes region*, 2003
- *DRC: Our brothers who help kill us – Economic exploitation and human rights abuses in the East*, 2003
- *Mass rape – Time for remedies*, 2004
- *Surviving rape – Voices from the East*, 2004

CARITAS

- *Tableau synthétique relevant les cas des massacres et tueries par l'AFDL*, 17 September 1997

ICRC (International Committee of the Red Cross)

- *DRC Activity report 1993*
- *DRC Activity report 1994*
- *DRC Activity report 1995*
- *DRC Activity report 1996*
- *DRC Activity report 1997*
- *DRC Activity report 1999*
- *DRC Activity report 2000*
- *DRC Activity report 2001*
- *DRC Activity report 2002*
- *Mission to East Congo, July to September 2002*
- *Mission to East Congo, October to December 2002*
- *Activity Report DRC 2003*
- *Updated press releases 2001 - 2003*

Concertation chrétienne pour l'Afrique centrale

- *Ituri - Éviter l'explosion*, 24 April 2003

Conflict Research Group

- *Dynamics of conflicts in Ituri*, 1 October 2003

Rights and Democracy

- *Rapport de la Commission internationale non gouvernementale sur les violations massives des droits humains en RDC*. Prepared by the Centre international des droits de la personne et du développement démocratique (Montreal, Canada) [CIDPDD] and the Association africaine pour la défense des droits de l'homme en République démocratique du Congo (Kinshasa) [ASADHO], June 1998
- *The Situation in the DRC*, 2003

Unofficial translation from French original

FIDH (International Federation for Human Rights)

- *Spécial Congo, Zaïre et Congo-Brazzaville*, 3 July 1997
- *État des libertés et droits de l'homme à l'aube de la transition en RDC*, 30 November 2003

The Swedish Foundation for Human Rights

- *Justice, impunity and sexual violence in Eastern DRC*, 2008

Gandi International

- *Rapport succinct*, 29 November 1997
- *Rapport d'activité avec additif sur les violations des droits de l'homme et le dossier de massacre des réfugiés*, 1997

Henry Dunant Centre for Humanitarian Dialogue

- *Coherence in Crisis*, February 2003

Human Rights First

- *DRC, ravaged by conflict, human rights atrocities and impunity*, 2003

HRW (Human Rights Watch)

- *Inciting hatred against Kasaiens in Shaba*, 30 June 1993
- *Human Rights Developments – report*, 1993
- *Human Rights Developments – report*, 1994
- *Human Rights Developments – report*, 1995
- *Rearming with impunity*, 31 May 1995
- *Forced to flee - violence against the Tutsi in Zaïre*, 31 July 1996
- *Attacked by all sides – Civilians and the war in eastern Zaïre*, 30 March 1997
- *What Kabila is hiding, civilian killings and impunity in Congo*, 15 October 1997
- *Uncertain course: transition and human rights in the Congo*, 31 December 1997
- *Zaïre transition, war and human rights*, 1997
- *Human Rights Developments – report*, 1997
- *HRW welcomes UN report on Congo massacres*, 3 June 1998
- *HRW condemns Security Council inaction*, 14 July 1998
- *Written statement submitted to the UN Commission on Human Rights*, 17 March 1998
- *Human Rights Developments – report*, 1998
- *Casualties of war*, 28 February 1999
- *Human Rights Developments – report*, 1999
- *Eastern Congo – Activists severely beaten*, 2000
- *Eastern Congo ravaged*, 31 April 2000
- *Imprisoned activists disappear*, 1 August 2000

Unofficial translation from French original

- *DRC Visit of Mary Robinson, 29 September 2000*
- *Human Rights Developments – report, 2000*
- *Uganda in eastern DRC, 31 March 2001*
- *Reluctant Recruits: children and adults forcibly recruited for military service in North Kivu, May 2001*
- *Congo – Resource exploitation exacerbates civilian suffering, 2001*
- *Attacks on civilians in Ugandan occupied areas in North-eastern DRC, 13 February 2002*
- *DRC – Scores killed in new ethnic fighting, 13 February 2002*
- *DRC – Civilians in Ituri need urgent protection, 18 March 2002*
- *La guerre dans la guerre : violence sexuelle contre les femmes et les filles dans l'est du Congo, 1 June 2002*
- *War Crimes in Kisangani, 31 August 2002*
- *DRC – World report, 2002*
- *Briefing to the UN Commission on Human Rights, 27 February 2003*
- *Covered with blood – Ethnically targeted violence in North-eastern DRC, 31 July 2003*
- *DRC – Essential background of human rights issues, 2003*
- *UN Congo – Burundi mission should prioritize civilian protection, 2003*
- *The curse of gold, 26 April 2005*
- *En quête de justice – Poursuivre les auteurs de violences sexuelles commises pendant la guerre au Congo, 2005*

ICTJ (International Center for Transitional Justice)

- *A long road to a just peace in the DRC, 30 October 2004*
- *Living with fear, 31 August 2008*

ICG (International Crisis Group)

- *North Kivu, 13 August 1998*
- *Congo at war, 17 November 1998*
- *Africa's seven nation war, 21 March 1999*
- *How Kabila lost his way, 21 May 1999*
- *Disarmament in Congo, investing in conflict prevention, 13 June 2001*
- *Scramble for the Congo: Anatomy of an ugly war, 20 December 2000*
- *The Inter-Congolese dialogue, 16 November 2001*
- *From Kabila to Kabila, prospects for peace in the Congo, 16 March 2001*
- *Disarmament in Congo, jump-starting DDRRR, 14 December 2001*
- *Storm clouds over the Sun City, the urgent need to recast the Congolese peace process, 14 May 2002*
- *The Kivus, the forgotten crucible of the Congo conflict, 24 January 2003*
- *Katanga-DRC's forgotten conflict, 1 September 2006*

MSF (Médecins Sans Frontières)

- *Populations en danger au Zaïre, rapport MSF, 1995*
- *Ethnic cleansing rears its head in Zaire, 1 November 1996*
- *Traque et massacre des Rwandais au Zaïre-Congo, 1996-1997*

Unofficial translation from French original

- *Forced flight – A brutal strategy of elimination in eastern Zaire*, 30 April 1997
- *Histoire des réfugiés rwandais ayant fui les camps du Kivu, Zaire, de Septembre 1996 à June 1997*, September 1997
- *International Activity Report*, 2001
- *Special Report – Confronting catastrophe in the DRC*, 30 November 2001
- *La guerre me suivait*, 2002
- *Giving voice to untold human suffering*, 2002
- *Quiet, we are dying*, 2002
- *Report on the DRC 1992-2002*, 2002
- *I have no joy, no peace of mind; Medical, psychosocial and socio-economic consequences of sexual violences in eastern DRC*, 2004
- *International activity report: DRC, I took my children and fled*, 2003
- *Ituri – Unkept promises*, 2003

Minority Rights Group International

- *'Erasing the Board': Report of the international research mission into crimes under international law committed against the Bambuti Pygmies in the eastern Democratic Republic of Congo*, 2004

Norwegian Refugee Council

- *Profile on internal displacement – DRC*, 8 August 2002

Open Society Justice Initiative

- *Justice reform in Africa*, 2005

OIJ (Organisation interafricaine des juristes)

- *Recueil de témoignages sur les crimes commis dans l'ex-Zaire depuis octobre 1996*, September 1997

Peacewomen

- *Thousands of women assaulted*, 4 November 2003
- *Sexual violence a widespread weapon in DRC conflict*, 13 November 2003
- *Mass rape, looting widespread in DRC*, 12 September 2003
- *Congo – A hell on earth for women*, 11 September 2003
- *A war on women*, 25 November 2003

Pole Institute

- *Inter-congolese dialogue*, 30 April 2000
- *The coltan phenomenon*, 1 January 2002

Unofficial translation from French original

- *Exposé – Survie identitaire et pression démographique, point de vue d'un Muhunde à Masisi*, 27 June 2004

RAID (Rights and Accountability in Development)

- *Unanswered Questions: Companies, conflict and the DRC*, 1 March 2004

Refugees International

- *Eastern Congo – Beyond the volcano, a slow motion holocaust*, 28 January 2002

Save the Children

- *Going home – Demobilizing and reintegrating child soldiers in the DRC*, 2003
Protecting women and children in war and conflict, 2003

University of Massachusetts

- *The economics of civil war – The case of the DRC*, 7 January 2003

Watchlist

- *Country report – The impact of armed conflict on children in the DRC*, 1 June 2003

World Policy Institute

- *Deadly legacy, US arms to Africa and the Congo war*, 2 March 2000

Other international documents

- *L'autre visage du conflit dans la crise des Grands Lacs*, Jesuit School of Theology, Grand Lakes Network, 2000

- *Situation actuelle au Nord-Kivu*, L'observatoire de l'Afrique centrale, 6 July 2001

- *Politique africaine, Le Maniema, de la guerre de l'AFDL à la guerre du RCD*, no. 84, December 2001

- *Justice, impunité et violences sexuelles à l'est de la RDC, Rapport de la Mission internationale d'experts parlementaires*, November 2008

- Colonel Kisukula Abeli Meitho, *La désintégration de l'armée congolaise de Mobutu à Kabila*, L'Harmattan, 2001

- Abbot Ntihakose Jean Berchmans *Neuf mois de tragédie à l'est du Zaïre – Mon journal*, 14 October 1997

- Stanislas Bucyalimwe Mararo, *Le Nord-Kivu, coeur de la crise congolaise*, 2001-2002

- Ambroise Bulambo, *Mourir au Kivu, du génocide tutsi aux massacres dans l'est du Congo RCD*, L'Harmattan, 2001

Annex 26

U.N. News Centre, *DR Congo: U.N. envoy welcomes end of M23 rebellion, commitment to peace talks* (5 Nov. 2013)



DR Congo: UN envoy welcomes end of M23 rebellion, commitment to peace talks

5 November 2013 – The United Nations special envoy for Africa’s Great Lakes region today joined other senior diplomatic officials in welcoming the announcement by the M23 rebel group that it is ending its bloody insurgency against the Government of the Democratic Republic of the Congo (DRC), which for nearly two years has exacerbated humanitarian strife in the country’s restive east.

Welcoming the announcement in a statement issued from the Congolese capital, Kinshasa, Mary Robinson, Special Envoy of the Secretary-General to the Great Lakes Region, and Martin Kobler, Special Representative and head of the UN peacekeeping mission in the DRC, were joined by a host of other diplomats, including Boubacar Diarra, African Union Special Representative for the Great Lakes, Russell Feingold, United States Special Envoy for the region and the DRC, and Koen Vervaeke, European Union Senior Coordinator to the region.

The envoys also welcomed the commitment of the Congolese Government to end combat and complete steps agreed to as part of the Kampala Dialogue. The envoys commended Ugandan President Yoweri Museveni and his Defense Minister, Crispus Kiyonga, for their “patient and determined leadership” in facilitating the Dialogue.

“The Envoys urge both parties to conclude the political process by signing a principled agreement that ensures the timely disarmament and demobilization of the M23 and accountability for perpetrators of war crimes and crimes against humanity,” the statement said, adding that the officials also welcomed the reestablishment of State authority by the Congolese Government in areas previously held by the M23.

While the envoys noted that the end of the M23 rebellion represents an important step in ensuring sustainable peace in eastern DRC and the Great Lakes region, they stressed that “this is only one step towards addressing the persistent conflict and instability, and to ensure an end to all illegitimate armed actors in the DRC, including the FDLR (Democratic Forces for the Liberation of Rwanda).”

The envoys went on to urge all signatories of the Peace, Security and Cooperation Framework for the Great Lakes and the DRC to recommit to ensuring the implementation of the accord, including by advancing a political dialogue between key countries in the region.

Today’s announcement comes in the wake of fresh clashes between Government troops (FARDC) and M23 fighters in and around flashpoint towns in the eastern DRC. The UN mission (MONUSCO), which has been supporting the Government’s operations, has been on “high alert” since the violence began to escalate; its helicopters were fired upon twice during the past two weeks and, since late September, three peacekeepers have been killed in the line of duty. The Kampala talks stalled as the fighting intensified.

The M23 – composed of soldiers who mutinied from the DRC national army in April – along with other armed groups, has clashed repeatedly with the FARDC. In the past year, the fighting has displaced more than 100,000 people, exacerbating an ongoing humanitarian crisis in the region which includes 2.6 million internally displaced persons and 6.4 million in need of food and emergency aid. Earlier today, the UN refugee agency reported some 10,000 people had been forced to flee to Uganda after fresh fighting in the region.

At various times, UN officials have also deplored the activities of other armed groups in the region, including Mayi Mayi, the FDLR, the National Army for the Liberation of Uganda (NALU) and the Allied Democratic Forces (ADF).

Annex 27

U.N. Security Council, *Statement by the President of the Security Council 7058th Meeting*, U.N.
Doc. S/PRST/2013/17 (14 Nov. 2013)

United Nations

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Statement by the President of the Security Council

At the 7058th meeting of the Security Council, held on 14 November 2013, in connection with the Council's consideration of the item entitled "The situation concerning the Democratic Republic of the Congo", the President of the Security Council made the following statement on behalf of the Council:

"After 19 months of a rebellion which has exacerbated the humanitarian strife in eastern Democratic Republic of the Congo (DRC), the Security Council welcomes the announcement by the M23 to put an end to its rebellion, the Government of DRC's acceptance of this announcement and the cessation of hostilities between the DRC and the M23. The Security Council condemns the violence caused by this rebellion, which has resulted in a significant loss of civilian life, as well as of MONUSCO peacekeepers' lives, and the displacement of hundreds of thousands of civilians.

"The Security Council calls for the swift conclusion and implementation of a final, comprehensive and agreed outcome, in line with the Kampala talks, that provides for the disarmament and demobilization of the M23 and accountability for human rights abusers. The Council commends the efforts of President Museveni and Defence Minister Kiyonga in facilitating the conclusion of these talks. The Security Council calls for the immediate and permanent disarmament and demobilization of the M23 combatants, with the assistance of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), in accordance with resolution [2098 \(2013\)](#).

"The Security Council reaffirms its strongest support to the Special Representative of the Secretary-General (SRSG) and MONUSCO in the implementation of resolution [2098 \(2013\)](#) and urges the continuation of their efforts. The Security Council welcomes the measures taken by the Special Envoy of the Secretary-General, the SRSG and MONUSCO in support of a political solution, in line with a comprehensive strategy for durable peace and security, and commends the active steps taken by MONUSCO to implement fully its mandate, in particular the protection of civilians. The Security Council welcomes the initial steps taken by MONUSCO in its support and lead coordination role of Security Sector Reform (SSR) in the DRC and urges the continuation of these efforts. The Security Council acknowledges the commitment of all troop-contributing countries to MONUSCO to implementing the full range of the mission's responsibilities in line with resolution [2098 \(2013\)](#).

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“The Security Council recognizes the significant sacrifices made by MONUSCO and the troop-contributing countries and expresses appreciation for their efforts to improve peace and stability in eastern DRC. The Security Council expresses condolences to the families of the peacekeepers killed in action while protecting the people of eastern DRC. The Security Council emphasizes that any effort to undermine MONUSCO’s ability to implement its mandate will not be tolerated and that those responsible for threats or attacks against peacekeepers must be held accountable.

“The Security Council expresses deep concern regarding the sustained regional threat posed by the Forces Démocratiques de Libération du Rwanda (FDLR), a group under UN sanctions whose leaders and members include perpetrators of the 1994 genocide in Rwanda and have continued to promote and commit ethnically based and other killings in Rwanda and the DRC, and stresses the importance of permanently addressing this threat. The Security Council stresses the importance of neutralizing the FDLR and all armed groups, including the ADF, the LRA and various Mayi Mayi groups, in line with resolution 2098 (2013).

“The Security Council reiterates its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as of all countries of the region. The Security Council stresses that the Government of DRC bears primary responsibility for security, protection of civilians, national reconciliation, peacebuilding and development in the country. It underlines that the recent achievements of the FARDC in defeating M23 on the ground must encourage the Government of DRC to sustain efforts to neutralize FDLR and other armed groups. In that regard, the Security Council further welcomes DRC President Joseph Kabila’s public reaffirmation on 30 October that his Government intends to neutralize the FDLR and stresses the importance of rapid follow through.

“The Security Council further welcomes the 4 November statement by SRSK Kobler noting MONUSCO’s intention not to allow FDLR and other armed groups, to take advantage of the changing security dynamics on the ground and its commitment to act decisively on all attempts to exploit the situation.

“The Security Council strongly condemns the continuing violence and abuses of human rights by all armed groups, including summary executions, sexual and gender-based violence and large-scale recruitment and use of children, demands that all armed groups cease immediately all forms of violence and destabilizing activities and that their members immediately and permanently disband, lay down their arms and demobilize children from their ranks, and reiterates that those responsible for human rights abuses and violations of international humanitarian law will be held accountable and should not be eligible for integration into the FARDC or other elements of state security forces.

“The Security Council calls upon the Government of DRC to remain fully committed to establishing a professional, accountable and sustainable national army, including a Rapid Reaction Force, in accordance with its commitment to deepen SSR. The Security Council takes note of the statement of the President of the DRC, Joseph Kabila, of 23 October 2013 in which he

indicated that army reform will constitute his top priority, and announced the pursuit of the electoral process, and his commitment to ensure that the DRC judicial system will effectively address the cycle of impunity. The Security Council urges the Government of the DRC to finalize the development of a comprehensive Disarmament, Demobilization and Reintegration (DDR) and Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) plan. The Security Council calls on the Government of DRC to consolidate state authority, make progress on decentralization, rule of law, and further the agenda of reconciliation, tolerance, and democratization, in line with the PSC framework and resolution 2098 (2013).

“The Security Council recalls that there should be no impunity for any of those responsible for human rights abuses and violations of international humanitarian law in the DRC and the region, and, in this regard, urges the DRC, all countries of the region and other concerned UN Member States to bring perpetrators to justice.

“The Security Council recalls its resolutions on women, peace and security, and reiterates that all actors must strengthen their efforts to combat impunity for conflict-related sexual violence, to provide all necessary services to survivors, and to ensure the equal and full inclusion of women at all stages of conflict resolution, reconstruction and the promotion of peace including through taking account of the call of the 11 July 2013 Bujumbura Declaration for ensuring that benchmarks, indicators and follow-up measures of the plan of implementation for the PSC Framework are gender-sensitive. The Security Council urges the Government of DRC to expedite the investigation of the November 2012 mass rapes committed by elements of the FARDC in Minova and bring the perpetrators to justice.

“The Security Council recalls its resolutions and presidential statements on children and armed conflict and reiterates that all parties in the DRC must halt and prevent the recruitment and use of children, protect and consider as victims those children who have been released or otherwise separated from armed forces and armed groups, and pay particular attention to the protection, release and reintegration of all children associated with armed forces and groups. The Security Council urges the Government of the DRC to continue implementing the action plan to prevent and end the recruitment and use of children and sexual violence against children signed on 4 October 2012.

“The Security Council expresses grave concern about the ongoing humanitarian crisis, including the 2.7 million internally displaced people and the 6.4 million people in need of food assistance and emergency agricultural aid, and calls upon all parties to allow safe and unhindered access for the timely and full delivery of humanitarian aid to all civilians in urgent need of assistance, in accordance with relevant provisions on international law, including international humanitarian law and the United Nations guiding principles of humanitarian assistance. The Security Council further expresses concern with the over 450,000 refugees who have fled from the DRC and calls upon the DRC and all States in the region to work towards the peaceful environment conducive to the eventual voluntary return and reintegration of refugees to the DRC, with the support, as appropriate, of the UNHCR. The Security Council commends in this regard the support provided by

neighbouring countries to refugees from the DRC. The Security Council encourages the Rwandan Government, United Nations and international organizations to work together to urgently address the situation of former M23 combatants interned in Eastern Rwanda since March 2013.

“The Security Council notes with concern the regional security implications of the conflict in eastern DRC and supports in this regard regional confidence-building measures, including the Expanded Joint Verification Mechanism (EJVM), and further calls for the completion of its investigations on cross-border incidents. The Security Council welcomes the decision of the ICGLR to grant permanent representation of MONUSCO in the EJVM. The Security Council expresses concern at shells landing in Rwanda, which resulted in civilian loss of life, urges the swift conclusion of the EJVM investigations into this cross-border shelling, commends the restraint shown so far by Rwanda and urges its continuation. The Security Council further urges restraint by all other parties.

“The Security Council stresses the need to address sustainably the root causes of the conflict in eastern DRC and reiterates its support for the implementation of the commitments under the Peace, Security and Cooperation (PSC) Framework for the Democratic Republic of Congo and the region, which is essential to achieving lasting peace and security in the Great Lakes region. The Security Council calls upon all signatories to fulfil promptly, fully and in good faith their respective commitments under the PSC Framework. The Security Council welcomes the 4 November joint Summit of the International Conference of the Great Lakes Region (ICGLR) and the Southern-African Development Community (SADC) in Pretoria. The Security Council commends the engagement of Special Envoy Mary Robinson and encourages her, in coordination with and with appropriate support from the SRSG for the DRC, to continue to lead, coordinate and assess the implementation of national and regional commitments under the PSC Framework.

“The Security Council encourages the United Nations, the African Union, the ICGLR, SADC and other relevant international and regional organizations to continue to work together, with the sustained engagement and support of the international community, towards the implementation of the PSC Framework, and the establishment of a broader dialogue among key parties that addresses the deeper drivers of conflict in eastern Congo.”

Annex 28

U.N. Security Council, 7150th meeting, *The extension of the Mandate U.N. Stabilization Mission in the Democratic Republic of the Congo (M.O.N.U.S.C.O.)*, U.N. Doc. S/RES/2147 (2014) (28 Mar. 2014)

United Nations

S/RES/2147 (2014)


Security Council

 Distr.: General
 28 March 2014

Resolution 2147 (2014)
**Adopted by the Security Council at its 7150th meeting, on
 28 March 2014**

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo (DRC), especially its resolutions 2136 (2014), 2098 (2013), 2078 (2012), 2076 (2012) and 2053 (2012),

Recalling its resolution 2086 (2013) and reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality, and non-use of force, except in self-defence and defence of the mandate, and recognizing that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as all States in the region and *emphasizing* the need to respect fully the principles of non-interference, good-neighbourliness and regional cooperation,

Stressing the primary responsibility of the government of DRC for ensuring security in its territory and protecting its civilians with respect to the rule of law, human rights and international humanitarian law,

Noting that eastern DRC has continued to suffer from recurring cycles of conflict and persistent violence by armed groups, both Congolese and foreign, and *emphasizing* the need to address the root causes of conflict to put an end to these recurring cycles of violence,

Welcoming the efforts of the Secretary-General of the United Nations, the International Conference on the Great Lakes Region (ICGLR), the Southern African Development Community (SADC), and the African Union (AU) to restore peace and security in eastern DRC, and *encouraging* the government of the DRC to continue to ensure close cooperation with these and other international parties,

Recalling the signing in Addis Ababa on 24 February 2013 of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region (“the PSC Framework”), under the auspices of its guarantors, namely the Secretary-General of the United Nations, the Chairperson of the AU Commission, the Chairperson of the SADC and Chairperson of the ICGLR, and *calling on* all

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parties to continue to implement promptly, fully and in good faith their respective commitments,

Welcoming the Regional Oversight Mechanism's calling for a broader political dialogue in its January 2014 communique, and the initial dialogue between key signatories states initiated by Angola in its role as Chair of the ICGLR, *encouraging* the continuation of such dialogue under the auspices of the PSC Framework to resolve the root causes of conflict in the DRC and the Great Lakes region, and *welcoming* the continued engagement of the Special Envoy of the Secretary-General for the Great Lakes region,

Reaffirming its strongest support to the Special Representative of the Secretary-General (SRSG) and the United Nations Organization Stabilization Mission in the DRC (MONUSCO) in the implementation of their mandate, and *strongly encouraging* the continuation of their efforts,

Reiterating its deep concern regarding the security and humanitarian crisis in eastern DRC due to ongoing destabilizing activities of foreign and domestic armed groups, and *stressing* the importance of neutralizing all armed groups, including the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), the Bakata-Katanga and various Mayi Mayi groups,

Welcoming the end of the rebellion by the 23 March Movement (M23) and the signing in Nairobi by the M23, the Government of DRC, the SADC and the ICGLR of the documents concluding the Kampala Dialogue facilitated by Uganda as chair of the ICGLR, *stressing* the importance of ensuring that all provisions of the signed documents are implemented swiftly and in good faith and, in this regard, that the M23 does not regroup and resume military activities, in line with the Nairobi declarations and relevant Security Council resolutions,

Expressing deep concern regarding the sustained regional threat posed by the FDLR, a group under UN sanctions whose leaders and members include perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and have continued to promote and commit ethnically-based and other killings in Rwanda and the DRC, and *stressing* the importance of permanently addressing this threat,

Expressing concern that the FDLR, as well as other armed groups, continue to have freedom of movement in the DRC, *noting with deep concern* reports indicating FARDC collaboration with the FDLR at a local level and *welcoming* in this regard the plans by the FARDC, supported by MONUSCO, to neutralize the FDLR, and *stressing* the need to put such plans into sustained action,

Recalling the Security Council's Presidential Statements on the Central African Region and the LRA, including [S/PRST/2013/18](#) and [S/PRST/2013/6](#), *commending* the important ongoing efforts being undertaken by MONUSCO in the fight against the LRA, *encouraging* further efforts of the AU-Regional task force, and *urging* greater cooperation and information-sharing between relevant UN bodies, the AU-Regional Task Force regional forces and non-governmental organisations in tackling the threat of the LRA,

Expressing deep concern regarding the increasing number of internally displaced persons in the DRC, now reaching more than 2.9 million, and the over

Annex 29

Charles Yaxley, U.N.H.C.R., *Uganda hosts record 500,000 refugees and asylum-seekers*
(18 Dec. 2015)

Uganda hosts record 500,000 refugees and asylum-seekers

Numbers reach 510,973, making Uganda the third-largest refugee-hosting country in Africa after Ethiopia and Kenya.

By Charlie Yaxley; ed. Tim Gaynor | 18 December 2015 [Français](#) | [عربي](#)



Burundian refugee Larson talks with a customer at his pharmacy in Nakivale refugee settlement in Uganda. © UNHCR/F. Noy

KAMPALA, Uganda, Dec 18 (UNHCR) - More than half a million people fleeing violence and human rights abuses, mostly from South Sudan, Burundi and the Democratic Republic of Congo, have now found protection and safety in Uganda.

By early December, Uganda had become home to almost 511,000 refugees and asylum-seekers, the highest number ever in the country's history. More than 100,000 have so far arrived in 2015, making Uganda the third-largest refugee-hosting country in Africa, after Ethiopia (736,000) and Kenya (594,000).

Uganda is widely recognized as having progressive and forward-thinking refugee and asylum policies. Upon receiving refugee status, refugees are provided with small areas of land in villages integrated within the local host community; a pioneering approach that enhances social cohesion and allows both refugees and host communities to live together peacefully.

Refugees have access to the same services as Ugandan nationals, have the right to work and to establish their own businesses. They enjoy freedom of movement and are given land for agricultural use, reducing dependency on humanitarian aid.

The government has also included refugee management and protection within its own domestic planning in the National Development Plan (NDP II), through the [refugee] Settlement Transformative Agenda. This approach means Uganda has created a fertile environment for including long-term development planning into the humanitarian response for refugees and their host communities.

More than 17,000 Burundians refugees have arrived in Uganda this year, among them Larson, aged 29. He recently set up a pharmacy at the Nakivale refugee settlement and is currently trying to rebuild a life for his wife and two children.

"People always used to say that Uganda takes good care of its refugees," said Larson. "It's true. I like it here. It is peaceful. Maybe with time I could one day go back to Burundi but for now I'm focused on rebuilding things here."

UNHCR Representative to Uganda Neimah Warsame praised Uganda for its 'outstanding generosity and hospitality' shown towards refugees and asylum-seekers, and called on all partners involved in the refugee response to work together to develop an innovative approach to refugee protection that goes beyond emergency assistance towards providing long-term development.

By Charlie Yaxley in Kampala, Uganda

Related news and stories

<http://www.unhcr.org/567414b26.html>

Annex 30

U.N. Office for the Coordination of Humanitarian Affairs, *DR Congo: Weekly Humanitarian Update (19-23 June 2017)* (23 June 2017)

DR Congo: Weekly Humanitarian Update 19 - 23 June 2017



KASAI CRISIS: FUNDING TRICKLING IN, ACTORS RAMPING UP PRESENCE

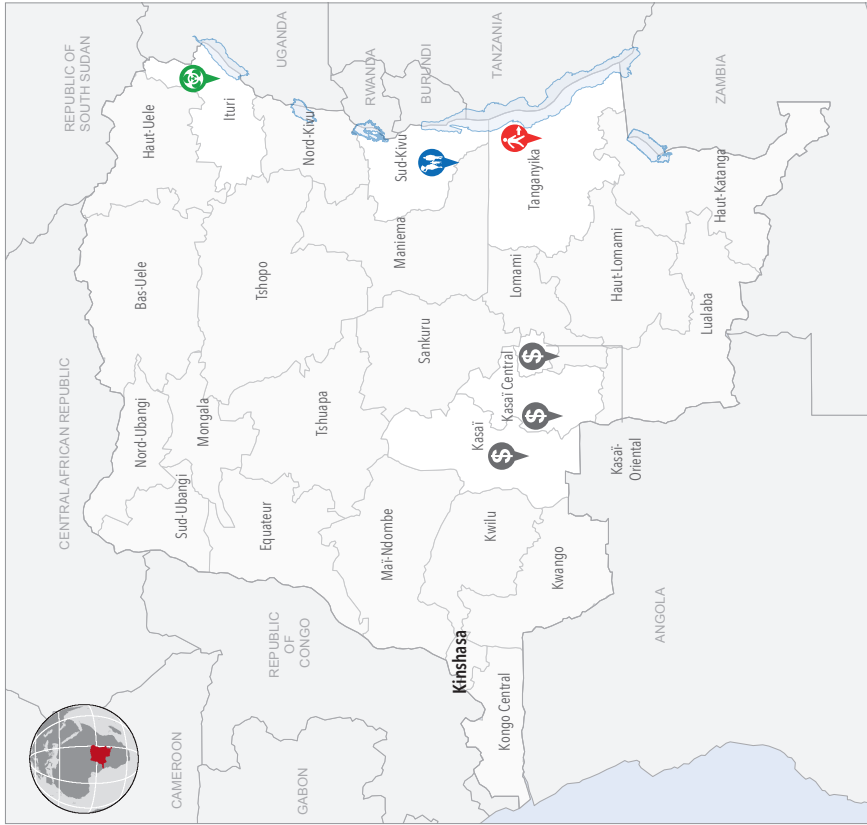
Over 500 girls and boys have been enrolled as child soldiers within the armed groups fighting in the Kasai region and some 600 cases of sexual violence have been recorded since the beginning of the crisis in August 2016, protection experts have reported. While these statistics are grim, the reality, particularly on sexual violence, is likely more troubling as many cases go unreported. Across the three Kasai provinces, protection of civilians remains the foremost challenge. Two months after the humanitarian community launched a USD \$64.5-million appeal for the crisis, funding has been slowly trickling in. On 22 June, Humanitarian Coordinator Mamadou Diallo disbursed \$3 million from the Humanitarian Fund, raising to \$7.5 million the Fund's contributions to the response. While waiting for funding, UN agencies, international and national NGOs are ramping up their presence in the region. Our latest report is available here.

TANGANYIKA: ASSISTANCE FOR DISPLACED PEOPLE

12,000 displaced people, who have found refuge in Katanika after fleeing violence in Kalemie Territory in December 2016 and January 2017, on June 19 started receiving essential household items and shelter through a USAID-funded fair organized by the NGO Catholic Relief Service. This assistance complements aid received earlier that included food from WFP, and health, hygiene and sanitation assistance from international NGOs as Oxfam.

SOUTH KIVU: NEW US-AID 5-YEAR PROJECT TARGETS 180,000 PEOPLE

On 22 June, the United States International Development Agency (USAID) officially launched a new 5-year food security programme targeting some 180,000 people in Kabae and Kaléhe territories, near the border with North Kivu. Awarded to a consortium led by Mercy Corps that includes World Vision and Harvest Plus and two Congolese NGOs, the project aims to improve food security, nutrition and economic well-being. The project, which de facto started in October 2016, runs until September 2021.



ITURI-AVIAN, MALNUTRITION AND SEXUAL VIOLENCE

On 16 June, The UN's Food and Agricultural Organisation (FAO) experts provincial health authorities recorded the deaths of over 22,000 ducks, 2,000 chickens and 300 pigeons due to the avian flu. Since the disease appeared in the province in April, 16 outbreaks have been recorded in three of the five territories of Ituri (Djugu, Irumu and Mahagi). To combat the spread of the disease, poultry is being slaughtered in the affected areas. FAO and provincial authorities estimate that some \$1.5 million is needed. The prospect of the disease affecting neighboring provinces is very high, the experts have said.

More than 400,000 children under five suffer from chronic malnutrition in Ituri Province, according to a report of DRC's National Nutrition Program (PRONANUT) published on June 16 that cited poverty, population displacement and poor dietary habits as contributing factors. The humanitarian community estimates that malnutrition has become, by its scale, a major public health issue, contributing to nearly half of the mortality of children under five years. Humanitarian actors estimate that some 3.5 million children are affected across the country, of which 1.9 million suffer from severe acute malnutrition. Read here our story on malnutrition in Haut-Lomami Province.

39 cases of rape were registered in May 2017 in Ituru Territory, Ituri Province, according to sexual violence experts. 29 of the cases were committed in Bunia while the remaining ten cases were committed in locations where militiamen launched attacks on civilians in the south of Ituru Territory. 66 percent of survivors were minors under 18; 20 percent of suspected perpetrators were also minors. UNICEF, international NGO Trocaire and a Congolese organization teamed up to provide the necessary assistance. In 2016, 85% of the cases of sexual gender-based violence reported in Ituri. While there is a clear improvement in the medical and psychosocial assistance, legal and judicial assistance and



Annex 31

U.N. Secretary General, *The Secretary-General's opening remarks to the Uganda Solidarity Summit on Refugees (23 June 2017)*

1/18/2018

The Secretary-General's opening remarks to the Uganda Solidarity Summit on Refugees | United Nations Secretary-General



**United Nations
Secretary-General**

New York

23 June 2017

The Secretary-General's opening remarks to the Uganda Solidarity Summit on Refugees

Kampala, 22 June 2017

Your Excellency President Museveni,
Excellencies,
All protocol observed,

Twelve years ago I became on the 15th of June High Commissioner for Refugees. On the 18th of June caught a plane to fly to Uganda to visit South Sudanese refugees to celebrate with them World Refugee Day.

This was a moment during in which the Comprehensive Peace Agreement was being established and peace between north and south was finally being achieved.

There was enormous hope in the refugees I met. There was singing and dancing with the perspective of going back home. And, indeed, in the following years UNHRC helped about half a million South Sudanese return home, full of hope in the future of their country.

Now, seven years after the independence, yesterday I returned to the same place in the northern part of Uganda, I witnessed what has been the biggest exodus of refugees in Africa since the Rwandan genocide.

This is what we are facing today: the biggest refugee exodus in African since the Rwandan genocide.

You can't imagine what it means for me, after also having been in South Sudan, as High Commissioner for Refugees, two or three years ago and meeting people who came to see me to say: "we saw you in northern Uganda and now we are displaced again" and yesterday feeling the same despair.

The first conclusion is obvious: everything must be done to end the war in South Sudan.

I want to express my deep appreciation for the efforts that you, Mr. President [Yoweri Museveni of Uganda], are making in order to create the conditions for those who in the past were united in the liberation movement of the country [South Sudan] to come back again into unity and to be able to establish peace in the country.

At the same time, it important to underline that Uganda that, in the past, received these South Sudanese refugees and I had the opportunity when visiting the same area that I visited yesterday, to see that they were not in camps but in so-called settlements that are in reality villages, like villages of the Ugandese people. This allows them to farm the land, allows them to go to the same schools, the same health centers, to have jobs, to allow them to have normal lives, to live in dignity.

It is necessary for the international community to recognize that Uganda has had an exemplary refugee policy in the past and, even today faced with the largest refugee in-flow of the past year, Uganda remains a symbol of the integrity of the refugee protection regime that unfortunately is not being respected everywhere in the world.

I have seen Uganda's borders open, I have seen the doors of Uganda's people open, I have seen the hearts of the Ugandan people open.

But not all doors are open in the world. Not all refugees are accepted, some are rejected, and sometimes in countries much richer than Uganda. So it's also necessary to look into this example and to say clearly that the international community must come together and re-establish the integrity of the refugee protection regime everywhere in the world.

And, at the same time, the international community needs to step up and needs to give to the Ugandan people and to the refugees hosted by the Ugandan people the kind of support that is absolutely needed because the circumstances in which these sacrifices are being made are extremely extremely challenging.

I have seen a situation in which 160 students only have one teacher, health centres where people sleep on the ground because there are not enough beds.

The World Food Programme is struggling to be able to feed the refugee population and, unfortunately, is not able to provide the quantity that is necessary for a healthy development, namely for children.

At the same time, we see the impact on the environment of the local communities. We see how difficult it is to for many of the members of these communities to find a job when the labour market is overwhelmed by such a dramatic presence of refugees.

On the other hand, climate change is also impacting on Uganda. Drought is being severe. Uganda is facing its own problem is relation to drought and in relation food security in several areas.

International solidarity with Uganda is not a matter of generosity, it's a matter of justice. International solidarity is absolutely crucial at the present moment.

1/18/2018

The Secretary-General's opening remarks to the Uganda Solidarity Summit on Refugees | United Nations Secretary-General

An appeal for all those present here to step up to our common responsibility to support refugees and to our common responsibility to recognize the enormous sacrifice the Ugandan people are making and to support this country in this very challenging moment.

I must say that the cooperation between the Uganda government and the Uganda [UN] country team is exemplary.

New instruments, namely innovative financial instruments are being created to allow for a perfect articulation of these efforts.

I do believe that we have in Uganda an example that, from the point of view of UN reform can be extremely helpful to give us clear indication on how we can work together with other governments, in other parts of the world, in order to make sure that the Sustainable Development Goals are met and no one is left behind.

In this moment, it is absolutely essential to recognize this enormous effort and not to let Ugandan people down.

Your solidarity today is a must because without that solidarity this effort is not sustainable and, if this effort is not sustainable, the impact on the stability of the region will be absolutely dramatic.

It's time for us all to assume our responsibilities and I count on your commitment and your solidarity.

Thank you very much.

Annex 32

U.N. Security Council, 7998th Meeting, *Security Council Members Stress Need for Democratic Republic of Congo to Hold Fair, Free, Inclusive Elections without Further Delay*, U.N. Doc. SC/12907 (11 July 2017)



**UNITED
NATIONS**

MEETINGS COVERAGE

Security Council Members Stress Need for Democratic Republic of Congo to Hold Fair, Free, Inclusive Elections without Further Delay

Permanent Representative Defends Law Enforcement as Peacekeeping Chief Cites Government Personnel for Widespread Rights Violations

Several Security Council members insisted today that the Government of the Democratic Republic of the Congo hold free, fair, and inclusive elections by the end of the year and without further delay, as the head of United Nations peacekeeping briefed them on the situation in that country.

Jean-Pierre Lacroix, Under-Secretary-General for Peacekeeping Operations, painted a grim picture of the situation on the ground, saying that overcoming the current political impasse, rising insecurity and worsening humanitarian conditions would require the concerted effort of the Government in Kinshasa as well as regional and international actors.

He was presenting the Secretary-General's reports on implementation of the political agreement of 31 December 2016 in the Democratic Republic of the Congo (document [S/2017/435](#) (<http://undocs.org/S/2016/1130>)), and on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (document [S/2017/565](#) (<http://undocs.org/S/2016/1130>)). He expressed concern that implementation of the 31 December political agreement — which sets out a blueprint for the country's peaceful transition of power through democratic elections by the end of 2017 — had stalled, and that critical institutions, essential to holding elections, had still not been established. Fighting and violence continued at disturbing levels and the number of displaced people, now well into the millions, continued to rise.

Human rights violations remained widespread, some even perpetrated by Government forces, he continued, emphasizing the vital role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). Through a combination of human rights monitoring and political outreach, the Mission was helping to restore a measure of stability wherever it could. While encouraged by President Joseph Kabila's assurances of his determination to ensure that crimes would not go unpunished, he emphasized that such statements must be followed by action. The level of cooperation that Kinshasa would provide to the team of international investigators appointed by the Human Rights Council would be a test of its commitment to accountability.

In the ensuing discussion, the representative of the United States said the Congolese people deserved to have their voices heard. The United States would take action to sanction anybody who stood in the way of the transition to democracy, she warned, emphasizing: "The election must not be delayed." Those responsible for undermining peace and security in the Democratic Republic of the Congo must be held accountable, she added, underlining the international community's narrow window of opportunity to exert pressure on the Congolese Government to stand by its commitments.

Several Council members also stressed the need to move forward with election preparations, with France's representative calling upon the authorities to publish an electoral schedule, as stipulated in the 31 December political agreement. The United Kingdom's representative pointed out that political uncertainty in Kinshasa was fuelling violent instability across the country and threatening the wider region.

The recent spate of violence in the Kasai provinces was particularly worrisome, Council members stressed, with Bolivia's speaker noting with concern the 1,400 human rights violations that had occurred between March and May. Armed groups had recruited more than 500 children, and 600 cases of sexual violence had been recorded since August 2016. "This type of violence should not go unpunished," he emphasized. Japan's representative, noting that the Catholic Church had reported 3,300 killings in Kasai since last October, urged the Council to monitor whether MONUSCO's current posture was sufficient to ensure dynamic protection of civilians.

Council members also voiced support for the international investigation mandated by the Human Rights Council, urging the Congolese Government to offer its full cooperation. No stone should be left unturned in efforts to deliver justice in the murder of United Nations experts Zaida Catalán and Michael Sharp, Sweden's representative stressed.

Responding, the representative of the Democratic Republic of the Congo said the investigation into the killing of the United Nations experts was under way, and the Government would conduct it in a transparent manner. He added that 11 suspects had been arrested, eight of whom had been identified as having played a direct role in the two murders. He also expressed

surprise at the virulence of the Council's criticism of his country's law-enforcement agencies, insisting they had not committed abuses. The Government condemned abuse and had adopted measures to punish perpetrators, he emphasized.

Turning to the elections, he said efforts were under way to update the voter register and 13 of the country's 26 provinces had been covered. However, operations had not yet begun in Kasai and Kasai-central due to insecurity created by the Kamwina Nsapu militia. However, the Electoral Commission had registered 33 million of an expected 45 million voters, he added, stressing that the polls required the participation of all provinces. "We cannot envisage the conduct of such critical presidential elections while excluding the Kasai provinces," he said, stressing that the results must be credible. "We need to avoid unrest."

As for security, he said some 1,700 militia members had laid down their arms and received reintegration kits from the Government. In response to MONUSCO's claim of having discovered seven mass graves, he said only one body had been discovered in one alleged grave, while a 12-calibre weapon had been found in the second.

Also speaking today were representatives of Uruguay, Kazakhstan and Italy.

The meeting began at 10:06 a.m. and ended at 11:20 a.m.

Briefing

JEAN-PIERRE LACROIX, Under-Secretary-General for Peacekeeping Operations, said the number of people displaced by violence in Kasai had now reached 1.3 million, also expressing concern that critical institutions had still not been established six months before elections were due to take place at the end of 2017, and that implementation of the political agreement of 31 December 2016 had stalled. The Government also required strong Council support to address challenges amid persistent instability, particularly in the east and west of the country.

He went on to state that in North Kivu Province, in particular, Mai-Mai groups, among others, had recently conducted raids against FARDC positions. Clashes between ethically-based militias in North Kivu continued, while armed groups in South Kivu Province had been increasingly involved in conflicts related to customary succession, and others concerning intercommunal and transhumance-related disputes. Additionally, the conflicts in neighbouring Burundi and South Sudan had been spilling over into the Democratic Republic of the Congo's eastern Ituri and South Kivu provinces, he noted.

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), he said, continued to support the FARDC in operations against the Front for Patriotic Resistance in Ituri (FRPI) in Ituri, and against the Lord's Resistance Party (LRA) in Haut-Uele. The Mission was also supporting local and community dialogue efforts in North and South Kivu, as well as in Maniema and Tanganyika provinces. That approach was grounded in the conviction that although military efforts might sometimes be necessary, only a political solution could effectively address the root causes of the various conflicts.

Yet, the violence in western Democratic Republic of the Congo had reached disturbing levels, he emphasized, noting that the Kamuina Nsapu militia had targeted and killed dozens of people and attacked voter-registration centres, schools and religious institutions. Through a combination of human rights monitoring and political outreach, he continued, MONUSCO was helping to restore a measure of stability wherever it could, but despite its efforts, disturbing daily reports of human rights abuses and violations continued. Dozens of mass graves had been reported, but, so far, national investigation efforts had been slow.

He went on to emphasize the determination of the United Nations to ensure that those responsible for the killing of Michael Sharp and Zaida Catalán were brought to justice. While encouraged by President Joseph Kabila's assurances about his determination to ensure that crimes committed in the Kasai provinces would not go unpunished, he underlined that such statements must be followed by action. The level of cooperation and support that the Government would provide to the team of international investigators appointed by the Human Rights Council would be a test of its commitment to accountability, he stressed. The current political impasse, rising insecurity, and the worsening human rights and humanitarian situation in the country required a concerted response from its regional and international partners that must help to create the conditions for a successful transition and for free, fair and inclusive elections.

Statements

FRANÇOIS DELATRE (France) emphasized that elections must be held in fewer than six months, and pressed the Government to reaffirm its commitment to uphold the 31 December agreement. The organization of elections, establishment of the national follow-up council and implementation of confidence-building measures were critical. Noting that there had been registration delays in Kasai and Kinshasa, he called on the authorities to publish an electoral schedule, as stipulated in the 31 December political agreement. Increasing violence in the west required attention, especially in Kasai, where fighting had reached an unbearable level, he said, adding that he was equally troubled by instability elsewhere that had inflamed intercommunal tensions. Urging belligerents to lay down their weapons, he said the authorities must investigate violations and hold perpetrators accountable before the judiciary. He also urged the Government to cooperate with the international mission of experts deployed by the Human Rights Council, stressing that MONUSCO must focus on protecting civilians and providing support for the 31 December agreement.

STEPHEN HICKEY ([United Kingdom](#)) said people in Kasai were facing “the darkest moments of their lives” amid mass killings, beheadings, mass graves, displacement and reports that Government security forces were responsible. When faced with hell, people should be able to look to the Government with hope, which could not be said for those in Kasai, he said, noting that militias were also responsible for rapes, killings and recruiting children. The international investigation mandated by the Human Rights Council must start as soon as possible and be conducted with transparency, he emphasized, urging the Government to offer its full cooperation. Meanwhile political uncertainty in Kinshasa was fuelling violent instability across the country, threatening the wider region, he said, pressing the Government to stop the violence, ensure accountability for abuses and implement the 31 December political agreement. The Electoral Commission must release a timetable for the polls and agree a budget so that international funds could be released, he said.

ELBIO ROSSELLI ([Uruguay](#)) said that, as a contributor of personnel to MONUSCO, his country’s Government was concerned about the slow implementation of the 31 December 2016 political agreement and the adverse trends in various parts of the country. The political agreement remained the only viable solution to the ongoing violence and its implementation should be the Government’s main focus, he emphasized. Expressing concern about negative trends, primarily in the areas of security and human rights, he said there was increasing violence among ethnic communities and in urban areas, noting that a staggering number of civilians had been forced to flee their homes. Expressing concern about human rights violations, particularly against women and children, he said it was disconcerting to hear that half of the violence was committed by State officers. It was the Government’s responsibility to respect, and ensure respect, for human rights, he said, underlining that the national authorities must begin investigations to ensure that the crimes did not go unpunished.

KAIRAT UMAROV ([Kazakhstan](#)) said the implementation of the 31 December political agreement must be supported by regional and international actors. He condemned attacks against civilians, including gender-based violence, emphasizing: “All armed groups must drop their weapons and cease all forms of violence.” Calling upon the Government to neutralize all armed groups, he said the scale of human rights violations against children had reached its highest peaks in recent years. The Government had a responsibility to bring criminals to account, he stressed, noting also that the economic situation continued to undermine humanitarian efforts.

OLOF SKOOG ([Sweden](#)) said all signatories must implement the 31 December political agreement, thereby paving the way for free, peaceful and credible elections — the only way out of the humanitarian, economic and security crisis. He also encouraged strong, continuous engagement by regional actors, stressing that MONUSCO’s mandate, with its focus on supporting the political process, compelled the United Nations to act strategically. There was a need for consultations with the Secretariat to ensure the Mission’s ability to fulfil its tasks, he added. Concerning the killing of United Nations experts Zaida Catalán and Michael Sharp, he emphasized that no stone should be left unturned in efforts to deliver justice in that case. Sweden, in cooperation with the Secretary-General, would continue to explore how the United Nations could support ongoing national investigations to establish the truth and bring the perpetrators to justice, he said, suggesting an additional investigative mechanism as one option.

RENÉ ERNESTO FERNÁNDEZ REVOLLO ([Bolivia](#)) said violence by armed groups affected civilians and had led to clashes between communities, adding that the worsening humanitarian situation included 1,400 human rights violations between March and May. In Kasai, armed groups had recruited more than 500 children and 600 cases of sexual violence had been recorded since August 2016, alongside reports of human trafficking. Condemning and calling for the investigation of any sexual exploitation or abuse, he said: “This type of violence should not go unpunished.” There were 1.3 million displaced people in Kasai, and 3.8 million throughout the country, he said, noting that some 400,000 children under the age of five years suffered from malnutrition, while attacks by armed groups on hospitals and medical centres fuelled the humanitarian crisis. MONUSCO must step up efforts to neutralize armed groups and protect civilians, including by improving early-warning systems, he said. Moreover, the 31 December political agreement was the road map for organizing elections, he noted, expressing concern that no oversight mechanisms had been established. There was also a need for inclusive dialogue that would consider the views of all stakeholders, he said.

MICHELE J. SISON ([United States](#)) said the United Nations and the wider international community had worked tirelessly for years to bring peace to the Democratic Republic of the Congo. Commending the efforts of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), she said the United States would remain committed to ensuring that it fulfilled its mandate. In the same vein, the Congolese people must be empowered to have their voices heard through the upcoming elections, she said, emphasizing: “The election must not be delayed.” Warning that the United States would take action to sanction anybody who stood in the way of the Democratic Republic of the Congo’s first transition to democracy, she underlined that those responsible for undermining peace and security in the country must be held accountable. The return to horrific violence must be disturbing for the Council, she said, noting that hundreds, if not thousands, of children had been forced to join armed groups. Noting that such occurrences reflected an absence of State authority, she emphasized that the bottom line was clear: the United States supported holding elections on time, and with a narrow window of opportunity to pressure the Government to stand by its commitment; “we cannot let history to repeat itself”.

ANDREA BIAGINI ([Italy](#)) said the spill-over effect of violence from the Democratic Republic of the Congo into neighbouring countries must not be taken lightly. All perpetrators of violence must be held accountable for their actions. The focus of all parties must now be on leading the country towards democratic and transparent elections, he said, welcoming efforts to

speed up election preparations. Italy would continue to support MONUSCO, he pledged, noting that the Mission played a vital role in the Democratic Republic of the Congo.

KORO BESSHO ([Japan](#)) expressed deep concern over the situation, and regret that little progress had been made in implementation of the 31 December political agreement. With prospects for the timely holding of elections uncertain, Japan was concerned that the Electoral Commission would be unable to hold the polls by the end of the end of 2017. The Council must send a clear message that the political agreement must be implemented swiftly, he emphasized. He expressed support for MONUSCO, noting that it had relocated personnel to the country's western and southern regions so as to better respond to challenges. Noting that the Catholic Church had reported 3,300 killings in Kasai since last October, he said the Council should monitor whether the Mission's current posture was sufficient to ensure dynamic protection of civilians.

IGNACE GATA MAVITA WA LUFUTA ([Democratic Republic of the Congo](#)) said that, due to the lack of flexibility and concessions on the part of the Rassemblement des forces politiques et sociales, the nomination of Government members had been delayed. The same attitude had prevailed during the signing of arrangements, which had delayed the creation of the council tasked with monitoring the follow-up to implementation of the 31 December political agreement (National Follow-up Council). A preparatory meeting of that Council on 3 July had included members of the presidential majority, opposition signatories to the 18 October accord, elements of the Rassemblement, and those affiliated with the late opposition leader Félix Tshisekedi, he said. A second meeting involving the same individuals would focus on validating the mandates of members and drawing up internal rules of procedures.

Turning to the elections, he said work was under way to update the voter register and 13 of the country's 26 provinces had been covered. However, operations were yet to start in Kasai and Kasai-Central due to insecurity created by the Kamwina Nsapu militia. The Electoral Commission's offices had been set ablaze, and where the situation had cooled down, new materials were being distributed. Registration was set to begin on 20 July in the two provinces, he said, emphasizing the importance for those who had fled to return home and participate in order to demonstrate greater civic mindedness. Furthermore, political stakeholders and the international community should avoid rhetoric that could rekindle tensions. Noting that the Electoral Commission had registered 33 million of an expected 45 million voters, he emphasized that all provinces must participate in the polls. "We cannot envisage the conduct of such critical presidential elections while excluding the Kasai provinces," he said, stressing that the results must be credible. "We need to avoid unrest."

On the security front, he said the Government was aware of the troubling situation in the two Kasai provinces and the army was working to restore order and eradicate armed groups. Some 1,700 militia members had laid down their arms and received reintegration kits from the Government, while 138 children had left the ranks of those armed groups and been handed over to the United Nations Children's Fund (UNICEF) and MONUSCO. Regarding the alleged involvement of Government troops in violations, he said "marginal elements" in the army had committed atrocities against civilians in Muanza Lomba and had been condemned by a military tribunal.

Proceedings also were also under way to investigate the murders of the two United Nations experts, he added, emphasizing that the Government would conduct the investigation in a transparent manner, and welcomed the request the United States that it participate in the investigation through the Federal Bureau of Investigation. Congolese authorities were also ready to work with Sweden if so requested, he added, noting that 11 suspects had been arrested, eight of whom had been identified as having played a direct role in the murders.

He went on to express surprise at the virulence of Council members' attacks on the country's law enforcement forces, saying they had not perpetrated abuses. The Government condemned abuse and had adopted measures to punish perpetrators, he emphasized. Responding to comments about violence in the Kasai provinces, he explained that when militias attacked law-enforcement officers, the latter were then accused of taking part in beheadings. "How would your law-enforcement officers react?" he asked. "We need to avoid double standards here." He reassured the Council that justice would be delivered for the two United Nations experts, the four Congolese who had accompanied them and all compatriots victimized by the Kamwina Nsapu militia.

In response to MONUSCO's claims of having discovered seven mass graves, he said only one body had been found in one alleged grave, adding that a 12-calibre weapon had been discovered in the second. It was important that the authorities establish their existence, although they had been announced "with great fanfare". Most refugees in the Democratic Republic of the Congo were from neighbouring countries, he said, pointing out the existence of numerous foreign armed groups. A regional approach to the situation was critical. MONUSCO had yet to see the reduction of 3,600 "Blue Helmets", he said, adding that the same had been true of making the Force Intervention Brigade operational, which had only happened after current troops had been replaced with more seasoned units better equipped to tackle the asymmetric war.

 **For information media. Not an official record.**

Annex 33

Catherine Wachiaya, U.N.H.C.R., *Eager refugees cram crowded classrooms in Ugandan school*
(11 Sept. 2017)

UNHCR - Eager refugees cram crowded classrooms in Ugandan school





Eager refugees cram crowded classrooms in Ugandan school

Yangani Primary School in the Bidibidi refugee settlement in northern Uganda has 5,000 students and a staff of just 38.

By Catherine Wachiaya in Bidibidi refugee settlement, Uganda | 11 September 2017 | [Français](#) | [عربي](#)

At first light, teacher Patrick Abale leaves his tent, pitched among others on the edge of Yangani Primary School in the Bidibidi settlement in northern Uganda.

He strides towards the administration block, drops off his books in the office he shares with the school principal and turns to look at the first few pupils arriving.

“When I joined here there were more than 6,000 pupils in this school,” he says, as the sound of stamping and shuffling feet gradually fills the chill morning air.

The trickle of arrivals turns into a torrent. By now students are pouring in from all directions.



When it first opened several months ago, there was a rush to enrol, and the school was forced to turn some children away because of the lack of space, reducing the number to about 5,000 today, which, Patrick notes, is “a very big number”.

Patrick, a Ugandan, is a deputy principal in charge of academic studies and administration at Yangani. It is a Ugandan state school and, although the children are mostly refugees, there are some local pupils here, too.

Despite the pupil numbers, the school has a staff of only 38. In 10 years of teaching, Patrick has worked in some difficult environments but Yangani is on a different scale.

Spread over roughly two acres, the school is a patchwork of tattered plastic tents, many with holes, flapping in the wind. A sloping valley separates the administration area and upper primary classes on one side from the lower primary classes on the other. Inside the classrooms the temperature soon rises and children squirm in discomfort.

“There just isn’t enough space for all the students.”

“Things are really tough here because there just isn’t enough space for all the students,” Patrick says, gesturing into one of the classrooms.

A glance inside reveals a crowded scene: children occupy every available space, with as many as five sharing a desk. Some sit on the floor, others stand at the back

UNHCR - Eager refugees cram crowded classrooms in Ugandan school

and in the aisles, clutching their books to their chests.

“Sometimes, because of the congestion, they stand next to the teacher at the front of the class,” Patrick says.

Yangani school opened in February this year to cater to the rapidly growing numbers of South Sudanese refugees. Uganda has been among the most generous countries in its response to the influx, welcoming refugees, giving them plots of land and making public services, including education, available.

Now host to nearly 2 million people who have fled South Sudan, 60 per cent of them children, Uganda is struggling to keep up.

According to the education ministry, the standard teacher-to-student ratio should be one to 45. There should be three children to a desk, and 14 to every lavatory.

Yangani breaches these rules by a wide margin. As an administrator, Patrick tries to ensure that learning materials are shared equally across the classes. “We now have 279 textbooks for all students, so you can imagine how tough it is to share,” he says. That is one textbook to every 18 children.

UNHCR, the Ugandan education ministry and partner organizations are looking for ways to increase capacity, setting up more schools and working with national and local officials to identify existing ones that can expand.

“Schools like Yangani are filling a crucial gap.”

In this way, they hope to bring more refugee children into the national education system and raise standards for refugees and local communities. Uganda cannot do this on its own. “The government is already doing its level best, so we are calling for more donor support to fill the gaps,” says Julius Okello, a UNHCR field officer in Bidibidi.

I am introduced to 17-year-old Bashir, who fled his home in South Sudan last November. Now he lives in Bidibidi as an unaccompanied minor. His parents stayed behind but he has no idea what has happened to them.

There were no other schools nearby so he had to wait for months before Yangani opened and he could enrol. Bashir is in his last year of primary school and he says he is doing his best to study diligently, but admits it can be hard.

“We don’t have enough books,” he says. “If you get a little money, you can buy

UNHCR - Eager refugees cram crowded classrooms in Ugandan school

some, but most students can't afford them. Some of us who don't have parents here struggle.”

The brimful classrooms are evidence that there is plenty of demand for education. Most refugees are settled in areas a long way from existing state-run schools. Setting up new ones not only gets refugee children into the national education system, but also raises capacity and standards for local communities. “Schools like Yangani are filling a crucial gap,” Okello says.

However, it is difficult for children to learn under such constrained circumstances. “There are no boundaries to separate the classes. Two different classes take place next to each other, so whatever is being taught in one class is heard in the next one.”

Patrick surveys the ranks of children before heading off to teach another class. “Imagine only 38 teachers for all these students,” he says. “You can get overwhelmed.”

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Annex 34

U.N.H.C.R., *U.N.H.C.R. warns of worsening displacement in Democratic Republic of Congo* (24 Oct. 2017)

UNHCR - UNHCR warns of worsening displacement in Democratic Republic of the Congo



UNHCR warns of worsening displacement in Democratic Republic of the Congo

This is a summary of what was said by UNHCR spokesperson Adrian Edwards – to whom quoted text may be attributed – at today's press briefing at the Palais des Nations in Geneva.

24 October 2017 | [Français](#) | [عربي](#)



A family flee violence in Kamonia, Kasai province. © UNHCR/John Wessels



UNHCR - UNHCR warns of worsening displacement in Democratic Republic of the Congo

UNHCR, the UN Refugee Agency, is increasingly concerned by escalating displacement we are seeing in several key regions of the Democratic Republic of the Congo. Since 2015 the number of people displaced internally has more than doubled and now stands at 3.9 million people – some 428,000 of these having been displaced in the past three months alone. Over the past year, some 100,000 Congolese have fled to neighbouring countries as refugees. With widespread militia activities, and unrest and violence fueled by ethnic and political conflict affecting many areas, the risk of further displacement is high. The challenges of getting aid to people in need are growing fast.

- **See also:** [Civilians in DRC struggle for survival amid growing violence at home](#)

Tanganyika province

In the eastern province of Tanganyika, where some 584,000 people are internally displaced, intercommunal conflict between the Twa and Luba groups spilled into neighboring Haut-Katanga province earlier this year. Clashes with the army continue and there is wide prevalence of armed militia. Scores of civilians have been forced to flee, and there have been reports of murders, looting and extortion, and torture or other inhumane treatment. With people finding it difficult to sustain their livelihoods, more are becoming dependent on aid.

Refugees crossing from DRC into neighbouring Zambia are hosted temporarily at the Kenani transit center, close to the border. Over 5,400 people are currently staying at the center, receiving assistance from the authorities, UNHCR and partners. As the rainy season has started, it is becoming urgently important to beef up public health, sanitation and water supplies to prevent diseases. Psychosocial support, as well as care for people with specific needs – some 27 per cent of the refugee population – is also urgently required.

North and South Kivu provinces

Further north in the east of DRC, violence involving mostly local armed groups is also plaguing North and South Kivu provinces. In North Kivu alone, over one million people are displaced. In South Kivu, where 545,000 people are internally displaced, the security situation further deteriorated in September as conflicts escalated between militias and the armed forces in the territories of Fizi and Uvira. Fear is widespread, including among the 30,000 Burundian refugees hosted at Lusenda camp in Fizi.

Congolese from North Kivu have mainly been fleeing to Uganda, and those from South Kivu to Tanzania – usually transiting through Burundi to escape attacks in their villages. Currently, Uganda hosts the largest number of DRC refugees, over 236,500 people, mostly in the south-west. In Tanzania, there were 76,890 DRC

UNHCR - UNHCR warns of worsening displacement in Democratic Republic of the Congo

refugees as of the end of September.

The Kasai region

Meanwhile, in the Kasai region in central-southern DRC, displaced people and refugees who fled the violence that started over a year ago have begun to return. As of 23 October, over 710,000 people had gone back. Many are finding their property in ruins and family members killed. At present the situation in the Kasai region is far from stable and humanitarian access has only just become possible in many areas.

In total, over 762,000 people are displaced in the Kasai region. In Angola's Lunda Norte province an additional 27,555 Congolese who have fled the Kasai conflict are being assisted by UNHCR and partners.

UNHCR is coordinating protection activities for the displaced from the Kasai conflict, returnees and other vulnerable civilians. We have also distributed basic relief items and are preparing additional support, particularly for the communities where returns take place.

In light of the situations in these three regions, UNHCR and partners have recently upgraded the situation in Democratic Republic of the Congo to level 3 – the highest level of emergency. UNHCR, as part of this response, will be fulfilling its responsibilities focusing on protection and assistance of the displaced populations, including through leadership of the Protection cluster.

Refugees

In all, there are today some 621,711 refugees from the DRC in more than 11 African countries. And funding is urgently needed. Of some US\$236.2 million required for the needs of refugees, IDPs and other people of concern in the DRC, only US\$49.7 million has been received so far – a fifth of the amount required.

At the same time, the number of refugees from neighboring countries seeking refuge inside Democratic Republic of the Congo has grown by a third since early 2016 and now stands at 526,000 people. We continue to see new arrivals from Burundi, the Central African Republic and South Sudan.

For more information on this topic, please contact:

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Annex 35

Uganda, Act 12, the Uganda Bureau of Statistics Act, published in *The Uganda Gazette*, No. 36,
Vol. XCI, Acts Supplement No. 7 (11 June 1998)

Act 12 THE UGANDA BUREAU OF STATISTICS ACT 1998

ACTS SUPPLEMENT NO.7

11TH June, 1998

ACTS SUPPLEMENT

to The Uganda Gazette No.36 Volume XCI dated 11th June, 1998.

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Act 12 THE UGANDA BUREAU OF STATISTICS ACT 1998

ARRANGEMENT OF SECTIONS

Part 1 - **PRELIMINARY**

Section

1. Short title
2. Interpretation

Part II - **ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE BUREAU**

3. Establishment of Bureau, application of seal and executors of contracts.
4. Objects and functions of the Bureau

Part III - **BOARD OF THE BUREAU**

5. Establishment of the Board, members, qualifications, tenure and meetings
6. Validity of proceedings of Board
7. Functions of the Board
8. The Executive Director
9. Secretary to the Board
10. Other staff
11. Authorized officers
12. Protection of members and staff from personal liability or negligence

Act 12 THE UGANDA BUREAU OF STATISTICS ACT 1998

- (a) an instrument issued by the Bureau and sealed with the common seal of the Bureau, authenticated in the manner prescribed in this section; or
- (b) a contract or instrument entered into or executed under subsection (7) of this section,

shall be received in evidence without further proof as such an instrument duly issued or a contract or instrument entered into or executed as the case may be unless the contrary is proved.

Objects and
functions of
the Bureau

- 4. (1) The Bureau shall be the principal data collecting and disseminating agency responsible for coordinating, monitoring and supervising the National Statistical System to cover matters specified in the Fourth Schedule to this Act.
- (2) The Bureau in carrying out its objects under subsection (1) will-
 - (a) be responsible for-
 - (i) providing high quality central statistics information services;
 - (ii) promoting standardization in the collection, analysis and publication of statistics to ensure uniformity in quality, adequacy of coverage and reliability of statistics information;
 - (iii) providing guidance, training and other assistance as may be required to other users and providers of statistics;
 - (iv) Promoting cooperation, coordination and rationalization among users and providers of statistics at national and local levels so as to

Act 12 THE UGANDA BUREAU OF STATISTICS ACT 1998

- avoid duplication of effort and ensure optimal utilization of scarce resources;
- (v) Promoting and being the focal point of cooperation with statistics users and providers at regional and international levels.
- (b) be a source of official statistical information.
- (3) Without prejudice to the general effect of subsections (1) and (2) of this section, the Bureau may, under this section perform the following functions-
- (a) review all initiatives to collect data at the national and local government levels and approve instruments developed for data collection including census frames, registers, sample designs and questionnaires;
 - (b) collect, compile, analyze and publish social, environmental, economic and national accounts statistics;
 - (c) conduct censuses and surveys as the need arises;
 - (d) collect routine administrative statistics;
 - (e) organise and maintain a central depository of statistical reports, publications, documents and data from both within and outside Uganda;
 - (f) guide and coordinate local government statistical services;
 - (g) do all things necessary or incidental or conducive to the objects of the Bureau under this Act.

Part III - BOARD OF THE BUREAU

Act 12 THE UGANDA BUREAU OF STATISTICS ACT 1998

released to any other person without the written consent of the Executive Director;

- (c) he or she obtains from the recipient a written undertaking to make available a copy of the research findings to the Bureau; or
- (d) he or she is satisfied that the unit records cannot be identified as relating to any particular person or business enterprise.

20. The Executive Director shall ensure that any statistical data collected, after appropriate processing and ascertaining its quality for accuracy, and also after ensuring confidentiality with respect to any individual who provided any statistical information to which section 19 relates is released for general dissemination.

Dissemination
of statistical
data

21.

- (1) The Bureau shall, in promoting and facilitating development of an integrated National Statistical System or in the exercise of any other function under this Act, consult and cooperate with other lead agencies having duties related to, or having aims or objectives related to those of the Bureau.
- (2) The Bureau may, on such terms and conditions considered necessary, delegate any of the Executive Director's functions under this Part to any person.
- (3) It shall be the duty of all lead agencies to cooperate with the Bureau in the carrying out of its functions under this Act.

Relationship
with other
lead agencies

Part VI - FINANCE

22.

Funds of the
Bureau and
investment
of surplus
funds

Annex 36

Letter from Kofi Annan, U.N. Secretary General to Yoweri Kaguta Museveni, President and Minister of Defence, Republic of Uganda (4 May 2001)

THE SECRETARY-GENERAL

4 May 2001

Excellency,

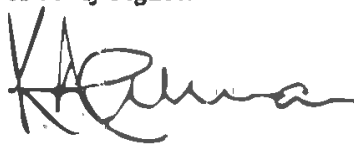
Your special envoy, The Honourable Amama Mbabazi, has explained to me the circumstances under which Uganda announced its withdrawal from the Lusaka Peace Process.

At this particularly sensitive and delicate stage in the DRC Peace Process, I believe it is crucial that Uganda and all the other signatories to the Lusaka Agreement stay fully engaged with the international community and the United Nations, in particular, as together we seek to consolidate the recent positive trends in the DRC.

I am confident of your commitment to the search for peace in the DRC. In this regard, I wish to encourage you to continue with the withdrawal of Ugandan troops in the context of the disengagement process.

I am sure you will agree with me that the present momentum towards peace in DRC must be sustained and exploited to the full; in this regard I know I can count on your continued assistance and good will.

Please accept, Excellency, the assurances of my highest consideration.



Kofi A. Annan

His Excellency
Mr. Yoweri Kaguta Museveni
President of the Republic of Uganda and
Minister for Defence
Kampala

Annex 37

U.N. Security Council, *The Response by the Government of the Republic of Uganda to The Addendum Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (DRC)*, U.N. Doc. S/2001/1163 (4 Dec. 2001)

United Nations

S/2001/1163

**Security Council**

Distr.: General
10 December 2001

Original: English

Letter dated 10 December 2001 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to attach herewith the response of the Government of the Republic of Uganda to the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (see annex*).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Prof. Semakula **Kiwanuka**, Ph.D
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

* The annex is being circulated in the language of submission only.



Annex to the letter dated 10 December 2001 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

**THE RESPONSE
BY THE GOVERNMENT OF THE
THE REPUBLIC OF UGANDA**

TO

**THE ADDENDUM REPORT OF THE PANEL OF EXPERTS ON THE
ILLEGAL EXPLOITATION OF NATURAL RESOURCES AND
OTHER FORMS OF WEALTH OF THE DEMOCRATIC REPUBLIC
OF THE CONGO (DRC)**

**MINISTRY OF FOREIGN AFFAIRS
KAMPALA, UGANDA**

4th December, 2001

S/2001/1163

- (b) The importance of the Lusaka Cease-fire Agreement in addressing the crisis and the illegal exploitation of natural resources in the DRC and bringing stability in the Great Lakes Region.
- (c) Uganda's commitment to the implementation of the Lusaka Cease-fire Agreement as demonstrated by the withdrawal of most of her troops from the DRC.

8. **The Government of Uganda still notes with very grave concern, however, that:**

- (a) Serious allegations and accusations are made against high-ranking UPDF officers and their civilian counterparts in the continued exploitation of natural resources of the DRC without any corroborative evidence.
- (b) The misconceived allegation persists that the continuation of the conflict in the DRC is linked to illegal exploitation of natural resources in the DRC in the case of Uganda.
- (c) The UN Panel continues to refuse to share the sources of evidence on allegations contained in the report with the Independent Judicial Commission established on the recommendation of the UN Security Council.

9. In spite of these concerns, however, the Government of Uganda will continue to co-operate with the UN Security Council, the UN Secretary-General and the Reconstituted UN Panel in order to establish the truth regarding the allegations against Uganda and the high ranking officers of the UPDF mentioned in the addendum to the UN Panel Report. Uganda encourages the UN Panel to work with the Independent Judicial Commission (the Porter Commission) in order to establish corroborated evidence against the high ranking officers of the UPDF or any Ugandans accused of illegal exploitation of the natural resources of the DRC. The Government of Uganda is committed to implementation of the recommendations of the Porter Commission.

Key elements of the Response to the Addendum to the Report of the UN Panel

10. The response of the Government of the Republic of Uganda to the addendum as contained in this document covers the following points:

- Background to the addendum to the report of the UN Panel.
- Improvements and positive aspects of the addendum and its flaws.
- Response to the specific allegations against Uganda but outside the mandate of the Justice Porter Commission.
- Exploitation of natural resources and the continuation of the conflict.
- Uganda Government comments on the Conclusions and recommendations of the UN Panel.
- Recommendations by Uganda on the way forward.

DRC. It also appreciates that Uganda has complied with the statement of the President of the Security Council (S/PRST/2001/13) by establishing a Judicial Commission of Inquiry into the illegal exploitation of natural resources of the DRC.

17. Seventh, the addendum remedies the earlier anomaly of focusing on Uganda, Rwanda, Burundi and the rebel groups; and gives coverage of all the parties involved in the DRC as well as the transit and destination countries of the natural resources of the DRC.

III: FLAWS IN THE ADDENDUM TO THE REPORT OF THE UN PANEL

Definition of Illegality

18. The issue of 'illegality' in exploitation of natural resources of the DRC was not tackled in the addendum yet it was a contentious issue and was raised in the response by the Government of the Republic of Uganda to the initial UN report. Although the addendum is silent on the definitional aspects of 'illegality', it contains elements that clearly demonstrate agreement with Uganda's submission that, in the context of the conflict in the DRC – where there is total collapse of the state institutions and structures – exploitation of resources for survival of the people such as cross-border trade is legitimate. Some aspects of trade carried out by the rebel groups who are in the de-facto control of the territory cannot be classified as illegal.

Methodology

19. The methodology used in data collection and analysis in the addendum is not stipulated. Uganda has argued that the UN Panel, for some unexplained reasons, failed to properly analyse most of the solid data provided by the technical officials in Kampala and that no rigorous econometric and statistical analysis was contained in the Panel's report to prove causality. Uganda has demonstrated, for example, that its high GDP growth figures, which started in early 1990s had nothing to do with the start of the conflict in the DRC in 1998. Rather, the economic performance has been due to sound macro-economic policies and increased foreign investment since 1990/91. The new UN Panel, therefore, fell short of its mandate by not directly responding to Uganda's concerns in this respect. Hence the erroneous linkage of Uganda's economic performance to the illegal exploitation of the natural resources of the DRC.

Corroboration of Evidence

20. Uganda's response in May 2001 pointed out that the Panel's serious allegations against the Uganda Government and H.E. President Y. Museveni were based on **hearsay, falsehoods and distortion of data**. The mandate for the UN Panel from the UN Security Council on the need for corroborated evidence to back up allegations is very clear. However, the problem of uncorroborated or ignored evidence persists in the addendum on a number of allegations against Uganda.

S/2001/1163

21. While acknowledging that UPDF have withdrawn from the DRC, the Panel makes a very serious allegation – without any corroborated evidence – that there are continuing commercial networks and structures put in place by Ugandan commanders and their civilian counterparts in Oriental Province and Kampala. Examples given are Trinity and Victoria companies, which are not Ugandan-owned. Unnamed ‘reliable sources’ are quoted without supporting documents on a scheme between Mr. Mbusa Nyamwisi and senior UPDF officers to ‘skim’ US\$400,000= off tax revenues at Beni customs post at the Uganda border. The period is not specified of when and how the money is shared.

22. While acknowledging that Uganda is committed to the implementation of the Lusaka Agreement and the relevant UN Security Council resolutions, and has substantially withdrawn her troops from the DRC, the UN Panel – without any logical evidence – concludes that a link between the continuation of the conflict and exploitation of the natural resources of the DRC exists ‘in the case of Uganda’. The Panel should have a corroborated case study to demonstrate the linkage.

23. The UN Panel alleges that Uganda denied that timber from the DRC does not transit through Uganda. This is false. Uganda has always stated that transit cargo to and from the DRC has taken place since time immemorial. Detailed facts and data regarding transit cargo from the DRC were given to the UN Panel in November and August 2001.

24. The Uganda Government is concerned that the addendum is silent on allegations based on hearsay and falsehoods raised in the initial report which they have not corroborated. The reconstituted UN Panel refuses to acknowledge the mistakes where the image and integrity of people or institutions have been unjustifiably damaged. Examples of the mistakes that should have been acknowledged in the addendum include:

- (a) **DARA-Forest Case-study against the Government of Uganda:** The Addendum clearly shows that the DARA-Forest case study, which was central to the old UN Panel’s demonstration of Uganda’s systemic and systematic illegal exploitation of the natural resources of the DRC, was not consistent with the evidence. It establishes that DARA-Forest is not a Uganda-Thai company, H.E. President Museveni and his family are not shareholders in the company and that the Department of Forestry, the Ministry of Water, Lands and Environment in Kampala was never involved in the false certification of timber from the DRC as of Ugandan origin.
- (b) **Allegations against H.E. President Museveni and his family:** The addendum is silent regarding the fictitious shareholding by H.E. the President’s family in the private companies involved in the illegal exploitation of natural resources of the DRC, e.g., Victoria, DARA-Forest, Great Lakes Industries and Trinity Company.

S/2001/1163

- (c) Information on Coltan is found on page 24 of Bulletin 4 (1961).⁴ The production of Coltan declined due to depressed prices in the late 1950s. The production was bound to pick up with improved prices as is the case today.
- (d) Information on gold is on page 15 of the same Bulletin 4. Today gold has been found almost in all districts of Uganda. Most of the gold mined is alluvial (except Busia gold field which is reef) and is mined by artisanal/small-scale miners, many of whom are unlicensed.
- (e) It is estimated that over 500,000 Ugandan artisans are engaged in gold production in Uganda during any single month.
- (f) Mineral production figures (especially of gold) have always been lower than export figures since the trade in gold was liberalized and royalty removed in 1992/93 (CF Para 96 of the report of the first UN Panel of Experts, April 2001). Before liberalization, the gap between the gold production on export figures was not significant.
- (g) The main reasons for the increased gap between production and export figures for gold include:
- Before liberalization, the few licensed artisanal miners would indicate few grams of production to hang on their licenses and the buyers would file low figures to avoid payment of royalties.
 - After liberalization in 1992/93, buyers felt confident to export their gold through official channels thus indicating increased exports. Most of the artisanal miners are not licensed and invariably do not file their production returns which in turn come from a few licensed miners. Thus, while the production figures have remained fairly stable, the export figures have steadily gone up.
 - The gold export figures in table 1 of the UN Report (para 96) are those on the Export Permits issued by the Ministry of Energy and Mineral Development. In most cases they differ from those of actual exports. Actual export figures are those captured by the Customs Department. One needs an Export Permit before processing other export documents.
- (h) Although Uganda has no production figures for diamond, it is possible that some diamonds are being produced as a result of winning gold. During the Diamond Prospecting Programme in Uganda (1965-1974) by Mineral Prospecting (U) LTD a number of diamonds totaling over 0.4m CTS were recovered and three (3) Kimberlites were discovered. Kimberlites are rocks which are major hosts for diamond.
- (i) Since Uganda does not have official figures of diamond exports or production the

⁴ 1 bid

S/2001/1163

Ministry cannot comment on the figure in table 2 of the UN Report of April 2001, the source being the Diamond High Council. If we are given export papers, we could know whether the purported exports were from Uganda or not. The possibility of fraudsters using forged documents must not be ruled out.

- (j) Niobium (Coltan) production was halted in Uganda due to low prices. Increased demand and higher prices have led to more production and hence exports, the coincidence with the Congo conflict notwithstanding (cf para 33 of the UN Report). It is stated that "seven years" worth of Columbo-Tantalite (Coltan) was found in stock. Is it possible that the material could not have been sold due to low prices! Besides we do not measure minerals worthiness in years!
- (k) Following the conclusion of UNDP assisted Mineral Investment Programme in 1992, the number of investors interested in the mineral sector increased. This number dropped with revision of the surface rent in 2000.

SUMMARY REPORT OF THE MEETING WITH HON. PROF. E RUGUMAYO THE MINISTER OF TOURISM, TRADE AND INDUSTRY 23 AUGUST 2001

53. The meeting between Hon. Prof. E Rugumayo and the Reconstituted UN Panel of Experts was attended by: Ambassador Mugume, Ministry of Foreign Affairs; Mr. Ssemanda. P., Ministry of Foreign Affairs; Mr. J. Muhwezi, Ministry of Tourism, Trade and Industry; and Mr. .J. Tindigarukayo, Ministry of Tourism, Trade and Industry.

54. The chairman of the UN Panel explained why the Panel was reconstituted for an extra period of 3 months. He pointed out that this time, the reconstituted Panel was to cover more countries including Burundi, Uganda, Zimbabwe, South Africa, Namibia, Rwanda, Angola, and a number of countries outside Africa.

55. Ambassador Kassem and his team asked the following questions:

- (a) Is there an arrangement in which trade is carried out in the rebel controlled areas In Eastern DRC since the Kinshasa Government is not in control of the area?
- (b) Would the Minister be able to show that the trade in timber, minerals and other items in the Eastern DRC is legal since the Kinshasa authorities have no control over the areas.
- (c) What would be the effect of conflict among members of the same trade agreement such as COMESA?
- (d) How does the Ministry of Trade, Tourism and Industry define the import, export, re-export and goods in transit?
- (e) What are the conditions in which Uganda government gives a certificate of origin?

Annex 38

Uganda Bureau of Statistics, *Statistical Abstracts* (2002, 2004, 2005)



UGANDA BUREAU OF STATISTICS



2002

STATISTICAL ABSTRACT

Uganda Bureau of Statistics

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November, 2002

UGANDA BUREAU OF STATISTICS

2002

STATISTICAL ABSTRACT

FOREWORD

The Uganda Bureau of Statistics hereby presents the Statistical Abstract, 2002.

Censuses and Surveys conducted by the Uganda Bureau of Statistics (UBOS) and other partner agencies yield a wide range of economic, social and demographic statistics. Reports from these censuses and surveys are the main mode of dissemination of these statistics and can be bought from the Uganda Bureau of Statistics Head Office in Entebbe, the CPI Unit located in the Treasury Building, Ministry of Finance Kampala and main Bookshops in the country.

Major exercises undertaken by UBOS in recent past to generate statistics include;

- 1989 Household Budget Survey (HBS),
- 1989 Census of Business Establishments (COBE),
- 1991 Population and Housing Census,
- 1992 Integrated Household Survey (IHS),
- Monitoring Surveys (1993/94, 1994/95 and 1995/96)
- 1997, 1999/2000 National Household Surveys
- 2002 Population and Housing Census
- Regular collection of data on industrial production, consumer prices and external trade.

Contents of the statistical abstract are extracts from the above surveys and related activities by key stakeholders such as the Central Bank, departments/units in other government ministries and parastatal organizations.

The Statistical Abstract is designed to serve as a convenient tool for statistical reference and a guide to other statistical publications and sources. Note however that, the contents being taken from the Bureau of Statistics and many other organizations are subject to errors arising from a number of factors including:-

- Sampling variability (for sample studies);
- Reporting error in data for individual units;
- Incomplete coverage;
- Non-responses, imputation and processing errors.

Where applicable these have been indicated in the text.

With the exception of population projection tables, the data series in this Statistical Abstract have been restricted to a maximum of five years. Longer series are available at the Bureau and can be availed on request.

We continue to be grateful for any valuable comments about this publication so as to improve future publications.

Mr. J.B Male-Mukasa
Executive Director

November 2002

4.2 External Trade

Table 4.2. A: Exports by quantity, 1997-2001

Commodity	Unit	1997	1998	1999	2000	2001
Traditional Export Crops						
Coffee	Tonne	210,123	197,143	230,466	150,891	183,277
Cotton	Tonne	18,975	4,915	14,482	21,290	12,479
Tea	Tonne	18,260	22,893	22,102	26,388	30,447
Tobacco	Tonne	4,809	8,109	4,714	14,128	14,589
Non-Traditional Exports						
Maize	Tonne	52,835	33,164	23,163	8,741	61,603
Beans and other Legumes	Tonne	27,760	5,875	15,829	25,013	6,756
Fish and Fish products	Tonne	11,819	14,688	9,628	14,894	28,119
Cattle hides	Tonne	6,619	6,487	4,666	12,246	20,386
Sesame seeds	Tonne	1,485	43	2,325	1,438	1,854
Soya beans	Tonne	418	76	n.a	42	960
Soap	Tonne	3,655	3,482	3,193	3,777	5,656
Electric Current	'000 Kwh	169,508	158,998	174,331	250,993	142,507
Cocoa beans	Tonne	1,341	1,137	1,542	1,662	2,466
Cobalt	Tonne	-	-	-	416	636
Hoes and hand tools	'000	223	171	180	105	108
Pepper	Tonne	56	50	987	144	517
Vanilla	Tonne	96	18	n.a	10	49
Live animals	'000	7	5	19	27	130
Fruits	Tonne	429	46	138	1,637	92
Groundnuts	Tonne	112	87	167	15	40
Bananas	Tonne	78	765	763	1,622	1,336
Roses and Cut flowers	Tonne	537	1,522	1,563	2,207	3,687
Ginger	Tonne	35	11	n.a	75	16
Gold and gold compounds	Kg.	1,381	665	4,231	5,927	6,161

Note: (1) Includes some re-exports, and therefore overstates the true level.
(2) Figures for 2000 and 2001 are provisional.

Source: URA, UCDA, B.A.T, Mastermind Tobacco Co, CDO, Uganda Tea Association, Bank of Uganda and UBOS.

UGANDA BUREAU OF STATISTICS

2004

STATISTICAL ABSTRACT

FOREWORD

The Uganda Bureau of Statistics (UBOS) Coordinates, Monitors and Supervises the National Statistical System in order to produce relevant, reliable and timely official statistics. The statistical abstract is one of the major publications of UBOS providing relevant statistics on annual basis.

Statistical Abstract 2004 presents the main features of official statistics which are based on UBOS statistical surveys and administrative records, incorporated with data from other data producing agencies. The statistics follow approved principles, standards and classifications that are in accordance with international recommendations and guidelines. With the help of figures and tables, trends from the historical to the present situations are presented in a user-friendly form.

The small tables are directly linked to the text while the subsequent Appendix tables contain detailed data that can be useful for further analysis. Note that although the tables in this abstract are limited to a maximum of five years, those with longer series can be availed on request by the UBOS.

Copies of the abstract can be bought from the UBOS Head Office, Entebbe or the CPI Unit located in the Treasury Building, Ministry of Finance, Planning and Economic Development, Kampala. Further information can also be accessed from the UBOS web site. www.ubos.org.

We welcome and appreciate the valuable comments from all stakeholders aimed at improving this publication.

Mr. J.B. Male – Mukasa
Executive Director

November 2004

4.2 External Trade

Table 4.2 A: Exports by quantity, 1999 – 2003

Commodity	Unit	1999	2000	2001	2002	2003
Traditional Export Crops						
Coffee	Tonne	230,466	150,891	183,277	201,591	146,299
Cotton	Tonne	14,482	21,290	12,479	12,322	16,762
Tea	Tonne	22,102	26,388	30,447	30,400	36,669
Tobacco	Tonne	4,714	14,128	14,589	23,266	24,669
Non Traditional Exports						
Maize	Tonne	23,163	8,741	61,603	59,642	60,298
Beans and other Legumes	Tonne	15,829	25,013	6,756	10,753	18,070
Fish and Fish products	Tonne	9,628	14,894	28,119	25,525	26,422
Cattle hides	Tonne	4,666	12,246	20,386	20,049	18,565
Sesame seeds	Tonne	2,325	1,438	1,854	1,380	4,108
Soya beans	Tonne	-	42	960	499	592
Soap	Tonne	3,193	3,777	5,656	7,594	11,402
Electric Current	000 Kwh	174,331	250,993	142,507	264,685	217,486
Cocoa beans	Tonne	1,542	1,662	2,466	1,626	4,328
Cobalt	Tonne	-	416	636	8,748	-
Hoes and hand tools	'000	180	105	108	169	407
Pepper	Tonne	987	144	517	128	103
Vanilla	Tonne	-	10	49	63	91
Live animals	'000	19	27	130	24	8
Fruits	Tonne	138	1,637	92	708	425
Groundnuts	Tonne	167	15	40	45	4
Bananas	Tonne	763	1,622	1,336	1,561	1,646
Roses and Cut flowers	Tonne	1,563	2,207	3,687	4,504	5,636
Ginger	Tonne	-	75	16	28	13
Gold and gold compounds	Kg.	4	5,927	6,161	7,117	3,478

Note: (1) Includes some re-exports, and therefore overstates the true level.

(2) 2003 figures are provisional

Source: URA, Uganda Coffee Development Authority, B.A.T, Mastermind Tobacco, Cotton Development Organisation, Tea Authority and UBOS.

UGANDA BUREAU OF STATISTICS

2005

STATISTICAL ABSTRACT

FOREWORD

The Uganda Bureau of Statistics (UBOS) has continued to support data user needs by providing relevant, reliable and timely official statistics needed to monitor development performance especially in the implementation of major government policies and initiatives. The Statistical Abstract is one of the major publications of UBOS that provides these statistics annually.

The 2005 Statistical abstract presents information derived mainly from UBOS statistical surveys and administrative records, as well as information obtained from other key data producing agencies and institutions. The statistics provided in this abstract are compiled using approved standards, definitions and classifications that are in accordance with international recommendations and guidelines.

Information contained in the Statistical Abstract cover almost all major socio-economic sectors of government, including but not limited to: Environment, Population, Education, Health, Agriculture, Labour, Income and Expenditure, Energy, Business, National Accounts, Government Finance, Migration, Service Delivery, to mention but some.

The presentation of information in this Abstract is largely in form of tables, graphs and charts with text explaining the figures therein. Detailed tables on all the chapters are appended as annexes. Data from these tables can be useful for further analysis.

The Bureau is very grateful to all stakeholders who provided information to be included in this publication. Special thanks are also extended to the UBOS technical staff who worked tirelessly to put together this important information.

Copies of the Statistical Abstract can be obtained from UBOS head office on plot 10/11 Airport Road, Entebbe or from the CPI unit located at the Treasury Building, Ministry of Finance, Planning and Economic Development, Kampala. Further information can also be accessed from the official UBOS website: www.ubos.org.

We hope that our stakeholders will find the information in this publication useful, but we still welcome comments aimed at improving future publications.

J.B. Male-Mukasa
Executive Director

October 2005

4.2 External Trade

Table 4.2 A: Exports by quantity, 2000 – 2004

Commodity	Unit	2000	2001	2002	2003	2004
Traditional Export Crops						
Coffee	Tonne	150,891	183,277	201,591	146,299	159,964
Cotton	Tonne	21,290	12,479	12,322	16,762	26,927
Tea	Tonne	26,388	30,447	30,400	36,669	36,874
Tobacco	Tonne	14,128	14,589	23,266	24,669	27,824
Non Traditional Exports						
Maize	Tonne	8,741	61,603	59,642	60,298	90,576
Beans and other Legumes	Tonne	25,013	6,756	10,753	18,070	25,028
Fish and Fish products	Tonne	14,894	28,119	25,525	26,422	31,808
Cattle hides	Tonne	12,246	20,386	20,049	18,565	18,502
Sesame seeds	Tonne	1,438	1,854	1,380	4,108	4,283
Soya beans	Tonne	42	960	499	592	468
Soap	Tonne	3,777	5,656	7,594	11,402	16,248
Electric Current	000 Kwh	250,993	142,507	264,685	217,486	192,297
Cocoa beans	Tonne	1,662	2,466	1,626	4,328	5,155
Cobalt	Tonne	416	636	8,748	-	438
Hoes and hand tools	'000	105	108	169	407	180
Pepper	Tonne	144	517	128	103	394
Vanilla	Tonne	10	49	63	91	71,404
Live animals	'000	27	130	24	8	37
Fruits	Tonne	1,637	92	708	425	1,296
Groundnuts	Tonne	15	40	45	4	549
Bananas	Tonne	1,622	1,336	1,561	1,646	1,752
Roses and Cut flowers	Tonne	2,207	3,687	4,504	5,636	6,091
Ginger	Tonne	75	16	28	13	14
Gold and gold compounds	Kg.	5,927	6,161	7,117	3,478	5,465

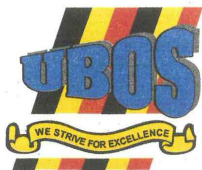
Note: (1) includes some re-exports, and therefore overstates the true level.

(2) 2004 figures are provisional

Source: URA, Uganda Coffee Development Authority, B.A.T, Mastermind Tobacco, Cotton Development Organization, Tea Authority and UBOS.

Annex 39

Letter from Imelda Atai Musana, Executive Director, Uganda Bureau of Statistics to the Solicitor General, Ministry of Justice and Constitutional Affairs, UBOS/30/30 (26 Oct. 2017)



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In any correspondence on
this subject please quote No: **UBOS/30/30**

October 26, 2017

The Solicitor General
Ministry of Justice and Constitutional Affairs
P.O Box 7183
KAMPALA-UGANDA



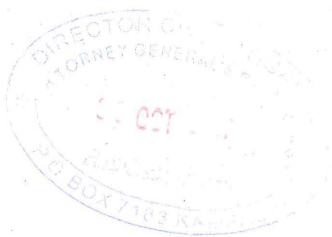
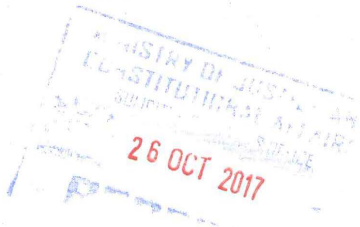
Attn: Mr J B R Suuza

THE CASE CONCERNING ARMED ACTIVITIES ON THE TERRITORY OF THE DEMOCRATIC REPUBLIC OF THE CONGO (DEMOCRATIC REPUBLIC OF CONGO VS UGANDA)

Reference is made to your letter of reference ADM/7/171/01 dated October 24, 2017 seeking information as to whether the Bureau has received responses from United Nations Statistics Division (UNSD) and COMESA Secretariat on the recalled data for reconciliation.

This is to inform you the Bureau has not received any responses from UNSD or COMESA Secretariat on the recalled data for reconciliation to date. As requested, attached herewith is the import and export statistics of minerals for the years 1995 to 2016 including the Country of origin and destination.


Imelda Atai Musana
Ag. EXECUTIVE DIRECTOR



EXPORTS OF SELECTED MINERALS BY QUANTITY AND VALUE IN USD, 1995 - 2016

EXPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
DIAMOND, DIAMOND DUST AND DIAMOND POWDER	-	-	-	-	0	4,141	-	-	-	-
BELGIUM										
HONGKONG										
INDIA					0	4,141				
RWANDA										
SOUTH AFRICA										
TANZANIA										
UNITED ARAB EMIRATES										
UNITED STATES										
EXPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
GOLD AND GOLD COMPOUNDS	2,860	29,846,469	4,801	51,545,579	2,035	77,283,610	2,247	21,017,559	4,231	33,485,139
AUSTRALIA										
BAHRAIN			307	3,303,043						
BELGIUM	2,007	20,087,602	1,314	13,357,294	764	15,104,655				
CANADA										
CONGO BR										
D.R.CONGO										
DENMARK										
HONGKONG										
KOREA, REPUBLIC OF										
NETHERLANDS	17	170,000								
SAUDI ARABIA	12	126,097							1	3,620
SOUTH AFRICA							185	1,624,309	2,275	19,958,150
SUDAN					0	814,719				
SWAZILAND										
SWEDEN	0	82,500	497	5,415,757						
SWITZERLAND	109	1,828,457	2,616	28,696,719	497	39,527,752	1,546	14,786,858	89	728,297
TANZANIA										
THAILAND										
UNITED ARAB EMIRATES					1	300,030			3	24,706
UNITED KINGDOM	706	7,467,455	67	772,767	116	1,876,590	516	4,606,392	1,863	12,770,366
UNITED STATES										
UNKNOWN	8	84,358			656	19,659,864				
VIET NAM										
EXPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
NIOBIUM	135,600	207,372	20,859	32,450			11,060	231,265	802	6,632
BELGIUM							900	1,460		
CHINA										
ESTONIA										
GERMANY, FEDERAL REPUBLIC OF									802	6,632
INDIA										
KENYA	69,750	101,919								
NETHERLANDS							1,485	121		
RWANDA										
SOUTH AFRICA	46,300	70,117	20,859	32,450			20	181,277		
SWITZERLAND	19,550	35,336					8,655	48,407		
UNITED ARAB EMIRATES										
UNITED KINGDOM										
EXPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
TANTALUM							5,767	289,253		
SWITZERLAND							4,000	275,341		
UNITED KINGDOM							1,767	13,912		

IMPORTS OF SELECTED MINERALS BY QUANTITY AND VALUE IN USD, 1995 - 2016

IMPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
DIAMOND, DIAMOND DUST AND DIAMOND POWDER	389	5,895	1,130	1,167	22,045	3,922	26,187	11,454	2,742	20,207
AUSTRALIA										
AUSTRIA										
BELGIUM									6	70
CHINA										
FRANCE										
GERMANY, FEDERAL REPUBLIC OF							2	1,936		
HONGKONG										
HUNGARY										
INDIA										
ITALY									1,591	8,673
JAPAN							40	4,428		
KENYA					22,045	1,688	735	78	492	5,679
KOREA, REPUBLIC OF							15,000	321		
LICHTENSTEIN										
MALAYSIA										
POLAND										
SOUTH AFRICA							158	1,688	5	3,533
SWEDEN										
SWITZERLAND					0	2,234	2	259	648	2,252
THAILAND										
TURKEY										
UNITED ARAB EMIRATES	30	300	1,130	1,167						
UNITED KINGDOM	359	5,595					10,250	2,749		
UNITED STATES										
IMPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
GOLD AND GOLD COMPOUNDS	120	1,265	17	1,716			0	229	0	2,112
BELGIUM										
CHINA			12	701						
CONGO BR										
D.R.CONGO										
GERMANY, FEDERAL REPUBLIC OF	0	621								
HONGKONG										
INDIA										
ISREAL										
ITALY										
KENYA	120	644	5	539						
KOREA, REPUBLIC OF										
SOUTH AFRICA										
TANZANIA										
THAILAND										
TURKEY										
UNITED ARAB EMIRATES			0	476			0	229	0	2,112
UNITED KINGDOM										
UNITED STATES										
IMPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
NIOBIUM							70	924		
CHINA										
D.R.CONGO							30	900		
INDIA										
KENYA							40	24		
SOUTH AFRICA										
THAILAND										
IMPORTS COUNTRY/ITEM	1995		1996		1997		1998		1999	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
TANTALUM	3	45							10	24
INDIA										
KENYA										



EXPORTS OF SELECTED MINERALS BY QUANTITY AT

EXPORTS COUNTRY/ITEM	2000		2001		2002		2003		2004	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
DIAMOND, DIAMOND DUST AND DIAMOND POWDER	-	-	0	201	-	-	-	-	0	52
BELGIUM										
HONGKONG			0	201						
INDIA										
RWANDA										
SOUTH AFRICA										
TANZANIA										
UNITED ARAB EMIRATES									0	52
UNITED STATES										
EXPORTS COUNTRY/ITEM	2000 QUANTITY	2000 US DOLLAR	2001 QUANTITY	2001 US DOLLAR	2002 QUANTITY	2002 US DOLLAR	2003 QUANTITY	2003 US DOLLAR	2004 QUANTITY	2004 US DOLLAR
GOLD AND GOLD COMPOUNDS	5,926	43,285,000	6,158	49,263,318	7,086	60,092,234	3,275	36,425,762	5,277	59,364,781
AUSTRALIA										
BAHRAIN										
BELGIUM			27	826,449						
CANADA										
CONGO BR										
D.R.CONGO			125	196,059						
DENMARK										
HONGKONG					46	456,633				
KOREA, REPUBLIC OF										
NETHERLANDS			237	1,557,053	41	355,000				
SAUDI ARABIA										
SOUTH AFRICA	3,279	23,950,644	2,651	18,953,808	4,347	36,418,447	1,964	18,571,497		
SUDAN										
SWAZILAND			4	32,936						
SWEDEN										
SWITZERLAND	2,332	17,033,517	1,242	9,952,168	2,565	22,160,145	911	11,494,384	3,550	38,649,927
TANZANIA										
THAILAND										
UNITED ARAB EMIRATES	123	898,423	9	68,222	77	610,203	358	3,284,913	1,728	20,714,854
UNITED KINGDOM	192	1,402,416	519	6,911,574	11	91,806	11	85,468		
UNITED STATES			5	37,048			31	289,499		
UNKNOWN			1,341	10,728,000			0	2,700,000		
VIET NAM										
EXPORTS COUNTRY/ITEM	2000 QUANTITY	2000 US DOLLAR	2001 QUANTITY	2001 US DOLLAR	2002 QUANTITY	2002 US DOLLAR	2003 QUANTITY	2003 US DOLLAR	2004 QUANTITY	2004 US DOLLAR
NIOBIUM	-	-	4,038	19,398	-	-	-	-	-	-
BELGIUM			4,038	19,398						
CHINA										
ESTONIA										
GERMANY, FEDERAL REPUBLIC OF										
INDIA										
KENYA										
NETHERLANDS										
RWANDA										
SOUTH AFRICA										
SWITZERLAND										
UNITED ARAB EMIRATES										
UNITED KINGDOM										
EXPORTS COUNTRY/ITEM	2000 QUANTITY	2000 US DOLLAR	2001 QUANTITY	2001 US DOLLAR	2002 QUANTITY	2002 US DOLLAR	2003 QUANTITY	2003 US DOLLAR	2004 QUANTITY	2004 US DOLLAR
TANTALUM	-	-	-	-	-	-	-	-	-	-
SWITZERLAND										
UNITED KINGDOM										

IMPORTS OF SELECTED MINERALS BY QUANTITY AT

IMPORTS COUNTRY/ITEM	2000		2001		2002		2003		2004	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
DIAMOND, DIAMOND DUST AND DIAMOND POWDER	3,306	6,171	234	3,768	860	4,213	8,130	25,172	10,563	47,082
AUSTRALIA					24	322				
AUSTRIA										
BELGIUM										
CHINA			0	201						
FRANCE										
GERMANY, FEDERAL REPUBLIC OF			1	103			3,875	14,450	4,055	23,200
HONGKONG										
HUNGARY										
INDIA					367	644			3,879	9,021
ITALY								359	120	6,385
JAPAN										
KENYA	16	59			22	379	1,000	843	1,846	4,292
KOREA, REPUBLIC OF							0	371		
LIECHTENSTEIN										
MALAYSIA										
POLAND										
SOUTH AFRICA			0	467						
SWEDEN										
SWITZERLAND	3,270	5,832							10	329
THAILAND										
TURKEY										
UNITED ARAB EMIRATES			133	900	380	1,602	2,916	8,736	620	3,325
UNITED KINGDOM	20	280	100	2,098	67	1,265	288	413		
UNITED STATES									33	530
IMPORTS COUNTRY/ITEM	2000 QUANTITY	2000 US DOLLAR	2001 QUANTITY	2001 US DOLLAR	2002 QUANTITY	2002 US DOLLAR	2003 QUANTITY	2003 US DOLLAR	2004 QUANTITY	2004 US DOLLAR
GOLD AND GOLD COMPOUNDS	80	6,012	5	159	0	3,125	0	1,526		
BELGIUM										
CHINA										
CONGO BR										
D.R.CONGO										
GERMANY, FEDERAL REPUBLIC OF			0	17						
HONGKONG										
INDIA			0	142						
ISRAEL										
ITALY							0	1,511		
KENYA			5							
KOREA, REPUBLIC OF										
SOUTH AFRICA										
TANZANIA										
THAILAND										
TURKEY										
UNITED ARAB EMIRATES	80	6,012			0	3,125	0	15		
UNITED KINGDOM										
UNITED STATES										
IMPORTS COUNTRY/ITEM	2000 QUANTITY	2000 US DOLLAR	2001 QUANTITY	2001 US DOLLAR	2002 QUANTITY	2002 US DOLLAR	2003 QUANTITY	2003 US DOLLAR	2004 QUANTITY	2004 US DOLLAR
NIOBIUM	-	-	304	463	-	-	20	8	-	-
CHINA										
D.R.CONGO			304	463						



EXPORTS OF SELECTED MINERALS BY QUANTITY AND VALUE										
EXPORTS COUNTRY/ITEM	2005		2006		2007		2008		2009	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
DIAMOND, DIAMOND DUST AND DIAMOND POWDER	2	5,361	1	52,110	-	-	-	-	6	152,846
BELGIUM	2	5,361	-	-	-	-	-	-	-	-
HONGKONG	-	-	-	-	-	-	-	-	-	-
INDIA	-	-	-	-	-	-	-	-	-	-
RWANDA	-	-	-	-	-	-	-	-	-	-
SOUTH AFRICA	-	-	-	-	-	-	-	-	-	-
TANZANIA	-	-	-	-	-	-	-	-	5	150,000
UNITED ARAB EMIRATES	-	-	1	52,008	-	-	-	-	0	2,846
UNITED STATES	-	-	0	102	-	-	-	-	-	-
EXPORTS	4,242	73,072,240	6,936	122,579,211	3,542	65,783,165	2,050	50,661,325	931	23,096,688
GOLD AND GOLD COMPOUNDS	4,242	73,072,240	6,936	122,579,211	3,542	65,783,165	2,050	50,661,325	931	23,096,688
AUSTRALIA	-	-	-	-	-	-	-	-	-	-
BAHRAIN	-	-	-	-	-	-	-	-	-	-
BELGIUM	21	188,109	17	235,000	-	-	-	-	-	-
CANADA	-	-	-	-	-	-	2	37,890	-	-
CONGO BR	-	-	-	-	-	-	99	2,643,487	-	-
D.R.CONGO	-	-	-	-	-	-	-	-	-	-
DENMARK	-	-	-	-	-	-	-	-	-	-
HONGKONG	-	-	-	-	-	-	-	-	-	-
KOREA, REPUBLIC OF	-	-	25	325,000	-	-	-	-	-	-
NETHERLANDS	-	-	-	-	-	-	-	-	-	-
SAUDI ARABIA	-	-	-	-	-	-	-	-	-	-
SOUTH AFRICA	-	-	-	-	-	-	-	-	-	-
SUDAN	-	-	-	-	-	-	104	2,738,962	32	794,046
SWAZILAND	-	-	-	-	-	-	-	-	-	-
SWEDEN	-	-	-	-	-	-	-	-	-	-
SWITZERLAND	749	13,219,037	-	-	1	3,521	-	-	-	-
TANZANIA	-	-	-	-	-	-	-	-	-	-
THAILAND	-	-	-	-	-	-	-	-	-	-
UNITED ARAB EMIRATES	3,429	59,295,181	6,894	122,019,211	3,541	65,779,644	1,845	45,240,986	899	22,302,642
UNITED KINGDOM	43	369,912	-	-	-	-	-	-	-	-
UNITED STATES	-	-	-	-	-	-	-	-	-	-
UNKNOWN	-	-	-	-	-	-	-	-	-	-
VIET NAM	-	-	-	-	-	-	-	-	-	-
EXPORTS	4,242	73,072,240	6,936	122,579,211	3,542	65,783,165	2,050	50,661,325	931	23,096,688
NIOBIMUM	12,000	62,382	3,114	8,505	12,000	62,382	3,000	6,399	114	2,106
BELGIUM	-	-	-	-	-	-	-	-	-	-
CHINA	-	-	-	-	12,000	62,382	3,000	6,399	-	-
ESTONIA	-	-	-	-	-	-	-	-	-	-
GERMANY, FEDERAL REPUBLIC OF	-	-	-	-	-	-	-	-	-	-
INDIA	-	-	-	-	-	-	-	-	-	-
KENYA	-	-	-	-	-	-	-	-	-	-
NETHERLANDS	-	-	-	-	-	-	-	-	-	-
RWANDA	-	-	-	-	-	-	-	-	-	-
SOUTH AFRICA	-	-	-	-	-	-	-	-	-	-
SWITZERLAND	-	-	-	-	-	-	-	-	114	2,106
UNITED ARAB EMIRATES	-	-	-	-	-	-	-	-	-	-
UNITED KINGDOM	-	-	-	-	-	-	-	-	-	-
EXPORTS	12,000	62,382	3,114	8,505	12,000	62,382	3,000	6,399	114	2,106
TANTALUM	-	-	-	-	-	-	-	-	-	-
SWITZERLAND	-	-	-	-	-	-	-	-	-	-
UNITED KINGDOM	-	-	-	-	-	-	-	-	-	-

IMPORTS OF SELECTED MINERALS BY QUANTITY AND VALUE										
IMPORTS COUNTRY/ITEM	2005		2006		2007		2008		2009	
	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR	QUANTITY	US DOLLAR
DIAMOND, DIAMOND DUST AND DIAMOND POWDER	1,794	19,586	3,194	11,429	1,221	4,294	2,572	11,969	33,469	80,423
AUSTRALIA	-	-	-	-	-	-	-	-	-	-
AUSTRIA	-	-	2	615	-	-	6	164	-	-
BELGIUM	-	-	-	-	100	91	115	1,142	28,003	64,793
CHINA	-	-	50	1,859	-	-	-	-	-	-
FRANCE	-	-	-	-	-	-	-	-	-	-
GERMANY, FEDERAL REPUBLIC OF	-	-	-	-	-	-	-	-	-	-
HONGKONG	-	-	-	-	-	-	-	-	-	-
HUNGARY	-	-	-	-	-	-	-	-	-	-
INDIA	85	804	46	417	500	391	209	1,200	38	440
ITALY	289	12,261	806	618	-	-	4	5,670	43	2,526
JAPAN	-	-	-	-	-	-	-	-	450	195
KENYA	400	1,086	5	9	-	-	-	-	-	-
KOREA, REPUBLIC OF	-	-	-	-	60	258	76	670	695	2,559
LICHTENSTEIN	-	-	-	-	-	-	-	-	-	-
MALAYSIA	-	-	-	-	-	-	-	-	-	-
POLAND	-	-	-	-	-	-	-	-	-	-
SOUTH AFRICA	-	-	0	5	-	-	3	532	2,734	3,107
SWEDEN	-	-	-	-	-	-	25	965	100	2,045
SWITZERLAND	-	-	-	-	-	-	-	-	240	2,399
THAILAND	-	-	-	-	-	-	-	-	-	-
TURKEY	-	-	-	-	-	-	-	-	-	-
UNITED ARAB EMIRATES	1,020	5,435	2,285	7,906	550	1,811	2,102	1,162	1,117	927
UNITED KINGDOM	-	-	-	-	11	1,742	-	-	50	1,433
UNITED STATES	-	-	-	-	-	-	32	423	-	-
IMPORTS	1,794	19,586	3,194	11,429	1,221	4,294	2,572	11,969	33,469	80,423
GOLD AND GOLD COMPOUNDS	0	2,493	0	0	0	1,407	1	8,158	-	-
BELGIUM	-	-	-	-	-	-	-	-	-	-
CHINA	-	-	-	-	-	-	-	-	-	-
CONGO BR	-	-	-	-	-	-	0	7,700	-	-
D.R.CONGO	-	-	-	-	-	-	-	-	-	-
GERMANY, FEDERAL REPUBLIC OF	-	-	-	-	-	-	-	-	-	-
HONGKONG	-	-	-	-	0	783	-	-	-	-
INDIA	-	-	-	-	-	-	-	-	-	-
ISREAL	-	-	-	-	-	-	-	-	-	-
ITALY	-	-	-	-	-	-	-	-	-	-
KENYA	-	-	-	-	-	-	-	-	-	-
KOREA, REPUBLIC OF	-	-	-	-	0	624	-	-	-	-
SOUTH AFRICA	-	-	-	-	-	-	1	458	-	-
TANZANIA	-	-	-	-	-	-	-	-	-	-
THAILAND	-	-	-	-	-	-	-	-	-	-
TURKEY	-	-	-	-	-	-	-	-	-	-
UNITED ARAB EMIRATES	-	-	-	-	-	-	-	-	-	-
UNITED KINGDOM	0	2,493	-	-	-	-	-	-	-	-
UNITED STATES	-	-	-	-	-	-	-	-	-	-
IMPORTS	0	2,493	0	0	0	1,407	1	8,158	-	-
NIOBIMUM	108	4565.49	36000	9338	108	4565.49	36000	9338	108	4565.49
CHINA	-	-	-	-	-	-	-	-	-	-
D.R.CONGO	-	-	-	-	-	-	-	-	-	-
INDIA	-	-	-	-	-	-	-	-	-	-
KENYA	-	-	-	-	-	-	-	-	-	-
SOUTH AFRICA	-	-	-	-	-	-	-	-	-	-
THAILAND	-	-	-	-	-	-	-	-	-	-
IMPORTS	108	4565.49	36000	9338	108	4565.49	36000	9338	108	4565.49
TANTALUM	-	-	-	-	-	-	-	-	-	-
INDIA	-	-	-	-	-	-	-	-	-	-
KENYA	-	-	-	-	-	-	-	-	-	-



Annex 40

Uganda Bureau of Statistics, *Exports and Imports (1981-2016)*

UGANDA BUREAU OF STATISTICS
EXPORTS AND IMPORTS 1981-2016 (EXCERPTS)

Available at <http://www.ubos.org/statistics/macro-economic/trade-2/>

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
COMMODITY																												
Formal commodity Exports value (US\$ Million) 1990 - 2016																												
TRADITIONAL EXPORT CROPS																												
01 Coffee	1404	1176	954	1068	343.3	382.9	410.4	309.4	295.7	288.0	125.3	97.7	96.6	109.2	124.2	172.9	189.8	265.9	403.2	280.2	283.9	465.7	372.2	423.4	410.1	402.6	371.7	
02 Cotton	58	117	8.2	55	3.5	9.7	17.0	29.6	7.6	18.4	22.1	15.5	9.5	17.7	38.9	28.8	20.5	19.6	13.2	27.7	19.9	86.0	74.9	31.7	21.9	208	31.6	
03 Tea	3.6	68	7.7	11.1	11.8	8.7	17.8	33.1	28.2	25.4	37.0	30.0	31.3	38.3	37.3	34.3	50.9	47.6	47.2	59.8	68.3	72.1	73.9	85.6	84.7	703	71.5	
04 Tobacco	2.9	4.5	4.2	7.0	8.3	9.6	4.7	12.7	22.3	19.9	27.1	32.4	45.3	43.2	41.1	31.7	27.7	67.2	69.1	62.4	68.7	54.0	69.7	120.2	66.0	72.9	64.1	
COMMI																												
NON-TRADITIONAL EXPORTS																												
05 Live Animals	0.1	-	-	0.3	0.2	0.1	0.1	0.0	0.1	0.1	0.0	0.2	0.1	0.1	0.1	0.1	0.0	1.7	2.1	4.2	4.0	1.7	1.7	2.8	2.0	2.0	1.3	
06 Fish and Fish Products	1.4	5.3	6.5	8.9	10.4	32.7	47.2	30.3	42.0	24.9	30.8	78.2	87.9	88.3	103.3	142.7	146.8	135.5	128.7	111.2	127.7	136.2	138.3	126.7	134.8	117.6	131.5	
07 Flowers	-	-	-	0.2	0.5	2.7	2.8	3.5	6.7	7.3	9.9	34.8	17.8	24.4	26.4	24.1	21.0	22.8	28.8	26.3	22.3	21.5	26.8	28.7	28.7	23.2	24.6	
08 Beans and Other Legumes	4.2	4.3	2.8	12.6	12.9	16.2	16.0	12.0	6.3	8.9	4.5	2.4	3.3	5.2	8.2	8.9	8.2	10.3	18.0	14.7	10.2	20.4	14.2	20.6	26.2	63.2	50.5	
09 Bananas	-	0.2	0.2	0.7	0.5	0.9	0.1	0.3	0.5	1.0	0.7	0.2	0.1	0.1	0.9	0.8	0.1	0.4	0.2	0.1	0.1	0.3	0.5	0.2	0.6	0.9	1.0	
10 Fruits	-	-	-	0.3	0.2	0.5	0.1	0.4	0.2	0.1	0.8	0.5	0.7	0.4	0.9	1.2	1.2	2.0	5.3	0.9	0.7	1.4	1.2	1.5	2.1	3.2	4.5	
11 Pepper	-	0.2	0.2	0.4	0.4	0.1	0.1	0.1	0.1	0.7	0.4	0.4	0.1	0.2	0.4	0.6	0.2	0.3	0.6	0.6	0.5	1.2	2.1	1.7	0.6	0.9	3.6	
12 Maize	3.3	4.2	3.9	23.3	28.7	23.1	17.9	15.1	12.2	5.3	1.5	18.2	10.4	13.5	17.4	21.3	24.1	23.8	18.2	29.1	38.2	26.8	56.9	42.3	43.6	91.1	70.3	
13 Groundnuts	-	0.1	0.0	0.3	0.4	0.4	0.0	0.0	0.1	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1	0.4	0.1	0.2	0.5	1.7	0.8	5.2	1.5	
14 Sesame Seeds	5.2	10.5	6.5	2.8	1.5	6.0	9.6	1.4	0.0	1.4	0.0	0.8	0.5	2.1	2.8	4.8	4.6	5.5	15.9	13.4	12.9	17.3	11.7	28.5	59.2	50.7	14.6	
15 Cocoa Beans	0.5	0.4	0.1	0.7	0.6	0.5	1.1	1.3	1.5	1.2	1.9	2.0	7.0	6.8	9.6	10.0	15.9	22.8	27.8	35.1	44.5	38.4	54.8	59.4	54.8	56.7	75.0	
16 Electric Current	1.2	0.9	1.5	0.7	2.2	2.4	4.2	-	-	13.2	18.6	10.6	15.6	13.8	12.1	4.9	4.9	8.7	10.9	13.2	12.5	16.3	16.4	17.2	34.2	17.0	21.3	
17 Soap	-	-	-	1.3	1.7	3.0	2.3	2.3	1.7	2.0	2.3	3.2	4.0	10.2	14.5	7.3	6.4	16.7	20.9	17.1	18.8	26.2	33.3	32.6	32.1	26.6	25.2	
18 Hides and Skins	6.1	4.3	4.0	5.8	10.9	10.2	7.8	10.5	6.0	4.5	14.1	25.5	9.8	4.9	5.4	7.1	8.0	18.1	12.5	6.0	17.1	33.1	41.6	64.4	73.8	63.0	51.4	
19 Gold and Gold Compounds	-	9.6	0.0	0.1	0.2	28.8	51.5	77.3	21.0	33.5	43.3	63.1	61.0	36.4	61.2	73.1	127.6	65.8	50.7	23.1	30.1	68	9.2	3.1	0.2	35.6	39.5	
20 Hoes and Hand Tools	0.1	0.4	0.5	0.4	1.0	2.0	1.0	0.3	0.3	0.2	0.6	0.6	0.7	1.3	0.7	1.2	0.5	1.1	0.6	0.8	0.5	0.3	2.3	0.4	1.3	0.4	0.3	
21 Cobalt	-	-	-	-	-	-	-	-	-	-	11.0	12.7	7.0	-	11.5	15.9	18.1	17.3	21.7	24.1	18.1	17.6	14.2	10.1	-	-	-	
22 Petroleum Products	-	-	-	-	-	0.5	0.1	0.0	0.1	1.1	9.7	12.3	10.8	28.1	28.1	32.0	36.4	38.6	48.2	99.3	72.4	104.4	136.7	131.9	144.9	125.4	114.1	
23 Other Precious Metals	-	-	-	-	-	0.6	0.1	1.7	16.5	2.9	0.0	1.4	0.0	0.0	0.0	0.0	0.1	0.0	0.5	0.2	0.4	0.4	0.4	0.4	0.4	0.1	0.0	
24 Vanilla	-	-	-	0.3	0.7	0.0	0.8	-	1.3	0.1	1.0	2.4	6.9	11.2	6.1	6.1	4.8	6.3	3.0	4.9	4.4	3.0	2.4	2.7	2.7	3.4	3.2	
25 Soyab beans	-	0.5	-	2.1	0.8	1.8	2.9	0.3	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.1	0.6	1.3	1.5	1.1	0.3	0.9	1.2	0.9	0.9	2.4	7.1	
26 Sesquim	-	-	-	-	-	-	-	-	-	0.0	0.0	0.3	0.1	0.0	0.0	0.1	0.2	0.1	0.0	4.0	1.8	1.4	0.3	3.8	35.6	35.2	36.2	55.2
27 Plastic Products	-	-	-	-	-	1.2	1.6	3.8	1.3	0.8	2.6	1.9	1.6	1.7	4.9	3.9	5.5	9.7	13.1	10.2	10.1	18.5	26.7	30.0	38.0	35.0	27.2	
28 Animal/Veg Fat & Oils	-	-	-	-	-	0.7	1.2	3.4	1.6	1.5	3.7	3.3	2.8	4.7	6.8	10.0	17.1	62.8	46.1	49.5	55.2	101.1	104.0	102.3	79.0	62.1		
29 Sugar & Sugar Confectionary	-	-	-	-	-	0.4	0.2	0.9	25.4	1.6	0.8	1.7	0.6	0.6	1.8	6.8	11.8	33.5	39.6	45.2	60.2	81.9	127.7	85.3	68.9	65.7	100.3	
30 Iron and Steel	-	-	-	-	-	2.7	14.2	3.2	0.6	0.9	1.3	2.2	3.0	7.3	13.5	24.7	25.5	40.5	64.4	55.8	52.7	75.5	83.2	94.3	93.1	86.6	70.8	
31 Cement	-	-	-	-	-	0.0	6.1	0.6	3.8	0.0	0.1	0.4	0.9	1.8	1.8	3.0	5.8	19.1	77.5	82.8	71.4	94.0	106.9	102.9	89.1	80.0	60.9	
32 Beer	-	-	-	-	-	0.1	0.0	0.3	0.3	0.7	0.7	1.7	2.0	1.9	1.9	5.8	8.8	23.0	40.0	30.2	20.9	23.3	25.3	23.7	13.3	10.0	11.0	
33 Telephones for Cellular	-	-	-	-	-	-	-	-	-	0.0	0.2	0.1	0.2	0.2	0.2	8.4	0.0	40.7	69.2	58.8	76.7	135.1	143.6	43.9	3.6	15.1	1.2	
34 Rice	-	-	-	-	-	0.2	0.1	0.5	0.4	0.1	0.5	0.7	0.2	0.5	2.0	3.7	4.3	6.9	10.4	16.7	16.5	18.4	38.9	37.0	28.7	24.2	20.3	
35 Mineral Water	-	-	-	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.1	0.1	0.4	0.6	1.7	6.1	8.9	7.5	7.4	5.5	22.9	26.2	20.0	13.5	18.1	
36 Vegetables	-	-	-	-	-	0.4	10.3	1.3	2.9	0.0	0.5	0.4	1.6	2.0	1.9	1.2	3.3	3.2	4.4	5.1	4.3	3.5	8.3	11.7	14.7	14.1	16.8	
37 Other products	2.8	2.4	4.8	10.3	19.1	26.8	60.5	39.4	30.3	23.1	32.0	33.2	37.4	78.3	97.4	115.3	179.9	308.5	402.5	360.2	377.7	451.8	531.9	585.9	528.0	583.5		
Re-Exports	12.4	11.7	24.6	21.3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Traditional export crops	1527	1407	1155	1304	365.8	410.9	489.9	384.7	353.7	351.6	211.6	173.6	182.7	199.5	241.5	267.8	268.8	400.3	532.7	425.1	440.7	678.8	590.7	662.9	582.7	566.6	538.8	
Non-traditional exports	374	553	56.8	92.1	93.1	165.6	260.8	269.9	483.0	137.2	194.1	282.1	289.5	346.4	438.8	545.1	673.4	396.4	1,191.6	1,142.5	1,177.9	1,480.3	1,786.8	1,749.8	1,679.2	1,700.4	1,943.5	
TOTAL	1901	1950	1714	2226	458.9	576.6	710.8	594.6	536.7	488.8	405.7	457.2	472.2	545.9	681.3	812.9	962.2	1,336.7	1,734.3	1,567.6	1,618.6	2,159.1	2,357.5	2,407.7	2,282.0	2,482.3		

Annex 41

République du Zaïre, Ministère du Plan et Reconstruction Nationale, *Enquête Nationale sur la Situation des Enfants et des Femmes au Zaïre en 1995, Rapport Final* (Feb. 1996)

ENQUETE NATIONALE SUR LA SITUATION DES ENFANTS ET DES FEMMES AU ZAIRE EN 1995

RÉPUBLIQUE DU ZAÏRE



Ministère du Plan
et Reconstruction Nationale

UNICEF



PNUD



OMS



ENQUETE NATIONALE SUR LA SITUATION DES
ENFANTS ET DES FEMMES AU ZAIRE EN 1995

RAPPORT FINAL

KINSHASA

Février 1996

AVANT-PROPOS

Nous sommes très heureux de présenter le rapport final de l'Enquête sur la Situation des Enfants et des Femmes au Zaïre en 1995 (ENSEF-ZAIRE/1995). Ce type d'enquête est le premier d'envergure nationale que ce pays ait organisé depuis l'indépendance. L'enquête aura servi à évaluer les progrès réalisés à mi-parcours par rapport aux objectifs visés dans le cadre de la Décennie du couple Mère-Enfant prévue entre 1990 et l'An 2000. En effet, pour atteindre ces objectifs, un Plan National d'Action avait été élaboré en 1992 entre le Zaïre et ses partenaires.

Les principales contributions pour la réalisation de l'enquête sont venues :

- du **ZAIRE** qui a fourni l'essentiel des personnes-ressources;
- de l'**UNICEF** qui a apporté un appui technique significatif et l'essentiel des ressources financières;
- du **PNUD** et de l'**OMS** dont les contributions respectives ont été substantielles.

Cette enquête a été réalisée dans des conditions sociales, budgétaires et logistiques difficiles. Malgré les difficultés, les résultats obtenus sont très satisfaisants. C'est pourquoi, nous remercions tous les membres du Comité Technique, les Enquêteurs, les Agents de saisie, bref tout le personnel qui a oeuvré à la réalisation de cette enquête. Leur travail est d'une grande contribution au développement de ce pays qui leur en saura gré.

Au-delà des résultats qu'elle fournit, cette enquête est d'abord une preuve manifeste qu'en dépit des difficultés conjoncturelles, la coopération entre le Zaïre et ses partenaires extérieurs peut être fructueuse si l'on fait montre d'une volonté suffisante de part et d'autre et si l'on conçoit des mécanismes conséquents.

Ensuite, cette enquête permet de donner une situation quantifiée de l'impact de la crise socio-économique du Zaïre sur le bien-être du couple Mère-Enfant. Grâce à cette opération, le Zaïre et ses différents partenaires viennent d'obtenir des données qu'ils peuvent dès lors utiliser pour concevoir et programmer des actions en faveur des enfants et des femmes. Il est recommandé que ces données, collectées avec tant d'efforts, soient exploitées et analysées en profondeur et que les résultats soient suffisamment vulgarisés et disséminés.

Puisse ce rapport contribuer de manière effective à une planification conséquente des secteurs sociaux pour le développement harmonieux du Zaïre.

Fait à Kinshasa, le 06 février 1996.


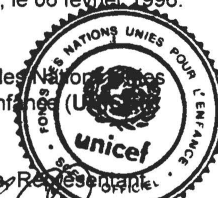
Pour le Gouvernement de
la République du Zaïre

Mr Gilbert Kiakwana kia Kiziki
Ministre du Plan et Reconstruction Nationale



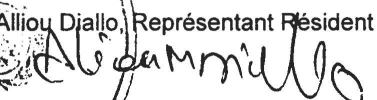
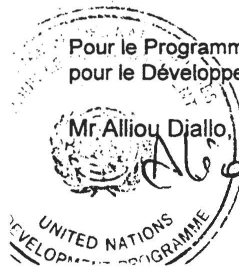
Pour le Fonds des Nations Unies
pour l'Enfance (UNICEF)

Mr Steven Allen, Représentant

Pour le Programme des Nations Unies
pour le Développement (PNUD)

Mr Alliou Diallo, Représentant Résident

Pour l'Organisation Mondiale
de la Santé (OMS)

Dr Abdoulaye, Représentant




c. Environnement socio-économique

*Situation générale*¹

Le Zaïre connaît depuis 1990 une situation socio-économique très préoccupante. Son produit intérieur brut (PIB) marque un net recul en enregistrant une croissance moyenne négative tournant autour de -10% alors que sa population s'accroît de 3,1 % l'an. En plus, le pouvoir d'achat de la population s'est fortement dégradé à cause d'une hyperinflation qui a atteint 8828 % en 1993. La monnaie nationale, le zaïre-monnaie, a connu une forte dépréciation car son taux de change pour 1 \$ US est passé de 3 NZ en 1993 à 15.000 NZ en décembre 1995.

Par ailleurs, le budget de l'Etat pendant les quatre derniers exercices atteint à peine 500 millions de \$ US annuellement. Il s'exécute difficilement parce que d'une part les recettes escomptées ne se réalisent pas et, d'autre part, l'Etat fait face au service de la dette dont le poids est élevé. S'agissant de la dette, il convient de rappeler que son montant s'évaluerait à 10 milliards de \$ US, alors que le P.I.B. n'est estimé qu'à 5,5 milliards de \$US.

En outre, le revenu réel par habitant a périclité, passant de près de 350 \$ US en 1959, à 240 \$ US en 1981 et à 100 \$ US en 1995. La répartition du revenu indique de fortes disparités sociales et régionales. Ainsi 5% de la population détiendraient 50% du revenu national². Par ailleurs, deux régions, à savoir Kinshasa et le Shaba, représentant ensemble 25 % de la population du Zaïre, concentrent à elles seules (du moins jusqu'en 1990) 52% du revenu national.

Cette situation économique défavorable a négativement influé sur les différentes infrastructures tant économiques que sociales. Ainsi depuis 1992, les crédits prévus à chaque exercice au titre du budget d'investissement en faveur des secteurs sociaux (santé, éducation, etc.) sont rarement débloqués. Et quand ils le sont, ces crédits sont libérés si tardivement qu'ils ne représentent presque plus rien du fait de l'hyperinflation. En définitive, l'environnement socio-économique du Zaïre actuel se caractérise par une quasi absence d'investissements et par d'énormes difficultés d'accès aux soins de santé, à l'éducation, à l'eau potable, à l'assainissement., etc.

Face à ces difficultés, les populations ont développé des stratégies de survie qui ont entraîné des mutations sociales. Parmi celles-ci, on peut épingler d'une part l'éclosion du secteur informel, certes dynamique, mais qui a le défaut d'échapper au fisc et au circuit

¹ Les principaux indicateurs macro-économiques présentés ici proviennent des publications de la Banque du Zaïre ci-après :- Rapport Annuel, 1993
- Condensé Statistique, janvier 1996.

² Ministère du Plan, 1995, Rapport National sur le Développement Social, Document présenté au Sommet Mondial sur le Développement Social à Copenhague, mars 1995.

bancaire et, d'autre part l'accroissement de la violence et de la délinquance juvénile, l'effritement de la solidarité familiale, etc.

Les facteurs explicatifs de la crise socio-économique du Zaïre

Les facteurs expliquant la dégradation socio-économique actuelle du Zaïre sont anciens et nombreux. Ils datent des lendemains de l'indépendance du pays en 1960 et ont évolué pernicieusement, se consolidant à cause d'une gestion économique peu efficace. A partir de 1990, ces facteurs sont entrés en synergie avec les problèmes liés à l'ajustement politique.

D'une façon globale, les facteurs qui ont influé sur la situation socio-économique du Zaïre sont à la fois endogènes et exogènes. Parmi les facteurs endogènes, on doit épingler comme premier facteur la transformation défavorable des structures de production qui, à partir de 1960, ont privilégié le secteur tertiaire au détriment du secteur secondaire. Ensuite, la production réelle était focalisée sur le cuivre qui absorbait l'essentiel des investissements à tel point que ce seul produit apportait au pays 80% des recettes en devises et ce jusqu'en 1990, liant ainsi la viabilité de toute une économie à l'évolution des cours internationaux de ce métal ¹.

Un deuxième facteur endogène est le déclin du secteur agricole qui a exacerbé la dépendance extérieure non seulement en ce qui concerne les produits finis industriels mais aussi pour les produits agricoles qui, pourtant pouvaient être largement fournis sur place. En conséquence, l'économie a fini par manifester un besoin énorme et permanent des devises étrangères, seules capables de financer les importations et les achats locaux importants, la monnaie nationale étant non convertible et se dépréciant régulièrement. Un autre facteur endogène de la crise socio-économique actuelle est la gestion économique peu rigoureuse. Celle-ci se caractérise par :

- une quasi absence de planification devant permettre de prévoir et contourner les effets pervers de la crise économique ²;
- une insuffisance de crédits budgétaires en faveur des secteurs productifs et sociaux;
- un désordre monétaire et financier se traduisant par la présence dans le pays de plusieurs "zones monétaires" (zone "ancien zaïre" dans les deux Kasai, zone "devises" dans les localités frontalières, zone "nouveau zaïre" dans le reste du pays) ³. La Banque Centrale ne contrôle pas les zones "ancien zaïre" et "devises". Même dans la zone "nouveau zaïre" que la Banque Centrale gère et contrôle, on a observé des aberrations monétaires telle que l'injection frauduleuse des billets de banque.

¹ J. Vanderlinden, op. cit.

² - Ministère du Plan, Premier plan quinquennal 1986-1990.
- MANDIANGU NDOMBASI, 1989, Eléments de base de planification, Ministère du Plan.
- MASALA LOKA, 1992, Expérience zaïroise en matière de planification, BEP, Ministère du Plan.

³ La réforme monétaire du 22 octobre 1993 a conduit au remplacement du zaïre (ancien zaïre) par le nouveau Zaïre (NZ) selon la parité suivante: 1 \$ US = 3 NZ = 9.000.000 zaires.

Ainsi, par exemple, la mortalité infantile se situe autour de 148 ‰ au Zaïre. En milieu urbain, elle est de 101 ‰ tandis qu'elle est de 161 ‰ en milieu rural. La différence est importante en raison de la disparité entre les deux milieux en matière d'accès au système et à l'information sanitaires et en matière d'infrastructures sanitaires notamment. Il en est de même de la mortalité des enfants de moins de 5 ans (mortalité infanto-juvénile). Elle est de 146 ‰ en milieu urbain et de 241 ‰ en milieu rural, alors que la moyenne nationale est de 220 ‰. L'espérance de vie à la naissance est de 45,4 ans pour l'ensemble du Zaïre, 53,8 en milieu urbain et 43,2 ans en milieu rural. Comme indiqué plus haut, ces résultats constituent des ordres de grandeur et l'absence de détermination de ces indicateurs par sexe n'a pas fourni des résultats satisfaisants.

3. Evolution des indicateurs de mortalité

Une comparaison utile peut être faite avec les données du Recensement démographique effectué au Zaïre en 1984, étant donné que les mêmes méthodes ont été utilisées.

T.4.18. : Indicateurs de mortalité (en pour mille) en 1984 et 1995

INDICATEUR	1984	1995
Mortalité infantile (${}_1q_0$)	137	148
Mortalité infanto-juvénile (${}_5q_0$)	213	220
Espérance de vie à la naissance (e_0)	47,0	45,4

Le rapprochement des indicateurs disponibles aux deux périodes montre que globalement la mortalité générale et la mortalité des enfants semblent avoir augmenté entre 1984 et 1995, au moment où la situation socio-économique de la population du Zaïre dans l'ensemble et surtout dans les populations rurales continue à se détériorer.

Conclusion

L'Enquête Nationale sur la Situation des Enfants et des Femmes au Zaïre en 1995 (ENSEF-FEM/1995) a, au-delà des objectifs définis pour la mi-décennie en matière démographique, fourni des indications sur la structure de la population selon le sexe, l'âge de la population et l'état matrimonial, et estimé les principaux indicateurs de nuptialité, de fécondité et de mortalité.

Il ressort de l'analyse des données recueillies les principaux résultats suivants : concernant la structure par sexe et par âge

Il y a plus de femmes (51,5 %) que d'hommes (48,5 %) au Zaïre, soit un rapport de masculinité de 94 hommes pour 100 femmes;

La population du Zaïre est très jeune : 19 % ont moins de 5 ans et 58,9 % ont moins de 20 ans. La jeunesse de la population est plus marquée en milieu rural où 59,2 % ont moins de 20 ans contre 58,3% en milieu urbain. Par contre, la population potentiellement active (15-59 ans) est moins importante en milieu rural (47 %) qu'en milieu urbain (50 %).

L'analyse de l'évolution de la structure par sexe et par âge montre non seulement un rajeunissement de la population, mais aussi une prépondérance de plus en plus grande de la population féminine en milieu urbain, en particulier à Kinshasa.

2. Concernant l'état matrimonial

- Il y a une forte proportion de femmes en âge de procréation (15-49 ans) vivant en un couple conjugal (63,8 %).
- La proportion des célibataires hommes (38,1 %) est plus élevée que celle des célibataires femmes (23,7 %), tandis que celle des femmes désunies (14,4 %) est plus importante que celle des hommes de cet état (3,4 %).
- Les âges moyens au premier mariage qui sont respectivement de 26,4 ans chez les hommes et 21,5 ans chez les femmes, accusent une tendance à la hausse.

3. Concernant la fécondité

- Le nombre moyen d'enfants par femme est élevé et se situe autour de 7 enfants.
- Il n'y a pas de différence sensible entre le milieu urbain et le milieu rural.
- L'âge moyen à la procréation, qui est de 28,2 ans pour l'ensemble du pays (29,3 ans en milieu urbain et 27,5 ans en milieu rural), a tendance à augmenter.
- On observe un recul de l'âge au mariage des femmes et une augmentation de l'âge à la procréation, mais la fécondité ne baisse pas; elle a tendance à stagner sinon à augmenter.

4. Concernant la mortalité

- Près de 148 enfants sur 1000 meurent avant d'atteindre 1 an; 101 en milieu urbain et 148 en milieu rural.
- Environ 220 enfants sur 1000 meurent avant d'atteindre 5 ans; 146 en milieu urbain et 220 en milieu rural.
- L'espérance de vie à la naissance est faible : 45,4 ans pour l'ensemble du pays, 53,8 ans en milieu urbain et 43,2 ans en milieu rural.
- La mortalité infantile semble avoir augmenté entre 1984 et 1995, passant de 137 à 148‰.

Les résultats qui viennent d'être présentés démontrent, si besoin en était, que la situation démographique du Zaïre relative à la structure par sexe et par âge, la fécondité et la mortalité reste préoccupante. Des mesures énergiques devraient être prises pour son amélioration.

Annex 42

République Démocratique du Congo, *Document de la Stratégie de Croissance et de Réduction de la Pauvreté, Deuxième Génération, 2011-2015, Vol. I* (Oct. 2011)

RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

DOCUMENT DE LA STRATÉGIE DE CROISSANCE ET DE RÉDUCTION DE LA PAUVRETÉ

DEUXIÈME GÉNÉRATION

DSCR2
2011 - 2015

VOLUME 1

OCTOBRE 2011



16. Le **secteur privé** congolais, dominé par la présence des petites et moyennes entreprises (PME), souffre d'importantes contraintes de financement relevant aussi bien des entreprises que du système bancaire et du pouvoir public.

Pauvreté en RDC

17. En RDC, sept ménages sur dix sont pauvres avec une disparité entre milieu rural - où environ huit ménages sur dix sont pauvres - et milieu urbain - où moins de sept ménages sur dix sont pauvres - L'alimentation représente 62,3% des dépenses totales des ménages congolais. Cette structure de la dépense du ménage congolais révèle que toute inflation affectant les produits alimentaires diminuerait leurs revenus réels, augmentant, toute chose restant égale par ailleurs le nombre de pauvres et de vulnérables.
18. Suivant, la structure des dépenses des ménages congolais, un ménage représentatif pauvre de la RDC, mettra en moyenne au minimum 3,5 ans pour sortir de sa situation de pauvreté s'il enregistre un accroissement annuel moyen de 20% de ses dépenses, toute chose restant égale par ailleurs. Il en mettra en moyenne 70 ans si l'accroissement annuel de ses dépenses n'est que de 1% et 23 ans quand il ne sera que de 3%.
19. En somme, la pauvreté des ménages congolais augmente proportionnellement avec leur taille (milieu rural et milieu urbain). Le niveau d'instruction du chef du ménage influence la vulnérabilité à la pauvreté, les ménages dont le chef n'a aucun niveau d'instruction étant, en général, les plus pauvres.
20. Il importe de préciser que cette analyse du profil de pauvreté faite dans ce document est basée sur les données de l'enquête 1-2-3 de 2005, en absence de nouvelles enquêtes.

OMD 2015 ou 2020

21. Le Gouvernement de la RDC s'est engagé depuis 2008 dans l'élaboration d'une stratégie visant à faire un passage à l'échelle pour réduire les écarts en matière d'atteinte des OMD. A cet effet, il a élaboré et validé en décembre 2008 un plan national pour la réalisation des OMD, intitulé "Document de plaidoyer pour la mobilisation des ressources en faveur des OMD". Cet instrument de plaidoyer a révélé l'impossibilité pour la RDC d'atteindre les cibles des OMD dans un cadre macroéconomique stable et assaini en 2015 et la nécessité pour le pays de reporter l'atteinte desdites cibles en 2020 mais avec un ferme engagement de les atteindre en 2015 si le contexte socio-économique le favorisait.
22. Pour y parvenir, le Gouvernement a mis en œuvre diverses politiques économiques et sociales dans le contexte de gouvernance ci-dessus décrite qui ont permis de réaliser, en substance, les progrès ci-après : les résultats de l'enquête MICS 2010 indiquent que de réelles chances sont observées pour la réalisation en 2015 de certaines cibles à travers les efforts réalisés en matière de lutte contre le VIH/Sida (objectif 6, Cible 6A) et d'autonomisation des femmes (objectif 3, Cible 3A). Pour les objectifs liés à la lutte contre la pauvreté (objectif 1, cible 1C), à l'éducation pour tous d'ici 2015 (objectif 2, cible 2A), la santé infantile (objectif 4, cible 4A), la lutte contre le paludisme (objectif 6, cible C) et l'assainissement (objectif 7, cible 7C) aucun réel progrès n'est observé. Enfin, les progrès sont mitigés en matière de santé maternelle (objectif 5, cible 5A), et d'accès à l'eau potable (objectif 7, cible 7C).

Principaux défis à relever pour prochain quinquennat

23. La volonté affichée du Gouvernement d'atteindre les objectifs (global et spécifiques) de la réduction de la pauvreté pour le prochain quinquennat dépendra de la capacité des acteurs nationaux du développement, avec l'appui des Partenaires techniques et Financiers à relever les principaux défis suivants : (i) la maîtrise de la démographie ; (ii) la relance d'une croissance à deux chiffres à travers le renforcement de la dynamique de reconstruction et de réhabilitation des infrastructures socioéconomiques de base, notamment en milieu rural et la relance de l'agriculture ; cette croissance s'accompagnera d'une vraie politique de redistribution ; (iii) l'amélioration de la sécurisation de l'intégrité du territoire et la consolidation de la paix et de la démocratie ; (iv) l'amélioration de la gouvernance financière et économique pour une plus grande

du volume total d'exportation. S'agissant du deuxième objectif le Gouvernement compte privilégier la formation et sensibilisation des agriculteurs sur les normes (y compris sur la conservation et le conditionnement et création des labels). En ce qui concerne le troisième objectif, les filières d'exportation non-traditionnelles (bétail, fruits & légumes,) offrent des opportunités importantes mais sont à l'heure actuelle dans l'incapacité d'engager les investissements en formation, logistique, et équipements nécessaires à une stratégie d'exportation dynamique. A cet égard, le Gouvernement entend assurer un appui sous forme de mesures transversales et sectorielles. Les mesures de promotion des exportations transversales, c'est-à-dire affectant tous les secteurs, sont de trois ordres : réglementaires, programmatiques, et institutionnelles. Il en est de même de l'amélioration de climats des affaires. En ce qui concerne le quatrième objectif le Gouvernement s'engage à assurer : (i) l'accréditation et mise aux normes des laboratoires de certification ; (ii) l'adhésion à la convention internationale pour la protection des végétaux (CIPV), (iii) la mise en place d'un nouveau cadre réglementaire phytosanitaire et zoo sanitaire ;(v) la mise en place du comité national SPS, la mise en place d'un point focal d'information sur les mesures SPS ;(vi) l'appui à la qualité des produits ; et (vii) la mise en place d'un point d'information et Notification de normes industrielles existantes.

237. Dans le cadre de l'Accord Général sur le Commerce des Services (AGCS), le Gouvernement a pris des engagements dans un certain nombre de branches de services, à savoir (i) les services de constructions et d'ingénierie connexes ; (ii) les services de communication, les services fournis aux entreprises ; (iii) les services d'éducation, les services relatifs au tourisme et aux voyages ; (iv) les services récréatifs, culturels et sportifs. Certaines de ces branches font l'objet d'une ouverture quasi-totale, tandis que d'autres ne le sont que partiellement. L'extension des engagements multilatéraux de la RDC à toutes les catégories de services déjà libéralisées doit renforcer la crédibilité des réformes réalisées, améliorer la prévisibilité et la transparence des régimes concernés, et contribuer à attirer les capitaux dont le pays a besoin pour la mise en œuvre de son immense potentialité.

2.4.5. Promouvoir l'emploi

238. La question de l'emploi constitue, une préoccupation majeure de la stratégie de croissance et de réduction de la pauvreté en RDC. L'enquête 1-2-3 de 2005 montre que la plus part des pauvres sont au chômage ou en situation de sous-emploi. Par ailleurs, on déplore le nombre élevé d'enfants travailleurs et un taux élevé de chômage qui frappe la tranche de la population de 15-35 ans.

239. La vision du Gouvernement est d'assurer le plein emploi et la possibilité pour tous, y compris les femmes et les jeunes, de trouver un emploi décent et productif. A cet effet, l'orientation du Gouvernement congolais est de baser sa politique de l'emploi sur la réalisation des Objectifs du Millénaire pour le Développement (OMD) et la promotion du secteur privé via l'amélioration de l'environnement des affaires et des investissements publics, notamment les infrastructures. Cette stratégie induira la création d'emplois directs et indirects en quantité et en qualité.

240. Pour y parvenir, les actions du Gouvernements'articulent autour de quatre axes stratégiques : (i) placer l'emploi au centre des préoccupations macro-sectorielles ; (ii) accroître l'offre d'emploi décent et développer le secteur privé ; (iii) améliorer l'employabilité des populations ciblées et la formation professionnelle et ; (iv) organiser le système d'information et améliorer le fonctionnement du marché du travail.

241. **Placer l'emploi au centre des préoccupations macro-sectorielles.** A cet effet, quatre priorités ont été retenues : (i) l'accroissement du niveau des investissements publics dans les projets et programmes à Haute Intensité de Main d'œuvre (HIMO) ; (ii) la facilitation de l'accès aux avantages du code des investissements publics aux projets d'investissement privés créateurs d'emplois ; (iii) l'intégration d'un poids significatif au critère « emploi » dans l'octroi des marchés publics et ; (iv) le renforcement de la Cellule de Promotion de l'Emploi dans les Investissements Publics (CPEI).

242. **Accroître l'offre d'emplois décents et développer le secteur privé.** Pour y parvenir, le Gouvernement a défini les priorités pour les cinq prochaines années à savoir : (i) la levée

Annex 43

Songo Mboyo (MP et PC c. Bokila et consorts), RP 084/2005 (Tribunal Militaire de Garnison de Mbandaka, 12 Apr. 2006)

JUGEMENT ET NOTES D'OBSERVATION

JUGEMENT

REPUBLIQUE DEMOCRATIQUE DU CONGO RMP154/PEN/SHOF/05

MINISTERE DE LA DEFENSE NATIONALE
RP 084/2005
 JUSTICE MILITAIRE
 TRIBUNAL MILITAIRE DE GARNISON
MBANDAKA

PRO-JUSTICIA

JUGEMENT

Au Nom du Peuple Congolais

(Art.149 de la Constitution de la République Démocratique du Congo)

Le Tribunal Militaire de Garnison de Mbandaka, statuant au premier degré en matière répressive a rendu et prononcé en son audience publique de ce mercredi 12 avril 2006 à SONGO MBOYO dans le Territoire de BONGANDANGA, le jugement dont la teneur suit :

En Cause : Auditeur Militaire, Ministère Public et les Parties Civiles :

Contre : Les prévenus

1. Lieutenant ELIWO NGOY ;
2. Lieutenant BOKILA LOLEMI ;
3. Sous Lieutenant VONGA WA VONGA ;
4. Sous Lieutenant MAHOMBO MAGBUTU ;
5. Sous Lieutenant KALEMA SEKWALO ;
6. Adjudant YANGBANDA DUMBA ;
7. Adjudant MAMBE SOYO
8. 1 Sergent BWAZU MUSAMBI ;
9. 1 Sergent MOTUTA ALONDO ;
10. Sergent BOTONGA ILUNGA ;
11. Sergent MOMBANYA NKOY ;
12. Soldat KOMBE MOMBELE ;

Vu la procédure suivie à charge des prévenus sus-identifiés;

Vu les décisions de renvoi de l'Auditeur Militaire de Garnison datées du 12 septembre 2005 et notifiées auxdits prévenus, renvoyant ceux-ci devant la Juridiction de jugement ;

Vu la fixation e la cause à l'audience publique du 08 octobre 2005 par l'ordonnance du Président de tribunal Militaire de Garnison datant du 04 octobre 2005 ;

Vu les citations à comparaître à l'audience publique du 08 octobre 2005 établies par le greffier, Sous Lieutenant BANZA KASONGO et notifiées par exploit d'huissier aux prévenus mieux identifiés ci-haut ;

Vu le procès-verbal de tirage au sort des membres assesseurs de la composition du Siège du tribunal Militaire, désignée pour une période de trois mois renouvelables à compter de la date du 08 octobre 2005 ;

Vu la prestation de serment des membres assesseurs de la composition du Siège du Tribunal Militaire :

Vu l'appel de la cause à cette audience à laquelle comparaissent :

FAISANT DROIT

Le Ministère Public entendu

Le tribunal Militaire de Garnison statuant contradictoirement pour les prévenus ;

- Déclare les prévenus ELIWO NGOY, KALEMBA SEKWALO, BWANZU MASAMBI, BOTONGA ILUNGA et MAMBE SOYO non coupables des faits mis à leur charge dans les préventions. Prononce leur acquittement ; ordonne leur libération immédiate et met les frais à charge du trésor public ;
- Déclare tous les prévenus non coupables du complot militaire, prononce leur acquittement quant à ce ;
- Déclare le prévenu MOTUTA ALONDO et MAHOMBO MANGBUTU non coupables de détournement d'armes et dissipation des munition de guerre et les acquitte quant à ce ;
- Déclare le prévenu BOKILA LOMEMI Fabien non coupable d'usurpation du commandement. Prononce son acquittement quant ce ;
- Déclare le prévenu BOKILA LOMEMI Fabien coupable de l'outrage à son supérieur et d'inclination des Militaires à s'armer contre la population civile et le condamne comme suit ;

S'agissant de l'outrage à son supérieur, à 5 ans d'emprisonnement ;

S'agissant d'incitation à s'armer contre la population civile ; à 20 ans d'emprisonnement ;

- Déclare les prévenus BOKILA LOMEMI , VONGA WA VONGA, KOMBE MOMBELE et YANGBANDA DUMBA coupables de détournement d'armes de guerre et dissipation des munitions de guerre ; les condamné comme suit :

S'agissant du détournement d'armes de guerre à 10 ans d'emprisonnement ;

S'agissant de la dissipation des munitions à 10 ans d'emprisonnement ;

- Déclare les prévenus BOKILA LOMEMI, VONGA WA VONGA, YANGBANDA DUMBA, KOMBE MOMBELE et MAHOMBO MANGBUTU coupables de pillage et les condamne à 20 ans d'emprisonnement ;
- Déclare les prévenus BOKILA LOMEMI, VONGA WA VONGA, YANGBANDA DUMBA, KOMBE MOMBELE, MAHOMBO MANGBUTU, MOMBANYA NKOY et MOTUTA ALONDO coupables de crime contre l'humanité et les condamne à l'emprisonnement à perpétuité ;

Faisant application de l'article 7 CPP, prononce l'unique peine, celle la plus forte ;

Ainsi : BOKILA LOMEMI, VONGA WA VONGA, YANGBANDA DUMBA, KOMBE MOMBELE , MAHOMBO MANGBUTU, MOMBANYA NKOY et MOTUTA ALONDO ; à l'emprisonnement à perpétuité ;

- Au paiement de 20.000 FC d'amende, chacun en ce qui le concerne ;
- A titre subsidiaire à la destitution de FARDC quant à BOKILA LOMEMI, VONGA WA VONGA et MAHOMBO MANGBUTU. A la dégradation quant à YANGBANDA DUMBA, KOMBE MOMBELE, MOTUTA ALONDO et MOMBANYA NKOY ;
- Laisse les frais d'instance fixés 10.000 FC à leur charge, payables dans 8 jours sous peines d'une contrainte par corps dont le délai ne pouvant excéder 6 mois ;

Quant à l'action mue par les parties civiles précisées ;

Déclare pour certaines leur constitution régulière en forme et fondées quant à leur motifs ; et par conséquent statuant ex acqvo et bono, condamne l'Etat congolais en sa qualité de commettant, à payer à chaque partie civile le montant de dommages et intérêts selon la classification suivante :

- 10.000 \$ US pour victime de viol décédée ;
- 5.000 \$ US pour victime de viol survivante ;
- 500 \$ US pour marchandises pillées ;

- 200 \$ US pour autres effets pillés ;

Ainsi :

1. Mme Marie BOYELA aura droit à 10.000 \$ US payable en Francs Congolais pour viol ayant occasionné le décès de sa fille Eugénie BONYOLE ;
2. Mme BOKONO BANGANGU aura droit à 5.000 \$ US, payables en Francs Congolais pour préjudice à lui subit par le fait du viol et 200 \$ US pour pillage de ses effets personnels, payables en Francs Congolais ;
3. BONDEKE LOKULI aura droit à 5.000 \$ US payables en Francs Congolais pour préjudice à lui subit par le fait du viol
4. BONGELE LOKULI aura droit à 5.000 \$ US payables en Francs Congolais pour préjudice à lui subit par le fait du viol
5. IFOLE LOONDO aura droit à 5.000 \$ US payables en Francs Congolais pour préjudice à lui subit par le fait du viol et 200 \$ US, payables en Francs Congolais pour pillage des effets personnels ;
6. BOLUMBU MOSAMBE aura droit à 5000 \$ US, payables en Francs Congolais pour préjudices à lui subit par le viol et 200 \$US, payables en Francs Congolais pour pillage de ses effets personnels ;
7. BAASA BONKOSO aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol et 200 \$US, payables en Francs Congolais pour pillage de ses effets personnels ;
8. N'SOMBO BOFUWA aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol ;
9. BONGOLE ILONGA aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol et 200 \$US, payables en Francs Congolais pour pillage de ses effets personnels ;
10. BOALE NKANGA aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol et 200 \$US, payables en Francs Congolais pour pillage de ses effets personnels ;
11. YOLO BOTEYA aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol et 200 \$US, payables en Francs Congolais pour pillage de ses effets personnels ;
12. BAYUMA MBOYO aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol ;
13. BOOMBI BOKETSHU aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol et 200 \$US, payables en Francs Congolais pour pillage de ses effets personnels ;
14. IFOLE LOONDO aura droit à 5000 \$ US payables en Francs Congolais pour préjudices à lui subit par le viol ;
15. Mr TIMOTHE NZAMBA BOTAKA aura droit à 500 \$ US, payables en Francs Congolais pour ses marchandises pillées ;
16. Mr MOBIA ENGINZI aura droit à 500 \$ US, payables en Francs Congolais pour ses marchandises pillées ;
17. Mr LOKOLE NKOY aura droit à 500 \$ US, payables en Francs Congolais pour ses marchandises pillées ;

Que les prétentions des parties civiles suivantes ont été déclarées recevables en la forme, mais non fondées quant à leur motif ;

1. LUNATO LOKOTA ;
2. ILANGA EFILE ;
3. IMOLO BAINDATE ;
4. LOFOTA BAKAMBO ;
5. BALILO BOKUSA ;
6. EFILE KOMBE ;
7. ELIMA LOKULI ;
8. LOKULI LOKULI ;
9. BOKOTSI BOLEKO ;
10. BOSANGA ILANGA

11. BOLUMBU ENTOKO;
12. LOFELI BAENDE ;
13. LIKANGA Georges;
14. BOTONGA;
15. LUMAYI OKOTO ;
16. MBOYO ILEKOLA ;
17. BONGOLE ILONGA ;
18. DJEMI Antoine.

Ainsi rendu et prononcé à l'audience publique du 12 avril 2006 à laquelle siégeaient :

- Le capitaine KILENSELE MUKE, Président ;
- Le Com ppl Jean Michel MBOLELI, Membre ;
- Le Com ppl IDUMA BOSSA, Membre ;
- EDV BUJIRWA MWANAUME, Membre

Avec le concours aux débats du capitaine WAWIMA BANSOMI et Lieutenant MUHEMEDI RAMAZANI respectivement Auditeur et Substitut de l'Auditeur Militaire de Garnison, représentant du Ministère public et l'assistance du sous lieutenant BANZA KASONGO, Greffier du siège.

Greffier

Président

Annex 44

Waka-Lifumba (MP et PC. c. Botuli), RP 134/2007 (Tribunal Militaire de Garnison de Mbandaka, 18 Feb. 2007)

Vu les citations à comparaître à l'audience publique du 10 septembre 2007 établies par le Sgt Romain BIAMBA greffier assumé et notifiées par exploit d'huissier aux prévenus mieux identifiés ci haut ;

Vu le procès-verbal du tirage au sort des membres assesseurs de 3a composition du Siège du Tribunal désignés pour une période de trois mois renouvelable à compter de la date du 04 août 2007.

Vu la prestation de serment des membres assesseurs de la composition du Siège du Tribunal Militaire ;

Vu l'appel de la cause à cette audience, à laquelle comparaissent tous les prévenus assistés de leur conseil Maître HANDY KALONJI, Avocat au barreau d'appel de MBANDAKA et les parties civiles représentées conjointement par le Collectif des Avocats dont font partie Maîtres HUGO, DONATIEN BEYA, MAITRE GAUDET BGKOUANGO, MAITRE FRANÇOIS TSHITEYA ET MAITRE LAMBERT LISIKA, tous Avocats au barreau Près la Cour d'Appel de Mbandaka ;

Vu l'instruction faite à cette audience ;

Vu la remise ordonnée en date du 18 septembre 2007 par le Tribunal sur requête introduite séance tenante par le Collectif des Avocats des parties civiles sollicitant la comparution de la RDC en qualité du civilement responsable ;

Vu l'appel de la cause à cette audience à laquelle toutes les parties comparaissent exception faite par la RDC bien que citée régulièrement par le greffier du Tribunal, et le défaut a été retenu à sa charge ;

Vu la requête introduite par le collectif des Avocats des parties civiles séance tenante, sollicitant du tribunal l'audience foraine à WAKA LUFUMBA au motif de confronter les victimes à leurs bourreaux ;

Ouï le Ministère Public dans ses réquisitions et l'avis favorable des prévenus et leurs conseils, sur quoi le Tribunal de Céans adopta d'organiser l'audience foraine à Waka Lifumba ;

Vu l'ordonnance prise en date du 20 septembre 2007 par le Président de cette juridiction, fixant en date du 17 octobre 2007 l'audience foraine de WAKA LIFUMBA ;

Vu les Citations faites aux prévenus de comparaître à cette audience ;

Vu l'appel de la cause à cette audience à laquelle toutes les parties, comparaissent ; la RDC entendu représentée par Maître Philippe BOSEMBE Avocat au Barreau Près la Cour d'Appel de Mbandaka, en même temps Avocat des prévenus en remplacement du Maître HANDY KALONJI empêché ;

Vu l'instruction de la cause à cette audience et les différentes remises contradictoires ordonnées respectivement en date du 17, 18, 19,20 octobre 2007;

Vu la requête introduite par le collectif des AVOCATS des parties civiles en cette dernière date, sollicitant au tribunal d'organiser l'audience foraine à BASANKUSU au motif de confronter les prévenus aux renseignant et médecins ayant examiné les victimes ;

Ouï le ministère public dans ses réquisitions et l'avis favorable des prévenus et leurs conseils sur quoi le tribunal se décida d'organiser l'audience foraine à BASANKUSU ;

Vu l'ordonnance prise en date du 20 octobre 2007, par le président de cette juridiction fixant en date du 23 octobre l'audience foraine de BASANKUSU ;

Vu l'appel de la cause à cette audience à laquelle comparaissent toutes les parties assistées de leurs conseils respectifs, et la comparution de l'expert médecin appelé à la diligence des parties au procès ;

Vu l'instruction de la cause à cette audience ;

PAR CES MOTIFS

Statuant contradictoirement et publiquement à l'égard de toutes les parties au procès :

- *Vu le statut de la Cour Pénale Internationale tel que ratifié par la RDC, en ses articles 7, 9, 21, 25, 30, 31, 32, et 71 ;*
- *Vu le Code pénal ordinaire livre deuxième en ses articles 46, 47, 67 et 84 ;*
- *Vu la loi N°023/2002 du 18 novembre 2002 portant code pénal militaire en son article 63 ;*
- *Vu le décret-loi N°0013/2002 du 30 mars 2002 portant autorisation du Statut de la Cour Pénale Internationale ;*
- *Vu le code civil congolais L^{III}, en ses articles 258 et 260 ;*
- *Vu le décret loi 04/079 du 21 août 2004 portant nomination des magistrats du Siège*

FAISANT DROIT

Le Tribunal dit le prévenu BOTULI IKOFO coupable de l'infraction des coups et blessures volontaires simples et le condamne à 06 mois de SPP

- *Déclare le prévenu BAENDE LONGILIMA coupable des infractions : d'arrestation arbitraire, extorsion, pillage et crime contre l'humanité et le condamne comme suit :*
 - *A 5 ans SPP pour l'infraction d'arrestation arbitraire et détention illégale ;*
 - *A 5 ans SPP pour l'infraction d'extorsion ;*
 - *A 10 ans SPP pour l'infraction de pillage ;*
 - *A 20 ans SPP pour l'infraction de crime contre l'humanité.*

Faisant application de l'article 7 du CPM, prononce l'unique peine, celle la plus forte soit VINGT ANS SPP.

- *Le condamne en outre au paiement de 20.000FC d'amende quant au prévenu BOTULI IKOFO*
- *A titre subsidiaire, prononce la dégradation de la PNC du policier BAENDE LONGILIMA*
- *Laisse les frais d'instance fixés à 20.000FC par chacun en ce qui le concerne ; payables dans les 08 jours sous peines d'une contrainte par corps dont la durée ne pouvant excéder 03 mois.*

Quant à l'action mue par les parties civiles

- *Déclare pour certaines leurs constitutions régulières en la forme et fondées quant à leur motif, par conséquent, condamne l'Etat Congolais en sa qualité de commettant à payer à chaque partie civile le montant de dommages et intérêts selon la classification suivante :*
 - *200 USD pour la victime des coups et blessures simples,*
 - *500 USD pour les victimes d'extorsion,*
 - *600 USD pour les victimes de pillage*
 - *2.000 USD pour les victimes d'arrestation arbitraire, détention illégale et tortures,*
 - *5.000 USD pour les victimes de viol,*
 - *30.000 USD pour la victime de viol décédée. [...]*

Déclare pour d'autres leurs constitutions régulière en la forme non fondées, par

Annex 45

Basele et consorts (MP et PC c. Basele Lutula alias Colonel Thom's et consorts), RP 167/09 and RMP 944/MBM/09 (Tribunal Militaire de Garnison de Kisangani, 3 June 2009)

**AFFAIRE COLONEL THOM'S ET CONSORTS CONTRE MINISTERE PUBLIC
ET PARTIES CIVILES**

Tribunal Militaire de Kisangani
RP 167/08

Lors d'un siège de plus de 10 jours dans près de 13 villages du Secteur Yawende Loolo, à 365 km de Kisangani en juin et juillet 2007, des éléments Mai-Mai de Basele Lutula alias Colonel Thom's ont commis des viols sur plus ou moins 135 femmes (dont 8 mineures).

Le déroulement du procès :

- Début du procès le 02 avril 2009
- Prononcé de la décision le 03 juin 2009
- 08 audiences (dont 7 en foraine à Lieke Lesole)

Les acteurs au procès :

- 5 prévenus dont un par défaut (en fuite)
- 39 victimes constituées et reconnues par le tribunal comme Parties civiles

Les infractions mises à la charge des prévenus: *crimes de guerre, crimes contre l'humanité, mouvement insurrectionnel et terrorisme.*

Décision de la juridiction :

- Sur 5 accusés, quatre ont été condamnés à une peine de prison à perpétuité pour crime contre l'humanité. Le cinquième a été condamné avec circonstances atténuantes à 30 ans de servitude pénale pour crime contre l'humanité ;
- Toutes les victimes de crimes contre l'humanité se sont vues allouer 10.000\$ chacune et 2.500\$ pour coups et blessures ;
- La RDC a été condamnée au paiement des dommages et intérêts *in solidum* avec les prévenus en tant que civilement responsable.

Suites :

- Appel sur le banc de tous les condamnés
- Tous les condamnés se sont évadés de la prison d'Osio le 25 octobre 2010.

**REPUBLIQUE DEMOCRATIQUE DU CONGO
JUSTICE MILITAIRE**

**RP.N° 167/09
RMP.N°944/MBM/09**

**TRIBUNAL MILITAIRE DE GARNISON
DE KISANGANI**

PRO-JUSTITIA
JUGEMENT

Au nom du peuple congolais.

LE TRIBUNAL MILITAIRE DE GARNISON DE KISANGANI,
Statuant au premier degré et en matière répressive ce mercredi 03 juin 2009 en foraine à LIEKE LESOLE, Territoire d'OPALA, District de la TSHOPO en Province Orientale rend le jugement dont la teneur suit :

EN CAUSE : l'Auditeur Militaire de Garnison de Kisangani, Ministère Public et Parties civiles;

Contre : les prévenus :

1. BASELE LUTULA alias colonel Thom's : né à LUKANDU en 1972, fils de LUTULA (en vie) et de BOKOTO (décédée), originaire de la localité de Yalingo, secteur de Balingalidja, Territoire d'Opala, Province Orientale, Unité : DIPO T1, 9^{ème} Région Militaire, grade 2^{ème} Classe, Matricule : S.M, état-civil : marié à NISAFU SELUWA, père de 13 enfants, résident à Opala, C.I : pas de C.I (c'est un MAI-MAI), études faites : 6 ans primaire.

2. OSUMAKA LOLEKA André alias EFFACER LE TABLEAU : Fils de ILONGA OSUMAKA (en vie), né à LELENDE en 1982 et de ASO IKOLIKA (décédée), originaire de la localité de LELENDE, Secteur YAWENDE, Territoire d'OPALA, District de la TSHOPO, Province Orientale, état-civil, célibataire, fonction, Indépendant, études faites : 3 ans primaire, résident à LELENDE.

3. KIPELEKA NYEMBO BUMBA alias KATA MOTO: Fils de ASAMBI(en vie) et de LOHIYE (en vie), né dans la forêt TUTU, originaire de LITOKO, Secteur de BALINGALIDJA, Territoire d'Opala, District de la TSHOPO, Province Orientale, profession cultivateur, marié à YVONNE Annie, études faites : néant, résident à LITOKO.

4. OKANGA LIKUNDE alias MUSIQUE : Fils de EKILI LIKUNDE (décédé) et de ESINYA MOLI (en vie), né en 1981 à LOHUMONOKO, originaire de la localité de LOHUMONOKO, secteur de LOHUMONOKO, Territoire d'Opala, District de la TSHOPO, Province Orientale, état-civil marié à Madame ELOKE LISAKA, père de 2 enfants, résident à LOHUMONOKO, profession cultivateur, études faites 2 ans primaire.

5. KOTI OKOKE alias KOY LIKOLO YA NGOMBA : non autrement identifié.

PREVENUS DE :

I. Pour le prévenu BASELE LUTULA alias Colonel Thom's seul :

1. Etre, étant supérieur hiérarchique, pénalement responsable du crime international commis par ses subordonnés placés sous son autorité et son contrôle effectif pour n'avoir pas exercé le contrôle qui convenait sur ceux-ci en ne prenant pas les mesures nécessaires et responsables qui étaient en son pouvoir pour empêcher ou réprimer l'exécution de ce crime ou pour en référer aux autorités compétentes aux fins d'enquêter et de poursuivre.

Il ressort de ce qui précède que la qualité du demandeur en réparation ne tient pas à son statut civil, mais à la réalité du préjudice qu'il a subi.

De ce qui précède, il se dégage trois critères de la réparation du dommage, à savoir l'existence d'un fait générateur de responsabilité, l'existence d'un dommage et le rattachement du dommage au fait générateur de responsabilité après un lien de cause à effet.

Le tribunal relève dans la présente cause que :

1) premièrement : les parties civiles K.L, L.A, M.L, O.L, A.A, L.L, A.L, E.O, A.I, K.L, O.L, L.Y, L.Y, A.AL, E.E, S.K, I.I, L.J, Y.I, O.O, E.M, E.L, ont été violées par KIPELEKA-NYEMBO BUMBA alias KATOMOTO. Les parties civiles T.O, A.ALU, A.I, L.E, V.L, K.L, N.L, A.I, S.K, A.N, I.O, J.L, L.L, et E.L. ont été violées pour KOTI OKOKE alias KOY LIKOLO YA NGOMBA. Les parties civiles A.L, A.A et A.N. ont été violées par OSUMAKA LOLEKA alias Effacer le Tableau. Les trente-huit susnommées ont toutes consigné les frais.

Le crime contre l'humanité par viol constitue le fait principal générateur de responsabilité.

Les dommages moral et matériel évoqués par les parties civiles concernées sont :

- Certaines victimes ont été infectées par les maladies sexuellement transmissibles.
- D'autres ont perdu leur mariage.
- Les mineures ont perdu leurs virginités.
- Pour les célibataires, la chance de leur mariage est réduite
- Toutes les victimes ont souffert dans leurs chaires, mais également souffrent moralement jusqu'à ce jour pour avoir été humiliées.

2) Deuxièmement, les parties civiles E.E., E.T, Y.A, O., B.B ont tous consigné les frais. Les coups et blessures simples constitue le fait principal générateur de responsabilité. Bien que le dommage n'ait pas été clairement défini par le concluant, les dépenses effectuées pour se faire soigner ainsi que l'humiliation publique paraissent être les préjudices par eux subis.

3) De ce qui précède, les liens de causalité résultent du fait que ces dommages n'auraient pas existé si :

- a) KIPELEKA NYEMBO, OSUMAKA LOLEKA et KOTI OKOKE n'avaient pas violés les trente-et-une femmes dont huit mineures.
- b) BASELE LUTULA, KIPELEKA NYEMBO, OSUMAKA LOLEKA et KOTI OKOKE n'avaient pas administré des coups à EFIKA EFANGA, Esaü TOLENGA, YENGA AITEKELE, OBOMOLEMA et BAMBALE BOTOYI.

Si la responsabilité civile des auteurs des incriminations ayant porté préjudice aux parties civiles se fonde sur l'article 258 du Code Civil Livre III aux termes duquel « *Tout fait quelconque de l'homme qui cause à autrui un dommage, oblige celui par la faute duquel il est arrivé à le réparer* ». Il se pose dans le cas d'espèce la responsabilité de la République Démocratique du Congo en sa qualité de civilement responsable.

La responsabilité civile de la République Démocratique du Congo trouve son fondement dans les dispositions des l'article 263 alinéa 3 du CCL III qui stipule : « *On est responsable non seulement du dommage que l'on cause par son propre fait, mais encore de celui qui est causé par le fait de personnes dont on doit répondre ou des choses que l'on a sous sa garde ; les pères du dommage causé par leurs enfants habitants avec eux, les Maîtres et les commettant du dommage causé par leurs domestiques et préposés,.....* »

Il résulte de cette disposition que quatre conditions sont requises pour que la RDC soit civilement responsable, à savoir :

- Un lien de commettant à préposé ;
- Le dommage doit être causé par le préposé à un tiers ;
- Le dommage doit être par la faute du préposé ;
- La faute doit être commise dans l'exercice de ses fonctions.

En l'espèce, le lien de commettant est établi par le simple fait que BASELE LUTULA alias Colonel Thom's touche sa solde comme Soldat de 2^{ème} Classe jusqu'à ce jour ; Le prévenu BASELE LUTULA, en commettant les infractions des coups et blessures simples, viol, détention illégale d'armes, ..., a causé des dommages à des personnes autres que l'Etat Congolais ; S'il n'avait pas commis ces infractions, les dommages ne seraient pas causés aux tiers, c'est par sa faute que ces tiers ont subi des dommages.

En vertu de la Théorie de la Responsabilité de l'Administration Publique pour risque et sur le fondement de sa mission d'assurer la sécurité des personnes et de leurs biens, laquelle assure mieux la protection des administrés contre les actes dommageables, imputables aux agents de l'Etat, qu'ils soient préposés ou organes et que les faits générateurs du dommage résultent des fautes personnelles ou des fautes de service, en plus de sa responsabilité tirées de l'exigence de la bonne organisation et du bon fonctionnement de ses services et ceux créés par son fait, la sécurité des individus « *est la raison même de la vie juridique des peuples et de l'organisation des sociétés* ».

Pour toutes ces considérations, l'Etat Congolais doit répondre civilement des conséquences des actes du prévenu BASELE LUTULA alias Colonel Thom's surtout lorsque ce dernier a commis ses forfaits au moyens d'armes de guerre ; il en est de même des actes des autres prévenus, à savoir : KIPELEKA NYEMBO, OSUMAKA LOLEKA, KOTI OKOKE et OKANGA LIKUNDE.

PAR CES MOTIFS

Le Tribunal Militaire de Garnison de Kisangani,

Statuant sur l'action publique,

Contradictoirement, en audience publique, et à la majorité des voies de ses membres ;

Vu la Constitution de la RDC en ses articles 146 et suivants ;

Vu la Loi n° 023/2002 portant Code Judiciaire Militaire ;

Vu la Loi n° 024/2002 portant Code Pénal Militaire spécialement en ses articles 5, 6 et 203 ;

Vu le décret d'Organisation Judiciaire n° 04/079 du 21 août 2004 portant nomination des Magistrats Militaires du Siège ;

Vu le Code Pénal Ordinaire Livre I et II, spécialement en ses articles 21, 22, 23, 43 – 46 et 113 ;

Vu le Code Pénal Ordinaire tel que modifié à ce jour, spécialement dans son article 170 ;

Vu le Traité de Rome portant Statut de la Cour Pénale Internationale, spécialement en ses articles 7 paragraphe 1^{er} pt g) - 1, 28 paragraphe a pt i (ii), paragraphe b, article 9 paragraphe 1^{er} ;

Vu le Règlement de Procédure et de Preuve, spécialement dans sa règle 63 paragraphe 4 ;

Vu telle que modifiée et complétée à ce jour l'Ordonnance-loi n° 82-020 du 31 mars 1982 portant Code de l'organisation et de la Compétence Judiciaire ;

Vu les articles 258 et 260 alinéa 3 du CCL III ;

Où le Ministère Public dans son réquisitoire ;

La défense des prévenus, les conseils des parties civiles et du civilement responsable entendus dans leurs plaidoiries ;

Où chacun des prévenus dans leurs ultimes déclarations avant la clôture des débats ;

Le Tribunal Militaire de Kisangani, ayant pris l'affaire en délibéré en son audience du lundi 1^{er} juin 2009 et ayant contradictoirement renvoyé la cause pour le prononcé de son jugement à la date du mercredi 03 juin 2009.

DISANT DROIT

1. Pour le prévenu BASELE LUTULA alias Colonel Thom's

A la question de savoir si le prévenu BASELE LUTULA est coupable des infractions mises à sa charge, le Tribunal Militaire de Garnison de Kisangani, à la majorité des voix des membres de sa composition, répond : Oui pour crime contre l'humanité par viol, viol avec violence, corps et blessures simples, destruction et dégradation sans intention méchante, détention illégale d'arme et munitions de guerres.

A la question de savoir s'il y a lieu de retenir en faveur du prévenu des circonstances atténuantes, des causes de justifications objectives ou subjectives des causes absolutoires ou le sursis, le Tribunal Militaire de Garnison, à la majorité des voix des membres de sa composition, répond : NON pour chacune des préventions pour les quelles il est coupable.

A la question de savoir s'il y a lieu de lui appliquer une sanction pénale et une peine complémentaire, le Tribunal Militaire de Garnison, à la majorité des voix des membres de sa composition, répond : Oui.

En conséquence, le condamne :

- à la servitude pénale à perpétuité pour crime contre l'humanité par viol ;
- à 7 jours de servitude pénale principale (S.P.P) pour destruction et dégradation sans intention méchante et 10.000 Francs Congolais d'amende ou à 1 mois de servitude pénale subsidiaire (S.P.S) à défaut de paiement dans 15 jours ;
- à 6 mois de S.P.P. pour corps et blessures simples et à 10.000 Francs Congolais d'amende ou 1 mois S.P.S à défaut de paiement dans 15 jours ;
- à 20 ans de S.P.P. pour détention illégale d'armes et munitions de guerre ;
- à 20 ans de S.P.P. pour viol avec violence et à 100.000 Francs Congolais d'amende ou à 1 mois S.P.P. à défaut de non paiement dans 15 jours.

Faisant application de l'article 7 du C.P.M le condamne à une seule peine, la plus élevée, soit la Peine à Perpétuité ;

- à 10.000 FC de Frais d'instance (F.I) à défaut de paiement dans 15 jours à 1 mois de Contrainte par Corps (CPC) ;
- prononce sa dégradation et son renvoi des FARDC ;
- Ordonne la restitution des sommes de 15.000 Francs Congolais, 11.000 Francs Congolais et un colis de diamant estimé à 12.000 \$ respectivement au profit des sieurs ILANGI ILAY Pierre et BAMBALE BOTOYI.

2. Pour le prévenu KIPELEKA NYEMBO alias KATAMOTO.

A la question de savoir si le prévenu KIPELEKA est coupable des infractions mises à sa charge, le Tribunal militaire de Garnison de Kisangani, à la majorité des voix de ses membres, répond : Oui pour crime contre l'humanité par viol, détention illégale d'armes et munitions de guerre, coups et blessures simples, destruction et dégradation sans intention méchante ;

A la question de savoir s'il y a lieu de retenir en faveur du prévenu des circonstances atténuantes, des causes de justifications objectives ou subjectives des causes absolutoires ou le sursis, le Tribunal Militaire de Garnison, à la majorité des voix de membres de sa composition, répond : NON pour chacune des préventions pour les quelles il est coupable.

A la question de savoir s'il y a lieu de lui appliquer une sanction pénale et une peine complémentaire le Tribunal militaire de Garnison, à la majorité des voix de ses membres, répond : Oui pour une sanction pénale, NON pour une peine complémentaire.

En conséquence, le condamne :

- à la servitude pénale à perpétuité pour crime contre l'humanité par viol ;
- à 20 ans de S.P.P pour détention pour illégale d'armes et munitions de guerre ;
- à 6 mois de S.P.P pour coups et blessures simples et à 10.000 FC d'amende ou à 1 mois de S.P.S à défaut de paiement dans 15 jours ;
- à 7 jours de S.P.P pour destruction et dégradation sans intention méchante et à 20.000 FC d'amende ou à 1 mois de S.P.S à défaut de paiement dans 15 jours.

Faisant application de l'article 7 du C.P.M, le condamne à une peine unique, la plus forte, la Servitude Pénale à Perpétuité ;

- à 10.000 FC de Frais d'Instance (F.I) ou à 1 mois de C.P.C à défaut de paiement dans 15 jours.

3. Pour le prévenu OSUMAKA LOLEKA alias Effacer le Tableau.

A la question de savoir si le prévenu KIPELEKA est coupable des infractions mises à sa charge, le Tribunal militaire de Garnison de Kisangani, à la majorité des voix de ses membres, répond : Oui pour crime contre l'humanité par viol, détention illégale d'armes et munitions de guerre, coups et blessures simples, destruction et dégradation sans intention méchante ;

A la question de savoir s'il y a lieu de retenir en faveur du prévenu des circonstances atténuantes, des causes de justifications objectives ou subjectives des causes absolutoires ou le sursis, le Tribunal Militaire de Garnison, à la majorité des voix de membres de sa composition, répond : NON pour chacune des préventions pour les quelles il est coupable.

A la question de savoir s'il y a lieu de lui appliquer une sanction pénale et une peine complémentaire le Tribunal Militaire de Garnison, à la majorité des voix de ses membres, répond : Oui pour une sanction pénale, NON pour une peine complémentaire.

En conséquence, le condamne :

- à la Servitude Pénale à Perpétuité pour crime contre l'humanité par viol ;
- à 7 jours de S.P.P pour destruction et dégradation sans intention méchante et à 10.000 FC d'amende ou à 1 mois de S.P.S à défaut de paiement dans 15 jours ;
- à 6 mois de S.P.P pour coups et blessures volontaires simples et à 10.000 FC d'amende ou à 1 mois de SPS à défaut de paiement dans 15 jours ;
- à 20 ans de SPP pour détention illégale d'armes et munitions de guerre.

Faisant application de l'article 7 du CPM prononce une seule peine la plus forte soit la Peine à perpétuité.

- à 10.000 FC de F.I ou à 1 mois de CPC à défaut de paiement dans 15 jours.

4. Pour le prévenu OKANGA LIKUNDE alias Musique.

A la question de savoir si le prévenu OKANGA est coupable des incriminations mises à sa charge, le Tribunal Militaire de Garnison de Kisangani, à la majorité des voix des membres de sa composition répond : Oui pour crime contre l'humanité par viol, destruction et dégradation sans intention méchante, corps et blessures simples et détention illégale d'armes et munitions de guerre ;

A la question de savoir s'il y a lieu de retenir en sa faveur des circonstance atténuantes des causes de justifications objectives ou subjectives, des causes absolutoires ou sursis, le Tribunal, à la majorité des voix des membres de sa composition, répond : Oui pour des circonstances atténuantes dues au fait qu'il est délinquant primaire et à cause de son jeune âge pour chacune des préventions pour lesquelles il est coupable.

A la question de savoir s'il y a lieu de lui appliquer une sanction pénale et une peine complémentaire, le Tribunal militaire, à la majorité de la voix de ses membres, répond : Oui pour une sanction pénale, NON pour une peine complémentaire

En conséquence, le condamne :

- à 30 ans de Servitude Pénale pour Crime contre l'humanité par viol ;
- à 10.000 FC d'amende ou à 1 mois de SPS à défaut de paiement dans 15 jours pour destruction et dégradation sans intention méchante ;
- à 10.000 FC d'amende pour corps et blessure volontaires simples à défaut de paiement dans 15 jours à 1 mois de CPC ;
- à 5 ans de SPP pour détention illégale d'armes et munitions de guerre.

Faisant application de l'article 7 du C.PM prononce qu'une seule peine, la plus forte soit 30 ans de S.P.P

- à 10.000 FC Frais d'Instance (F.I) ou à 1 mois de CPC à défaut de paiement dans 15 jours.

5. Pour le prévenu KOTI OKOKE alias NKOY LIKOLO YA NGOMBA

A la question de savoir si le prévenu KOTI OKOKE est coupable des infractions mises à sa charge, le Tribunal militaire de Garnison de Kisangani, à la majorité des voix de ses membres, répond : Oui pour crime contre l'humanité par viol, destruction et dégradation sans intention méchante, corps et blessures volontaires, simples et détention illégale d'armes et minutions de guerre.

A la question de savoir s'il y a lieu de retenu en sa faveur des circonstances atténuantes des causes de justifications objectives au subjectives, des causes absolutoires ou le sursis, le Tribunal militaire de Garnison de Kisangani, à la majorité des voix des membres de sa composition, répond : NON pour chacune des préventions pour lesquelles il est coupable ;

A la question de savoir s'il y a lieu de lui appliquer une sanction pénale et une peine complémentaire, le Tribunal militaire, à la majorité de la voix de ses membres, répond : Oui pour une sanction pénale, NON pour une peine complémentaire

En conséquence, le condamne :

- à la Servitude Pénale à Perpétuité pour crime contre l'humanité par viol ;

- à 7 jours de Servitude Pénale Principale et 10.000 FC d'amende ou à 1 mois de SPS à défaut de paiement dans 15 jours pour dégradation sans intention méchante ;
- à 6 mois de SPP et à 10.000 FC d'amende ou à 1 mois de SPS à défaut de paiement dans 15 jours pour coups et blessures volontaires simples ;
- à 20 ans de Servitude Pénale Principale pour détention illégale d'armes et munitions de guerre.

Faisant application de l'article 7 du CPM le condamne à la Servitude Pénale à Perpétuité (SPPP), unique peine la plus forte ;

- à 10.000 FC de Frais d'Instance ou à 1 mois de Contrainte par Corps (CPC) à défaut de paiement dans 15 jours.

STATUANT SUR L'ACTION CIVILE

Contradictoirement en audience publique, et à la majorité des voix de ses membres ;
Déclare recevable et fondée l'action en réparation du préjudice introduite par KOYALE LIKONDO (mineur d'âge), Lucie AKONGA (mineur d'âge), MATEO LIKONDO (mineur d'âge), OSO LIKAKA, AYAKA ALUMA (âgé de 58 ans), LIKAKA LIENGO, ASONGO LOKWA , EFIKA OSUMAKA, ASELE ISINGA, KOLONGO LIKAKA, OTAMA LIKONDO, LEKA YENI, AKAKA ALIFE, EFIKA EPANGA, SAKUNGA KEMANDE, ISEKUA TOKONEKA LOHOMBE Joséphine (fille enceinte), AFANIO NDOMBO (tentative de viol), YENGA ILTENYAKA, OKOLIYA OSUMAKA, EKANGA MATEO, ETENYA LOKONDO, AYITENYAKA AKILI, LIHOMBE EFIKA, VOTE LIKAKA, KOLONGO LIKAKA, NYOMBO AKONGA, AKONGA IKENGO, AFANIO NDOMBO, IKWA OSUMAKA, Jacquie LIKONDO, LIKAKA LIKONDO, ADO LIKAKA, AYAKA ALUME, EFIKA EFANGA, Esäu TOLENGA, YENGA AYITEKELE, OBO MOLEMA et BAMBALE BOTOYI.

En conséquence,

S'agissant des parties civiles, KOYALE LIKONDO, Lucie AKONGA, MATEO LIKONDO, OSO LIKAKA, AYAKA ALUMA, LIKAKA LIENGO, ASONGO LOKWA, EFIKA OSUMAKA, ASELE ISINGA, KOLONGO LIKAKA, OTAMA LIKONDO, LEKA YENI, AKAKA ALIFE, EFIKA EPANGA, SAKUNGA KEMANDE, ISEKUA TOKONEKA, YENGA ITENYAKA, OKOLIYA OSUMAKA, EKANGA MATEO, ETENYA LOKONDO, AYITENYAKA AKILI, ASELE ISINGA, LIHOMBE EFIKA, VOTE LIKAKA, KOLONGO LIKAKA, NYOMBO AKONGA, AKONGA IKENGO, AFANIO NDOMBO, IKWA OSUMAKA, Jacquie LIKONDO, LIKAKA LIKONDO, ETENYA LIKAKA et ADO LIKAKA, le tribunal condamne les prévenus BASELE LUTULA, OSUMAKA LOLEKA, OKANGA LIKUNDE KIPELEKA NYEMBO NDUBA et KOTI OKOKE tous, solidairement avec la République Démocratique du Congo, à payer à chacune d'elles à titre de dédommagement pour préjudice subi l'équivalent en Francs Congolais de 10.000\$ US (dix milles dollars américain) ;

Quant aux victimes des corps et blessures volontaires simples à savoir, EFIKA EFANGA, Esäu TOLENGA, YENGA AYITEKELE, OBOMOLEMA et BAMBALE BOTOY, le Tribunal militaire de Garnison de Kisangani, condamne les prévenus ci-haut cités in solidum avec la RDC à payait à chacune elles l'équivalent en francs congolais la somme de 2.500\$ US (deux milles cinq cents dollars américain) à titre des dommages et intérêts.

Ainsi jugé et prononcé en audience publique de ce mercredi 03 juin 2009.

A laquelle ont siégé :

Le Capitaine Magistrat CLAUDE DISIMO YATIKEKE, Président
Le Lieutenant Magistrat WILLY MUSANS KATUNG, Membre

Le Commissaire Principal KITENGE MWAMBA, Juge Assesseur
Le Commissaire Principal MOFONZA YOMBO, Juge Assesseur
Le Commissaire Principal MAKASA KALOB, Juge Assesseur

Avec le concours du Lieutenant Magistrat Guillaume NGEMBO NGWAMA et du Sous-Lieutenant Magistrat NGANAMA, tous Substituts de l'Auditeur Militaire de Garnison de Kisangani, Officier du Ministère public et l'assistance Sous-Lieutenant Variavas BONDJALA, Greffier du siège.

Le Greffier,

Le Président,

**RMP 944/MBM/08
RP 167/08**

Note de plaidorie de Maitre Koyakosi Mbawa dans l'affaire Lieke Sole

Monsieur le Président,
Monsieur les Juges,
Monsieur l'Auditeur Militaire de Garnison, Ministère public,

Les victimes trouvent par l'organisation de ce procès et au lieu de la commission du crime un début de satisfaction. Car leur satisfaction sera grande au moment où votre tribunal allouera d'importantes indemnités et enfin elle le sera davantage au moment de l'exécution du jugement.

Monsieur le Président,

Après les conflits armés qui ont endeuilé la République démocratique du Congo, la voie de la paix fut ouverte à tous les combattants : ce fut donc le brassage. Mais certains ont refusé cette solution en choisissant la voie de la barbarie, de la terreur, de viol systématique de pauvres et paisibles mamans. Il en est ainsi du prévenu BASELE Alias Col. Thom's et de ses hommes qui, ayant fait parti du groupe Maï-Maï ; ont semé la terreur à tout leur passage.

A l'aide d'armes de guerre, ces hors-la-loi ont pillé, extorqué, torturé, violé. Les déclarations des victimes, notamment sur les P.V (cotes : 68, 70, 71,72) sont éloquents. Ils ne respectaient personne et personne ne leur résistait. N'ont-ils pas injurié des policiers et tabassé des militaires ? (cotes 94 et 95)

C'est ainsi qu'à leur arrivée, les hommes fuyaient laissant leurs épouses et leurs filles à leur merci (côte 87 et 88). Ils violaient de jour comme de nuit, et partout où ils rencontraient leur proie. Ils violaient tout le monde, mineurs, femmes enceintes, femmes mariées et vieillards. Ainsi huit mineurs furent violés, madame IKUMA OSUMAKA avec une grossesse de 9 mois fut aussi violée et enfin madame AFAYO NDOMBO née en 1939 a failli être violée (côte 152). Certaines femmes violées ont perdu leur mariage, d'autres furent rendu grosses et presque toutes sont infectées, car aucune de ces relations sexuelles imposées n'étaient protégées.

Il convient de souligner que le nombre des victimes est plus important que ce qui est connu, car certaines victimes ont préféré le silence de peur de perdre leur mariage ou leur chance de mariage (lire côte 93).

Il faut par ailleurs noter que les biens de ces villageois furent considérés comme des biens sans maîtres, qu'ils pouvaient prendre à leur aise. L'imposition du travail collectif n'était qu'un prétexte pour semer la terreur et l'horreur. BASELE alias COL THOM'S n'a-t-il pas fait savoir que lui ne jugeait pas mais qu'il bastonnait (côte 69) ?

La terreur et l'horreur étaient si fortes que leur simple présence provoquait la panique et la fuite dans la forêt. Cela fut pareil partout où ils passaient, à Liekele-Sole à Yawende,.... C'est donc dans ces conditions de terreur et d'horreur que la plupart des victimes ne résistaient presque plus.

«Mille jours de crimes, un jour d'attrapage» dit-on. Les prévenus sont poursuivis aujourd'hui notamment pour des crimes contre l'humanité au sens de l'art.7 du Statut de Rome, crimes qui ont causé aux victimes d'énormes préjudices dont elles vont solliciter ; dans les lignes qui suivent réparation ; par la condamnation des prévenus à leur payer chacune le montant de 50.000\$ payable en Franc congolais.

Annex 46

Kakado (MP et PC c. Kakado Barnaba), RP 071/09, 009/010 and RP 074/010 (Tribunal Militaire de Garnison de Bunia, 9 July 2010)

AFFAIRE KAKADO BARNABA

TRIBUNAL MILITAIRE DE GARNISON DE BUNIA- RP 071/09, 009/010 et RP 074/010

Qualification : Crimes de guerre

I. JUGEMENT DU 09 JUILLET 2010

1. EXPOSE DES FAITS et RETROACTES :

Le prévenu Sieur **KAKADO BARNABA YONGA TSHOPENA**, de nationalité congolaise, né à KAGABA, le 14 Décembre 1923; fils de INDUZO (décédé) et de ALI (décédée), originaire du village TSHOBENA, secteur de WALENDU BINDI, Territoire d'IRUMU, District de L'ITURI province Orientale ; état civil: marié à Madame SHAI MUZUNGUI et père de 15 enfants de religion protestante; études faites: école biblique EMMAUS de NYAKUNDE, école de pêche et de culture de Cotton, domicile entre BULANZABO et KILIMALI dans le groupement WALESE/BIRA; plaidant par ses conseils savoir Maîtres jean Destiné ESSANOTO, Modeste MAGENE et Nestor KPAMBE, respectivement Avocats au Barreau près la Cour de Kisangani, ainsi que Maître Célestin NTAWARA, Défenseur judiciaire près le Tribunal de Grande Instance de Bunia.

Poursuivi, d'une part, pour avoir participé à un mouvement insurrectionnel par le fait de l'organiser;

En l'occurrence, avoir, à IRUMU, Territoire de ce nom, district de l'Ituri, dans la Province Orientale en République Démocratique du Congo, plus précisément dans les localités de BAHITI, TSHELETSHELE et TSHEYI, sans préjudice de date certaine, mais au courant des années 2006 et 2007, période non encore couverte par le délai de prescription légale, organisé une milice armée regroupant les combattants NGITI en vue de porter atteinte à l'intégrité du Territoire National ;

Faits prévus et punis par les articles 136 et 139 du Code Pénal Militaire;

Et, d'autre part, avoir, au courant d'une période non encore couverte par le délai de prescription légale, comme responsable pénale individuel, chef militaire ou autres supérieurs hiérarchiques du responsable pénal individuel, selon l'un des modes de responsabilité pénale prévue aux articles 25 et 28 du Traité de ROME du 17 Juillet 1998, ratifié par la RDC le 30 Mars 2002 et entré en vigueur le 01 Juillet 2002, dans le cadre des conflits armés opposant de manière prolongée sur le Territoire d'un Etat, les autorités du gouvernement de cet Etat et des groupes armés organisés ou ces groupes entre-eux, dirigé intentionnellement des attaques contre les personnes civiles qui ne participant pas directement aux hostilités;

En l'occurrence, avoir dans le Territoire d'IRUMU, district de l'Ituri, dans la Province Orientale en République Démocratique du Congo, sans préjudice de date certaine, mais au courant du mois de Septembre 2002, comme autre responsable hiérarchiques en sa qualité de l'autorité morale des combattants NGITI, groupe armé organisé autrement identifié sous le label du FRPI, dans le cadre du conflit armé opposant de l'an 2002 à l'an

Annex 47

Maniraguha et Sibomana (MP et PC (400) c. Jean Bosco Maniraguha alias Kazungu et consorts), RP 275/09, 521/10 RMP 581/07 and 1573/KMC/10 (Tribunal Militaire de Garnison de Bukavu, 16 Aug. 2011)

AFFAIRE MANIRAGUHA Jean Bosco alias KAZUNGU et crt

TRIBUNAL MILITAIRE DE GARNISON DE BUKAVU- RP 275/09 et 521/10 / RMP
581/07 et 1573/KMC/10

QUALIFICATION : Crimes contre l'humanité

I. JUGEMENT DU 16 AOUT 2011

« ...Le Tribunal Militaire de Garnison de Bukavu, siégeant en matière répressive en foraine au premier degré, dans la salle d'audience du Tribunal de Paix de KALEHE, dans le quartier KALEHE centre au Sud-Kivu, a rendu et prononcé, en audience publique de ce mardi seizième jour du mois d'août de l'an deux mille onze, le jugement dont voici les dispositif et motif :

EN CAUSE :

L'Auditeur Militaire de Garnison de Bukavu, Ministère Public et les Parties Civiles (quatre cents personnes)

CONTRE:

1. Le soldat MANIRAGUHA Jean Bosco alias KAZUNGU, élément FDLR et sujet Rwandais, né à GITAMARA, âgé de plus ou moins vingt-huit ans, originaire du village de GITAMARA, Secteur de NYAMABWIRE, Territoire et/ou Province de GITAMARA en République du Rwanda, Niveau d'étude : Néant, état-civile célibataire sans enfant.
2. le soldat SIBOMANA KABANDA alias TUZARGWANA, élément FDLR et sujet Rwandais, né à CIBUNGU âgé de 32 ans, fils de HABIMANA et de NZIRORERA, originaire de GITARAMA République du Rwanda, Niveau d'étude : Néant, état-civile célibataire sans enfant.

PREVENUS DE:

Pour le prévenu MANIRAGUHA Jean bosco alias Kazungu

1. S'être, comme auteur, coauteur ou complice, selon l'un des modes de participation criminelle prévus par les articles 5 et 6 du code pénal militaire, rendu coupable de crimes contre l'humanité par meurtre;

En l'occurrence, avoir à HUNGU, RWAMIKUNDU, et KAFUNDA, villages de ces noms, territoire de KALEHE, province du Sud-Kivu, en République Démocratique du Congo, au courant de la période allant de juin/juillet 2006 au janvier 2007, à l'occasion d'une attaque généralisée ou systématique, à l'aide des armes de guerre, par exécutions des infractions, occasionné la mort de sieur MBIMBI (à HUNGU), incendié 56 cases dans le village de RWAMIKUNDU et occasionné la mort de 52 personnes dont Marie NABINTU, et ses sept enfants, tué plusieurs personnes dont notamment : dame Francisca et sieur KATCHWENGE BUNYAKIRI à HUNGU et le pasteur BISURUMBA à KAFUNDA ;

Faits prévus et réprimés par les articles 165 à 167 du code pénal militaire et 7, 28, 77 du Statut de Rome de la CPI.

- *NON pour crime contre l'humanité par viol et par meurtre ; en conséquence, les en acquitte et le renvoi à toute fin de poursuites sans frais quant à ce ;*

Par contre, répond :

- *OUI pour crime contre l'humanité par torture;*

- *OUI pour crime contre l'humanité par emprisonnement ou autres formes de privation grave de liberté physique ;*

Quant à celle de savoir s'il y a lieu de lui bénéficier des larges circonstances atténuantes comme suffisamment motivées ci-haut, le Tribunal à la majorité des voix des membres de sa composition et par scrutins secrets, distincts et successifs répond : OUI pour toutes les deux préventions;

Quant à celle de savoir s'il ya lieu de lui déclarer coupable et lui appliquer une sanction pénale, le Tribunal à la majorité des voix des membres de sa composition et par scrutins secrets, distincts et successifs, répond : OUI ;

En conséquence, le condamne :

- *à la peine d'emprisonnement de trente ans pour crime contre l'humanité par meurtre;*

- *à la peine d'emprisonnement de trente ans pour crime contre l'humanité par emprisonnement ou autres formes de privation grave de liberté physique ;*

Faisant application de l'article 78-3- du statut de Rome, prononce une peine unique, la plus forte, la peine d'emprisonnement de trente ans.

Le Tribunal ordonne aux condamnés de restituer tous les biens des victimes par eux emportés.

Le Tribunal statuant sur l'action civile contradictoirement, en audience publique, et à la majorité des voix de ses membres;

Dit irrecevable et non fondée la demande de construction de deux écoles ; l'une à KALONGE et l'autre à BUNYAKIRI ;

Dit recevable mais non fondée l'exception soulevée par la RDC ;

Dit recevable mais non fondée l'action de V27 ;

En conséquence, les déboute.

Déclare recevables et fondées les actions en indemnisation des préjudices mues par toutes les autres parties, telles que libellées dans leurs procurations spéciales ;

En conséquence :

Le Tribunal de céans condamne l'Etat congolais seul à payer au titre du dédommagement pour préjudices subis, de sommes équivalentes en francs congolais :

- *à 700 \$ US (sept cent dollars américains) pour chacune des victimes de viol ;*

- *à 550 \$ US (cinq cent cinquante dollars américains) pour chacune des victimes de tortures ;*

- *à 400 \$ US (quatre cents dollars américains) pour chacune des*

*victimes d'emprisonnement ou autres formes de privation grave de liberté physique ;
- à 5800 \$ US (cinq mille huit cents dollars américains) pour chacune des victimes de meurtre.*

Met les frais de la présente instance à charge du Trésor Public... ».

II. COMMENTAIRES

I. FAITS ET RETROACTES

Au courant de l'année 2006, sieur MANIRAGUHA Jean Bosco alias KAZUNGU ou Petit Bal, sujet hutu rwandais dirige une milice dénommée FDLR RASTA, composée entre autres des nommés KASOLE, RASTA, FREDDIS, VATICAN, GITAMISI, MONUC, NJEGITERA, MANUC, ENJECTERE. Cette milice va assiéger les villages formant la localité de KALONGE.

Le 02 juillet 2006, sieur MANIRAGUHA et dix-huit de ses cent trente hommes, en patrouille de reconnaissance dans certains villages, arrêtent sept personnes au village FENDULA dont deux hommes tués par le prévenu lui-même, après avoir fait déverser des braises ardentes sur une femme (...). Quelques instants après, la bande va abattre trois hommes au village RWAMIKUNDU pour se livrer ensuite aux pillages du bétail et des volailles. Plusieurs femmes emportées dans le campement des FDLR RASTA sont réparties entre les membres de la bande par le chef MANIRAGUHA au titre d'esclaves sexuels.

Le 09 juillet 2006, au village FENDULA, ils vont incendier cinquante-six habitations. Certains des habitants vont se réfugier dans la forêt et d'autres, estimés au nombre de cinquante-deux, seront brûlés vifs. Le bétail, les volailles et tant d'autres biens de valeur seront emportés par les assaillants grâce aux victimes astreintes à cet exercice déshumanisant. Certaines femmes sont violées au village, d'autres soumises à l'esclavage sexuel en forêt.

Suite à l'intervention des éléments des FARDC, la bande sera mise en déroute, car certains de ses membres seront tués. Mais le prévenu MANIRAGUHA et quelques rescapés vont installer leur Quartier Général au village BUSH BWAMBOMBO, d'où ils vont, à tour de rôle, organiser des attaques, dans la période allant d'août 2006 à janvier 2007, dans plusieurs villages du secteur de BUNYAKIRI, où viols des femmes et filles, tueries des hommes, pillages des biens sont constamment perpétrés.

L'éventail des actes au passif de la bande à MANIRAGUHA s'avère effrayant, les dégâts matériels sont incalculables : tueries et viols, ruptures forcées des mariages, enfants orphelins, sans abri, etc.

II. PRINCIPES ENONCES

1. SUR LA COMPETENCE DU TRIBUNAL A L'EGARD DES PREVENUS ETRANGERS

« Le Tribunal de céans observe que les prévenus MANIRAGUHA Jean Bosco alias KAZUNGU et consorts sont, bien que militaires, des sujets Rwandais, étrangers à

Annex 48

Kimbanguistes (MP et PC Kumba et consorts- MP et PC c. Mputu Muteba et consorts, RP 11.154/11.155/ 11.156 (Tribunal de Grande Instance de Kinshasa/ Kalamu, 17 Dec. 2011)

**AFFAIRE MPUTU MUTEBA ET CONSORTS DITE AFFAIRE DES
KIMBANGUISTES**

**TRIBUNAL DE GRANDE INSTANCE DE KINSHASA/ KALAMU- RP 11.154/
11.155/ 11.156.**

QUALIFICATION : GENOCIDE

I. JUGEMENT DU 17 DECEMBRE 2011

« Par sa lettre n° 4665/RMP FL 134/PR.022/GTM du 16/12/2011, le Procureur de la République près le tribunal de céans a attrait, en procédure de flagrante sous R.P. 11.154 les prévenus MPUTU MUTEBA Israël, LUZAYISU NZUZI alias Nodo, SOLWA Pierre, LUZOLO MVUMBI, MBAKI PUNGA Constant, KUMBA ADO alias Shakazulu, ASANGA KATENDE Trésor, BINGONDA MAWETE, BENGANI Pascal, KIZAYAKO Biaise, KABASELE MUKONGA et LUSANGA NGUMBI Junior, par devant le tribunal de céans pour meurtre, association des malfaiteurs, pillage et incendie volontaire, faits prévus et punis par le code pénal en ses articles 21 et 23 du livre premier, en ses articles 44-45, 156 et 158, 200 et 103 du livre deuxième.

Par une autre lettre n°4671/RMP FL 135/PR.022/ASD de la même date, le même Ministère public a déféré également en procédure de flagrante devant le tribunal de céans sous R.P. 11.156, les nommés NSIMBA KATUZAYAKO alias Jeantilie, MWADI KAPELA Fabrice alias Mille Esprits, BUNGU KINIAKA alias Eniawu, LUFUNDU NZOLAMESO Miguel, NSEKA MERDI alias Pululu Cibor, Gauthier MAKELE ZONO, MAYUKULA Vincent, KALANGANGU NDOMIMSI Trésor et KUMBA ADO alias Shakazulu tous poursuivis des chefs des infractions de meurtre pillage et génocide, faits prévus et punis par le code pénal en ses articles 21 et 23 du livre premier et en ses articles 44-45 et 200 du livre deuxième et par le Statut de Rome du 17/07/1998, en ses articles 1, 5, 6 et 77.

Enfin, par une autre lettre de fixation d'audience en procédure de flagrante n° 4670/RM/RL 136/PR.022/10S/SEC/2011 de la même date, le même Ministère public poursuit cette fois, sous R.P. 11155, les prévenus ITEMBELA-LESSA et Jonathan KUMONA pour les infractions de pillage, destruction méchante, meurtre et génocide, faits prévus et punis par les articles 21 et 23 du code pénal livre premier, et 44-45, 110, 120 et 200 du code pénal, livre deuxième, ainsi que par les articles 1.5.6 et 77 du statut de Rome.

Ces trois causes enrôlées sous R.P. 11154, 11.155 et 11.156 ont été jointes à la demande des parties pour cause de connexité de faits.

A l'appel de ces causes à l'audience publique du 17/12/2011, à laquelle les parties civiles, l'église KIMBANGUISTE, dame (...), sieur (...) et sieur (...) ont comparu représentées par leurs conseils Maîtres DIANGENDA et MONTANA, Avocats, et les prévenus ont comparu tous assistés de leurs conseils, Maîtres BARUTI et DJETA, Avocats d'une part et d'autre part Maître OKITO, Défenseur judiciaire du ressort ; la présente cause a été plaidée et prise en délibéré.

La procédure suivie à cet effet est régulière et contradictoire.

Pour le tribunal, c'est ce mécontentement qui a entraîné la rancune et l'animosité dans le chef des jeunes du quartier parmi lesquels le prévenu ci-haut identifié, de provoquer par des coups de pierre de nature à entraîner la mort, la suppression des membres de la religion Kimbanguiste de leur quartier ou mieux de la commune de Selembao.

C'est ainsi que le tribunal dira établie à sa charge le crime de génocide par meurtre et le condamnera pour le génocide à la peine d'emprisonnement à perpétuité.

Le tribunal dira pour droit que ces deux Infractions de destruction méchante et de génocide retenues à charge du prévenu prénommé sont en concours matériel et par conséquent, le condamnera au cumul des peines portée à la peine de servitude pénale à perpétuité.

S'agissant des postulations civiles.

Concernant la dame (...), le tribunal note que ses prétentions n'ont pas été étayées en l'espèce par des preuves soit-elle physique ou médicale de plaie lui causée par les prévenus et ce surtout qu'elle n'a pas comparu en personne. Le tribunal recevra son action civile et la dira non fondée ; et par conséquent, l'en débouterà.

Quant à l'action civile du sieur (...), le tribunal, par le fait que la mort de son fils n'est pas intervenue, à la paroisse où les prévenus ci-dessus reconnus coupables ont eu à opérer, mais par contre par arme à feu après pillage du sous commissariat NKULU dans la commune de Selembao, la dira aussi recevable et non fondée ; et par conséquent l'en débouterà.

Par contre, l'action civile de l'église Kimbanguiste sera reçue et déclarée fondée. Ses biens tant mobiliers qu'immobiliers ayant subi la destruction et le pillage de la part des prévenus coupables. Ainsi, il lui sera alloué la somme de huit mille dollars américains, fixés ex aequo et bono, à titre de dommages et intérêts, à lui payer in solidum par les prévenus retenus coupables ci-dessus identifiés.

L'action civile de (...) sera aussi dite recevable et fondée, le décès de son jeune frère par lapidation étant reconnu par quelques uns des prévenus, et condamnera, en conséquence, les prévenus reconnus coupables, ci-dessus identifiés, de lui payer, in solidum la somme de quinze mille dollars américains fixés ex aequo et bono, à titre des dommages et intérêts.

Les frais d'instance seront mis, à raison de la moitié, à charge de tous les prévenus ci-avant prénommés, retenus coupables en l'espèce, qui payeront chacun le seizième (1/16). à défaut de payer, ils subiront chacun dix jours de contrainte par corps.

PAR CES MOTIFS:

Le tribunal statuant publiquement et contradictoirement à l'endroit de toutes les parties en procédure de flagrance ;

Le Ministère public entendu dans ses réquisitions ;

*Vu le Statut de Rome du 17/07/1998, spécialement à ses; articles 1er, 5, 6 et 77 ;
Vu la Constitution de la République, spécialement en ses articles 153, alinéa 4^{ème} et 215;*

Vu le code de l'organisation et de la compétence judiciaires :

Vu le code de procédure pénale ;

Vu le code pénal, livre 1er, spécialement à ses articles 21 et 23 ;

Vu le code pénal, livre 2^{ème} spécialement à ses articles 43-45, 103 ; 110-112 , 156-158 et 200 ;

Vu le code civil congolais livre III, spécialement à son article 258 ;

-En ce qui concerne le R. P. 11.154.

Dit non établies les infractions de meurtre, d'association des malfaiteurs, de pillage et d'incendie volontaire mise à charge des prévenus MPUTU MUTEBA Israël, LUZAYISU NZUZI alias Nodo, SOLWA Pierre, LUZOLO MVUMBI, MBAKIFUNGA Constant, ASANGA KATENDE Trésor, BINGONDA MAWETE, BENGANI Pascal, KIZAYAKO Blaise, KABASELE MUKONGA et LUSANGA NGUMBI Junior;

Par conséquent, les acquitte et les renvoie de toute fin des poursuites judiciaires ;

-En ce qui concerne le R.P, 11.156,

Dit non établies les infractions de meurtre, de pillage et de génocide mises à change des prévenus MAYUKULU Vincent et KALANGANGU Trésor ;

Par conséquent, les acquitte et les renvoie de toute fin des poursuites judiciaires :

Par contre, dit établies le crime de génocide par meurtre et le pillage mise à charge des prévenus KUMBA Ado alias Shakazulu, NSIMBA, KATUZAYAKO alias Jaentilie, MWADI KAPELE alias Mille esprits, BUNGU KINYAKA alias Eniawu, LUFUNDU NZOLAMESO Miguel, MAKELE ZONO Gauthier et NSEKA Merdi alias Pululu Cibor ;

Par conséquent, les condamne chacun pour le génocide à la peine de servitude pénale à perpétuité et pour le pillage, avec admission de larges circonstances atténuantes, à la servitude pénale à perpétuité ;

Dit pour droit que ces deux infractions sont en concours matériel par conséquent, les condamne chacun au cumul des peines portées à la seule peine de servitude pénale à perpétuité ;

En ce qui concerne le R.P. 11.155,

Dit non établies les infractions de pillage, de destruction méchante, de génocide par meurtre mises à charge du prévenu Jonathan KUMONA ;

Par conséquent, l'en acquitte et le renvoie de toute fin des poursuites judiciaires ;

Dit aussi non établie l'infraction de pillage à charge du prévenu ITEMBILA-LESSA.

Par conséquent, l'en acquitte et le renvoie de toute fin des poursuites judiciaires ;

Par contre, dit établis le génocide par meurtre et la destruction méchante mis à charge du prévenu ITEMBILA LESSA;

Par conséquent, le condamne pour le génocide par meurtre à la peine d'emprisonnement à perpétuité et pour la destruction méchante à cinq ans de servitude pénale principale

Dit pour droit que ces deux infractions sont en concours matériel ;

Par conséquent, le condamne au cumul des peines portée à la peine de servitude pénale à perpétuité ;

Statuant sur les intérêts civils :

Reçoit les actions de la dame (...) et du sieur (...) mais les déclare non fondées, par conséquent, les en déboute :

Par contre, reçoit l'action civile de l'église Kimbanguiste et la déclare fondée, par conséquent, condamne les prévenus NSIMBA KATUZAYAKO alias Jeantilie, MWADI KAPELE Fabrice, KUMBA Ado alias Shakazulu, BUNGU KINYAKA alias Eniawu, LUFUNDU NZOLAMESO Miguel, MAKELE ZONO Gauthier, NSEKA Merdi, ITEMBILA LESSA à lui payer in solidum la somme équivalent en franc congolais à huit mille dollars américains fixés ex aequo et bono à titre de dommages intérêts ;

Reçoit également l'action civile de [...] et la déclare fondée, par conséquent, condamne les mêmes prévenus ci-avant nommés à lui payer in solidum la somme de quinze mille dollars américains ou l'équivalent en franc congolais fixés ex aequo et bono à titre des dommages et intérêts.

Statuant sur les frais :

Condamne les huit-prévenus ci-haut cités à payer la moitié des frais de la présente instance en raison d'un seizième chacun, à défaut de payer dans le délai légal, chacun subira dix jours de contrainte par corps ;

Ordonne l'arrestation immédiate de ces huit prévenus condamnés ;

Le Tribunal de grande instance de Kinshasa/Kalamu siégeant en matière répressive au premier degré a ainsi jugé et prononcé à son audience publique du 17/12/2011, à laquelle ont siégé les magistrats Aimé ZANGISI MOPELE, Président, Marc OMARI MUTOMBO et Bernard DZOGOLO PANDA MOYA, Juges, avec le concours du magistrat ABEDI SIKOFO Deo Gratias, Officier du ministère public et l'assistance de Mr LIKONGO LIYOKO, Greffier du siège.

Annex 49

Mupoke, also known as Kabala et consorts (MP et 107 PC c. Kabala Mandumba et consorts; MP et PC c. Kabala Mandumba), RP 708/12 (Tribunal Militaire de Garnison de Bukavu, 15 Oct. 2012)

AFFAIRE MUPOKE

**TRIBUNAL MILITAIRE DE GARNISON DE BUKAVU- R.P. 708/12 / RMP
1868/TBK/KMC/1012
Qualification : Crime de guerre**

I. JUGEMENT DU 15 OCTOBRE 2012

« ... Le Tribunal Militaire de Garnison de Bukavu, siégeant en matière répressive en foraine au premier degré, dans la salle d'audience du Tribunal de Paix de WALUNGU, précisément à WALUNGU centre au Sud-Kivu, a rendu et prononcé, en audience publique de ce Lundi quinzième jour du mois d'octobre de l'an deux mille douze, le jugement dont voici les dispositif et motif :

I. LES FAITS

Le dimanche 17 janvier 2010, dimanche jour d'activités intenses et de marchés dans la plupart de villages du Sud-Kivu ; ce dimanche, les marchands et marchandes de MUPOKE ainsi que leur clients se séparent en débandade.

En effet le village de MUPOKE est une zone agricole située dans la collectivité de NINDJA au recoin du territoire de WALUNGU et SHABUNDA où la puissance publique est quasi-inexistante.

Les paysans de cette partie de la République sont abandonnés à eux-mêmes d'où la présence des rebelles Hutu-Rwandais, communément appelés « interamwe », organisés sous l'appellation de force démocratique pour la libération du Rwanda, FDLR en sigle.

Les villageois de MUPOKE et ceux des villages environnants n'avaient de choix que de vivre avec ces rebelles Rwandais et de partager bon gré mal gré leurs produits agricoles avec eux.

La collecte de vivres pour les HUTU Rwandais en brousse se faisait soit par le service du chef de village soit par les éléments FDLR eux- mêmes et ce, tout le dimanche, jour du marché. C'était devenu une espèce de taxe, qui ruinait la petite économie des paysans. Mais ces derniers se trouvant sous domination des interamwe ne pouvaient s'y opposer.

La domination était manifeste et devenue presque excessive à tel paroxysme que certains marchands et/ou paysans ne la toléraient plus et s'obligèrent de la dénoncer.

Ainsi, un certain KILONGO, d'heureuse mémoire, qui fréquentait le marché de MUPOKE, partit de là pour NYALUBEMBA dans le territoire de SHABUNDA aux fins de mettre les FARDC au parfum de cette occupation ou domination qui le tourmentait de manière indescriptible.

Arrivé, à NYALUBEMBA où était, dans le cadre des opérations AMANI LEO, basé le 5122 Bn relevant du 51^e secteur opérationnel ; les autorités seront saisies et informées que chaque dimanche à MUPOKE, les FDLR estimés à dix combattants viennent au marché pour rançonner les pauvres paysans vendeurs.

auprès de celles-là de produits vivriers et autres articles (savons, habits notamment) voire de l'or. Elles se sont toutes régulièrement constituées parties civiles.

Cependant, le Tribunal de céans était dans l'impasse d'examiner au cas par cas des biens par elle perdus ou pillés par les prévenus, tel que cela a été démontré ci-haut lors de l'examen des éléments de crime de guerre par pillage. Ainsi, leurs conseils s'étant, sans en démontrer les dommages subis par chacune d'elles, limités à solliciter l'allocation des dommages-intérêts in globo soit 5.000\$ US à chacune.

Le Tribunal en déduit qu'ils ont postulé de manière ex aequo et bono.

Ainsi, faute d'élément objectif certain pouvant permettre aux juges, dans ce cas précis, d'évaluer l'importance du préjudice subi par les parties civiles, le Tribunal, comme leurs conseils, estimera leurs dommages-intérêts ex aequo et bono, hormis les cas ci-après :

Ainsi les pertes par les victimes :

- F9 de 90.000Fc plus 150\$ US ;
- F3 de 120\$ US plus 5000Fc ;
- F7 de 200\$ US ;
- M1 de 85 \$ US ;
- M2 de 20.000Fc ;
- M5 de 150\$ US ;
- M7 de 800\$ US.

Toutes ces pertes en argent ont causé des préjudices certains et considérables aux parties civiles qu'elles sont car elles ont perdu tous leurs capitaux.

Ces pertes dues au pillage constituent le fait générateur de responsabilité, la cause efficiente des dommages subis par les victimes ci-avant citées et appellent la réparation par tous les prévenus de la présente cause.

Par ailleurs, la perte par la victime F3 de 3000\$ US, somme que son mari avait empruntée et qui a occasionné sa fuite dans la nature jusqu'aux jours d'aujourd'hui.

Cette perte en monnaie a causé un préjudice certain et énorme à la partie civile, F3, abandonnée par son mari, obligée désormais d'élever seule sa progéniture, privée du soutien matériel de son époux. Cette perte qui est la conséquence de l'acte commis par les prévenus appelle une réparation. Il y a donc un fait (le pillage), un préjudice et un lien de causalité entre les deux. Ce sont là les conditions exigées pour l'engagement de la responsabilité civile des prévenus.

Le Tribunal rappelle que F15 et M3 ne sont pas des marchands mais ils étaient au marché aux fins de se procurer quelques vivres. Cependant, la perte par F15 de 5\$ US ainsi que M3 constitue un dommage minime qui appelle réparation.

VICTIME PAR ATTAQUE DES BIENS PROTEGES

Le Tribunal rappelle encore ici qu'il n'y a qu'une seule victime, l'église locale de MUPOKE de la 5^e CELPA qui s'est constituée partie civile sur le banc par l'entremise de son conseil Maître NZOZO SAFARI, porteur de pièce.

L'offrande en nature perdue, les objets sacrés de la sainte cène et certains ouvrages y compris le nouveau testament emportés et/ou déchirés ainsi que les tôles endommagées par l'attaque des prévenus constitue un préjudice énorme à la fois matériel et moral à la partie civile sus indiquée.

Cette attaque constitue le fait générateur de responsabilité, la cause efficiente des dommages subis par la victime et appelle la réparation par le prévenu KABALA et