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DR CONGO (60) DEMOCRATIC REPUBLIC OF CONGO

A long-standing crisis spinning out of control

3 September 1998

SUMMARY

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The latest phase of armed conflict which started on 2 August 1998 in the Democratic Republic of Congo (DRC) is a brutal reminder to the international community that stability and prosperity cannot be built on violations of human rights. Virtually all the parties to this conflict were part of an armed coalition which massacred tens of thousands of unarmed refugees and Congolese citizens during a seven-month war from September 1996 to dismantle refugee camps and overthrow former President Mobutu Sese Seko.

Since taking power, President Kabila has faced increased political pressure from his supporters and opponents to expel Rwandese troops and remove Tutsi, who helped to bring him to power in May 1997, from key positions in the government and security forces. On 27 July 1998, he ordered all Rwandese and other foreign troops out of the DRC and on 2 August his Rwandese-backed opponents began an armed campaign to overthrow him. Other countries taking part in the fighting include Zimbabwe and Angola on the DRC government side, and Uganda on the opposition side.

The human rights situation in the DRC was already very grave before war broke out on 2 August 1998. Abuses included extrajudicial executions by government forces, including by those now in opposition to President Kabila, and deliberate and arbitrary killings by armed groups, particularly in eastern DRC. Journalists, human rights activists and dozens of other people accused of criticizing the government or flouting a ban imposed by the government on opposition political party activity have been imprisoned. Since 2 August 1998, Amnesty International has received reports of hundreds of arbitrary and unlawful arrests in Kinshasa, in particular of ethnic Tutsi civilians, of people of Rwandese origin, of Congolese married to Rwandese, and of others perceived as sympathizers of the rebellion. Some DRC senior Congolese government officials and media have incited

civilians to take up arms and attack Tutsi. In areas held by the armed opposition, there have been reports of deliberate and arbitrary killings since 2 August 1998. For example, members of the armed opposition group and Rwandese government soldiers reportedly killed more than 200, including one Roman Catholic priest and three nuns and a seminarian, at Kasika Roman Catholic parish near Uvira around 24 August.

Amnesty International is publishing this report to place the fighting which started on 2 August 1998 in a broader historical and regional context and to highlight the potential risk of further massive human rights abuses in the DRC and in neighbouring countries. The report also highlights Amnesty International's concern about the link between human rights abuses in the Great Lakes region and military training and transfer by governments arms dealers in and outside the region. The organization is concerned that given the appalling recent human rights record of the parties to the conflict any further support, including military transfer and training, is likely to lead to an escalation in violations of human rights and of international humanitarian law in the DRC and in neighbouring countries.

Opposition groups in the DRC and the rest of the Great Lakes region which have taken up arms on the grounds that the governments they are fighting violate human rights have themselves been responsible for violations of human rights and international humanitarian law. These abuses have continued to occur because they were ordered or condoned by political and security force leaders who had responsibility to prevent them. Instead of being brought to justice, the perpetrators went on to take their place as political leaders on the national and international stage.

Foreign governments have played varying roles in armed conflicts in the region. Some governments have actively supported parties to the conflicts by supplying troops, weapons and equipment. Others have trained combatants who have used the expertise acquired to commit atrocities. Other governments have effectively condoned human rights abuses by failing to acknowledge human rights abuses committed by various parties to the conflicts.

The international community needs to learn from its mistakes which have led to unacceptable levels of human rights abuses in the DRC and the central Africa region as a whole. Parties to the conflict, governments and intergovernmental organizations should urgently institute mechanisms to prevent an escalation of atrocities, particularly against unarmed civilians.

KEYWORDS: ARMED CONFLICT1 / SECOND GOVERNMENTS1 /
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/ POLITICAL BACKGROUND / BURUNDI / NAMIBIA / SOUTH AFRICA /
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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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REPUBLIC OF CONGO**

**A long-standing crisis
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DEMOCRATIC REPUBLIC OF CONGO

An long-standing crisis spinning out of control

1. Introduction

The latest phase of armed conflict which started on 2 August 1998 in the Democratic Republic of Congo (DRC) is a brutal reminder to the international community that stability and prosperity cannot be built on violations of human rights. Parties to this conflict forged a coalition in late 1996 to dismantle refugee camps inhabited by members of the Hutu ethnic group, most of them from Rwanda and others from Burundi, and overthrow former President Mobutu Sese Seko. The coalition, which brought President Laurent-Désiré Kabila to power in May 1997, was known as the *Alliance des forces démocratiques pour la libération du Congo* (AFDL), Alliance of Democratic Forces for the Liberation of Congo. During a seven-month war, tens of thousands of unarmed refugees and Congolese citizens were massacred by members of the AFDL and other combatants, particularly members of the Rwandese Patriotic Army (RPA), the Rwandese government army. These victims were added to an estimated more than one million others who have been massacred in the Great Lakes region since 1990.

The alliance which perpetrated the atrocities in 1996 and 1997 has now collapsed and the lives of millions of people in the DRC and in neighbouring countries are once again at risk. Government opponents have accused President Kabila of corruption, nepotism, dictatorship and failure to protect a Tutsi right to Congolese citizenship. Initial signs of the collapse of the alliance became apparent at the start of 1997. In January 1997, General André Kisasse Ngandu, a leader of one of the armed groups in the AFDL coalition, was reportedly killed, apparently because he was opposed to the dominant role of Rwanda and Tutsi in the AFDL. When his death was reported, then AFDL spokesman Laurent-Désiré Kabila claimed that General Ngandu had been wounded in combat and was undergoing treatment. The AFDL and the DRC Government have never explained the circumstances of his death. Some of General Ngandu's supporters in the alliance reportedly joined armed groups in North and South-Kivu provinces opposed to the AFDL and its allies. Armed groups opposed to the AFDL and to perceived Tutsi domination, collectively known as *mai-mai*, include members of the Hutu, Tembo, Nande and Nyanga ethnic groups in North-Kivu, and members of the Bembe and Fuliru and Vira ethnic groups in South-Kivu. Another leader of the AFDL coalition, Anselme Masasu Nindaga, was arrested in November 1997 and was sentenced in May 1998 to 20 years' imprisonment by a military court which found him guilty of endangering the security of the state, treason and forming a private militia. A third leader of the coalition, Deogratias Bugera, as well as President Kabila's Foreign Minister Bizima Karaha, joined a new Rwandese government-backed alliance known as the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy, at the start of August 1998.

Amnesty International is publishing this report to place the fighting which started on 2 August 1998 in a broader historical and regional context and to highlight the potential risk of further massive human rights abuses in the DRC and in neighbouring countries. The report also highlights Amnesty International's concern about the link between human rights abuses in the Great Lakes region and military training and transfer by governments and arms dealers in and outside the region. The organization is concerned that given the appalling recent human rights record of former members of the AFDL coalition and its former military allies, particularly Rwanda and Burundi, any further support, including military transfer and training, is likely to lead to an escalation in violations of human rights and of international humanitarian law in the DRC and in neighbouring countries. Details of the organization's human rights concerns in the DRC are contained in its reports¹, urgent actions and press releases published since December 1997.

For many decades - during and after Belgian colonial rule - people in the DRC (ex-Zaire) have suffered a seemingly unbreakable cycle of human rights abuses by successive governments and armed opposition groups. The abuses include extrajudicial executions and other deliberate and arbitrary killings, mutilations, "disappearances", arbitrary arrests, detention of prisoners of conscience, torture, including rape, and other forms of cruel, inhuman or degrading treatment or punishment. They have continued to occur because they were ordered or condoned by the country's political and security force leaders who had a responsibility to prevent them. Instead of being brought to justice, the perpetrators went on to take their place as political leaders on the national and international stage.

Despite the widespread massacres and other human rights abuses committed during the war that culminated in the overthrow of former President Mobutu in May 1997², many Congolese citizens hoped the worst was over and a new beginning was in the offing under the AFDL-led government. Thirty-two years under Mobutu Sese Seko had been characterized by an erosion of the rule of law and gross human rights violations, and no sector of Zairian society had remained unaffected. Most people in the newly renamed Democratic Republic of Congo did not know the new President Kabila, but believed any government that replaced Mobutu Sese Seko's had to be better. These illusions have since been shattered.

¹ See AI DRC reports entitled "Deadly alliances in Congolese forests", AI Index: AFR 62/33/97, published on 3 December 1997, and "A year of dashed hopes", AI Index: AFR 62/18/98, published on 15 May 1998.

² See AI DRC report entitled "Deadly alliances in Congolese forests", AI Index: AFR 62/33/97, published on 3 December 1997.

Much of the international community chose to ignore the atrocities committed by forces supporting President Kabila, including Rwandese government troops. In addition to having failed to take measures in 1996 to protect unarmed civilians³, the UN Security Council failed in July 1998 to respond adequately to a report of the UN Secretary-General's Investigative Team (SGIT)⁴ submitted to the Council in June 1998. The SGIT had failed to complete its investigations due to obstructions of its work by the DRC Government and the UN Secretary-General withdrew the Team in April 1998. The SGIT report confirmed what other organizations and individuals had documented: that combatants loyal to President Kabila, including Rwandese troops, had committed atrocities amounting to violations of international humanitarian law, some of which could amount to genocide. The Investigative Team's recommendation that further investigation be carried out by a competent, independent and impartial body to identify those responsible was ignored by the Council. Instead, the Security Council asked the two governments of the DRC and Rwanda, which continue to deny that their troops were directly responsible for human rights violations, to investigate the crimes and bring the perpetrators to justice. Meanwhile, the same forces responsible for most of these atrocities have now turned against each other and are likely to add to the number and gravity of crimes requiring investigation and redress.

2. Current human rights situation in the DRC

The human rights situation in the DRC was already very grave before war broke out on 2 August 1998. Abuses included extrajudicial executions by government forces, including by those now in opposition to President Kabila, and deliberate and arbitrary killings by armed groups, particularly in eastern DRC. Dozens of people accused of flouting a ban imposed by the government on opposition political party activity have been imprisoned. Others targeted for detention include journalists and human rights activists⁵. Many of those arrested have been subjected to beatings, torture and other forms of ill-treatment at the time of their arrest and in custody. Several dozen people were executed in 1998 alone, after they were sentenced to death by a military court with no right to appeal to a higher court. Most of the trials were unfair and most of those executed were civilians.

³Tens of thousands of unarmed civilians were killed in former Zaire after the UN Security Council decided in December 1996 not to deploy a Canadian-led UN force to protect unarmed refugees and other civilians, as well as humanitarian organizations.

⁴ The UN Secretary-General set up the Team in July 1997 to "investigate gross violations of human rights and international humanitarian law committed in the Democratic Republic of Congo (former Zaire) from 1 March 1993 ...".

⁵ See AI DRC report entitled "A year of dashed hopes", AI Index: AFR 62/18/98, published on 15 May 1998.

Since 2 August 1998, very little information on the human rights situation in the DRC has come out of the country. The armed opposition has seized communication equipment and threatened human rights activists and witnesses in areas under its control. As in 1996 and 1997, this measure is being used to prevent information about human rights abuses reaching the outside world. Witnesses in areas under government control fear being accused of supporting the armed opposition if they denounce human rights violations by government forces.

Amnesty International has received reports of hundreds of arbitrary and unlawful arrests in Kinshasa, in particular of ethnic Tutsi civilians, of people of Rwandese origin, of Congolese married to Rwandese, and of others perceived as sympathizers of the rebellion. The detainees have been taken away to unknown destinations by members of the security forces, amidst reports that some may already have been killed. Some DRC senior Congolese government officials and media have incited civilians to take up arms and attack Tutsi. For example, on 8 August an official made a statement on the Congolese radio from Bunia in eastern DRC calling on listeners to "... *jump on the people with long noses, who are tall and slim* [reference to Tutsi] *and want to dominate us ... Wake up, be aware of our destiny so as to defeat the enemy.*" Similar broadcasts in neighbouring Rwanda incited killings of Tutsi and led to the massacre of as many as one million people in 1994. On 25 August President Kabila was reported to have called on people in the DRC to take up arms, including traditional weapons such as bows and arrows, to crush the enemy and prevent their becoming slaves of the Tutsi.

Search operations in the capital are reported to be continuing and many people with Tutsi or Rwandese connections have reportedly gone into hiding. Congolese Interior Minister Gaetan Kakudji claimed that Tutsi civilians were being held in 'preventive' detention in Kinshasa to shield them from lynch mobs. Amnesty International has received credible reports that most of those arrested are accused by the DRC authorities of supporting the armed opposition because they are Tutsi or with links to Tutsi, but without any legal evidence to justify such accusations. Amnesty International is further concerned that the DRC Government has denied humanitarian organizations such as the International Committee of the Red Cross (ICRC) access to detainees and captured combatants. The ICRC was only allowed in mid-August 1998 to visit detainees held at Kokolo military barracks in Kinshasa in connection with the armed conflict. By the end of August the ICRC had not yet been allowed access to other detention centres under government or RCD control.

In areas held by the armed opposition, there have been reports of deliberate and arbitrary killings since 2 August 1998. Members of the RCD reportedly summarily executed government soldiers at Kavumu, near Bukavu in South-Kivu province, at the start of August. During the initial days of the fighting, members of the RCD, RPA and Burundi

government forces reportedly massacred civilians near Uvira. The victims were reportedly targeted because they were suspected by their killers of supporting local armed groups hostile to Tutsi. Members of the RCD and RPA soldiers are reported to have killed 37 people, including one Roman Catholic priest and three nuns and seminarian, at Kasika Roman Catholic parish near Uvira on 24 August. RCD and RPA combatants reportedly killed as many as 200 more unarmed civilians in surrounding villages. The killings were reportedly a reprisal for killings of RCD and RPA combatants by *mai-mai* fighters in nearby Mwenga.

3. Regional dimension of the DRC conflict

As in the past, all countries close to the DRC, and some beyond, will be affected by the latest phase of armed conflict there either because of their proximity to the DRC or because of their involvement in the conflict. Similarly, the DRC has equally been for long affected by conflicts in other countries in central Africa.

3.1 The Rwandese connection

The Rwandese Government and security forces played a critical role in the war in the former Zaire in late 1996. Their political and military support to the AFDL was instrumental in ensuring the overthrow of former President Mobutu Sese Seko and the formation of a new government headed by President Kabila in May 1997. Rwandese government troops also participated in grave human rights violations - including killings of unarmed civilians - in eastern DRC alongside AFDL forces⁶. The UN Secretary-General's Investigative Team reported that it found evidence of RPA participation in massive human rights violations against refugees and other unarmed civilians. Initially, the Rwandese authorities denied playing an active role in the conflict and claimed that they were only giving moral support to Congolese Tutsi who had been persecuted and denied citizenship by the then Zairian authorities. Subsequently, they admitted taking part in the conflict and justified dismantling the refugee camps in eastern Zaire by evoking the presence of their armed opponents in the camps, including those responsible for the 1994 genocide in Rwanda, who were mounting cross-border incursions into Rwanda.

Two years later, a quasi-identical scenario is being repeated. As it first did in 1996, the Rwandese Government is officially denying playing a role in backing the latest insurgency in the DRC, yet reports abound of RPA troop participation in the fighting in

⁶ See AI Rwanda report entitled "Ending the silence", AI Index: AFR 47/32/97, published on 25 September 1997 and DRC report entitled "Deadly alliances in Congolese forests", AI Index: AFR 62/33/97, published on 3 December 1997.

eastern and southwestern DRC. In 1997 the Rwandese Government had justified its military support to the AFDL by accusing the former Zairian Government of supporting or turning a blind eye to Hutu armed opposition groups in former Zaire. In 1998, while denying involvement in the conflict, the Rwandese authorities are reported to have accused President Kabila's government of training former Rwandese militia to attack Rwanda. As in 1996, an anti-Tutsi hate campaign is being waged in the DRC, this time by Rwanda's former allies in the DRC Government.

In Rwanda, the overthrow in 1959 of a Tutsi monarchy by Hutu politicians culminated in massacres of thousands of Tutsi. Tens of thousands of Tutsi fled to neighbouring countries, particularly Zaire, Burundi, Tanzania and Uganda. The countries that hosted these refugees already had their own indigenous Tutsi and Hutu populations, as well as those who had voluntarily emigrated there during previous decades. In former Zaire, the government failed to take measures to prevent the persecution of Hutu and Tutsi, commonly known as *Banyarwanda*⁷, or to distinguish refugees from nationals. Prominent members of other ethnic groups in Zaire competing for political positions repeatedly branded all Tutsi and Hutu foreigners. This political conflict culminated in early 1993 in armed clashes in North-Kivu province between Hutu and Tutsi on one side and members of several other ethnic groups on the other. At least 6,000 civilians were killed and several hundred thousand others were displaced.

The alliance between Hutu and Tutsi in Zaire became increasingly strained after October 1990 when fighting began in Rwanda between the Hutu-dominated Rwandese government and a Tutsi-dominated armed group known as the Rwandese Patriotic Front (RPF) - which went on to form the current government of Rwanda. Outside Rwanda, Hutu accused Tutsi of supplying money, arms and fighters to the RPF. The conflict in Rwanda culminated in the genocide of 1994, in which as many as one million people - most of them Tutsi but also many Hutu - were killed by Hutu-dominated government forces and militia. Thousands of unarmed Hutu were also killed by RPF combatants.

It is to this already volatile environment that more than one million Hutu, some of them former members of militia and government forces who participated in the genocide in Rwanda, fled when the Rwandese Government was overthrown by the RPF in July 1994. Once in Zaire, armed Hutu participated in attacks on Tutsi and other groups, and launched armed attacks from Zaire into Rwanda. Some members of the Zairian government and other prominent Zairians threatened to expel Tutsi, including Zairian Tutsi. The new Rwandese Government and Tutsi in Zaire found common cause to launch a war on the government of

⁷ Hutu and Tutsi are commonly referred to as *Banyarwanda* by members of other ethnic groups in central Africa because they are respectively ethnically related to Hutu and Tutsi in Rwanda, and generally speak *Kinyarwanda*, the national language of Rwanda.

former President Mobutu and Hutu in Zaire, and were joined by Zairian government opponents, including leaders of the current government of President Kabila. The international community, which had failed to protect Tutsi in Rwanda and in Zaire, this time failed to protect Hutu refugees and Zairians.

After the Tutsi-led alliance took power in the newly named DRC in 1997, Rwandese Hutu and Congolese armed groups opposed to Tutsi and to the new DRC Government remained active, particularly in eastern DRC. Since 1997, insurgency in Rwanda, which the Rwandese Government claims is based in the DRC, has escalated; thousands of unarmed civilians have been killed both by the insurgents and by the Rwandese security forces. In 1998, the conflict in Rwanda has shown no sign of abating and massive human rights abuses by both parties continue to occur, especially in areas bordering the DRC⁸.

Since taking power, President Kabila has faced increased political pressure from his supporters and opponents to remove Tutsi from key positions in the government and security forces. Killings of and by Tutsi have been reported in Kivu since 1997 after Tutsi were appointed to replace local government officials from rival ethnic groups in the region. In early July 1998 President Kabila replaced the then army Chief of Staff, James Kabarebe, who was previously an officer in the Ugandan and Rwandese armies. Tutsi and members of other ethnic groups increasingly accused President Kabila of filling key positions with people from his own Katanga province. On 27 July 1998, he ordered all Rwandese and other foreign troops out of the DRC and on 2 August his Rwandese-backed opponents, many of them members of the DRC Government and the *Forces armées congolaises* (FAC), Congolese Armed Forces, who later formed the RCD coalition, began an armed campaign to overthrow him. Amnesty International has received reports that by mid-August 1998 men of fighting age in Rwanda were being forcibly recruited into the RPA and sent to fight in the DRC.

3.2 The Ugandan influence

Until 1994, Uganda was home to several hundred thousand Tutsi and some Hutu refugees from Rwanda and Burundi. In the early 1980s the then government of President Milton Obote accused Tutsi of supporting the National Resistance Army (NRA) armed group, although the armed conflict involved combatants from a number of other Ugandan ethnic groups. The NRA leader, Yoweri Museveni, was himself accused by some of his Ugandan political opponents of originating from Rwanda. In 1982 the Ugandan authorities forcibly

⁸ See AI Rwanda report entitled "The hidden violence: "disappearances" and killings continue", AI Index: AFR 47/23/98, published on 23 June 1998.

returned thousands of Rwandese Tutsi refugees to Rwanda. The Rwandese authorities refused to accept them as returnees and they subsequently returned to Uganda. Some Rwandese Tutsi did join the NRA which eventually took power in 1986. Some Tutsi NRA soldiers were joined by other Rwandese exiles to plan a return to Rwanda by force of arms. Many of those who led the 1990 attack on Rwanda from Uganda, including current Rwandese Vice-President Paul Kagame, were members of the NRA. From October 1990 Uganda gave military and political support to the RPF and has remained a close ally of the RPF-led Rwandese Government. Uganda was also a key supporter of President Kabila before and soon after he came to power.

Since the 1960s, thousands of Zairians who fled Congolese civil wars and government repression settled in Uganda. Some of these Zairian exiles were involved in armed attacks on Zairian government forces, particularly in the early 1980s. The attacks were followed by severe human rights violations, including killings and torture by government forces, against the civilian population in North-Kivu. Some of the Zairian exiles joined the AFDL in 1996 to fight the Zairian Government.

During 1996 and 1997 Ugandan troops were reported to have assisted AFDL forces, particularly in northeastern Zaire, in response to the presence of Ugandan armed opposition groups based in eastern Zaire. Uganda has close military links with Rwanda and the USA and has since 1990 been a conduit for military supplies to Rwanda and Burundi, which reportedly reached the AFDL. Ugandan troops and AFDL combatants are said to have pursued and killed or captured suspected Ugandan members of armed opposition groups in Zaire. However, insurgency in western Uganda continued even after President Kabila came to power. The DRC Government had apparently failed to prevent Ugandan armed groups, particularly the Alliance of Democratic Forces (ADF) from using eastern DRC as a base to launch attacks on western Uganda. Amidst reports that the Ugandan authorities were unhappy that President Kabila had failed to prevent ADF attacks on Uganda, the Ugandan army had by mid-1988 established at least one military base in northeastern DRC. In May 1998, a DRC government minister publicly accused Ugandan President Museveni of interfering in the affairs of the DRC. In August the DRC Government accused Uganda of sending troops into the DRC to support the RCD. Ugandan initially denied that it had any forces in the DRC but on 25 August the Ugandan authorities admitted that their government had troops in the DRC. They denied reports that Ugandan troops were fighting alongside members of the RCD and RPA, and claimed that their troops were in the DRC solely to prevent ADF incursions from there into Uganda.

Human rights abuses committed during the armed conflict in western Uganda have included the killing and abduction of many unarmed civilians there. In 1997 and early 1998 the Ugandan army was reported to be holding scores of persons suspected of being supporters of the ADF in illegal detention in military barracks in western Uganda. In July

1998 the Ugandan army Chief of Staff reportedly admitted that government forces had tortured suspected supporters of the ADF in the region.

3.3 Tanzania: host to Great Lakes refugees

Political turmoil in the Great Lakes region has led to large influxes of refugees from the region into Tanzania since the 1960s. Some of the Zairian exiles in Tanzania, including President Kabila, were involved in armed attacks against former President Mobutu's government, particularly during the 1980s. Zairian government forces carried out numerous atrocities against unarmed civilians in South-Kivu and then Shaba region during counter-insurgency operations. During the 1996-97 war that led to the overthrow of former President Mobutu tens of thousands of people from South-Kivu province considered to be opposed to Tutsi domination fled into Tanzania⁹. The United Nations High Commissioner for Refugees (UNHCR) started assisting refugees to return to the DRC in recent months but stopped the repatriation at the start of August 1998 when the fighting broke out and over 1,000 more Congolese refugees have since fled to Tanzania. Congolese refugees in Tanzania have for several years complained that they were being subjected to human rights violations, including unlawful detentions and ill-treatment in custody, in Tanzania. The refugees have claimed in recent months that they were under pressure to return home on the grounds that the DRC was stable under President Kabila. Some of the refugees are believed to be supporters of armed groups opposed to President Kabila who they accuse of allowing Rwanda's involvement in Congolese affairs. On the other hand, some members of the FAC are reported to have recently received training in Tanzania. On 24 August the Tanzanian Government reportedly announced that it had ordered out of the DRC members of its armed forces training DRC government soldiers.

Competition for diminishing resources in Tanzania is increasingly straining relations between the local population and several hundred thousand refugees from the DRC, Rwanda and Burundi, as well as the hospitality of the Tanzanian Government. This situation partly led to a decision in late 1996 by the Tanzanian Government to forcibly return more than 500,000 Rwandese refugees to Rwanda. Some of these refugees and others have since fled back to Tanzania as a result of continuing violence and human rights abuses in Rwanda.

⁹ See AI Zaire report entitled "Hidden from scrutiny: human rights abuses in eastern Zaire", AI Index: AFR 62/29/96, published on 19 December 1996.

3.4 Burundian violence

Burundian and Congolese refugees have often been forced to move simultaneously as they fled armed conflicts in their respective countries. Thousands of Congolese refugees have entered Burundi since the 1960s, just as tens of thousands of Burundian, mainly Hutu, refugees have repeatedly fled to and from former Zaire. Many Congolese refugees have been caught up and been killed during Burundian intercommunal fighting. In 1994, Tutsi-dominated Burundian government forces and militia attacked Hutu and Zairian civilians in Bujumbura, forcing many of them to flee to former Zaire. Burundian Hutu-dominated armed groups recruited combatants from this Burundian refugee community to fight the Burundi Government. When war broke out in South-Kivu in 1996, Burundi government forces and Tutsi militia were reportedly involved, together with AFDL and Rwandese government forces, in killing Hutu refugees in former Zaire, including Burundian refugees suspected of supporting or belonging to Burundian Hutu-dominated armed opposition groups. Burundi was also reported to be a conduit for military supplies to the AFDL. Thousands of other refugees and some Zairian civilians were forced to cross to Burundi, to insecure areas where hundreds were extrajudicially executed by members of the Burundian security forces. As many as 200,000 people, mostly civilians, have been killed by government forces and armed groups in Burundi since October 1993. Burundi government troops are reported to have fought alongside RPA soldiers and RCD combatants during fighting in South-Kivu in early August 1998, during which they reportedly killed many unarmed civilians in the area.

3.5 The Republic of Congo

The Republic of Congo to the west of the DRC has itself barely come out of armed conflict which started in 1993 and culminated in the overthrow of former President Pascal Lissouba in October 1997. Former President Pascal Lissouba's government forces and militia belonging to various political factions killed thousands - as many as 15,000 according to President Denis Sassou Nguesso's new government - during the conflict. Some of the arms used by President Denis Sassou Nguesso came from neighbouring Angola through the DRC. Angolan troops helped both Presidents Kabila and Nguesso to overthrow their predecessors and are still deployed in the Republic of Congo. Former Presidents Lissouba and Mobutu were supported by combatants from the Angolan armed opposition group, known as the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola. Mercenaries from the former Yugoslavia and others who had been recruited by former President Mobutu's government are reported to have been subsequently hired in late 1997 by former President Lissouba in the war against Nguesso's militia. In both countries, the mercenaries killed unarmed civilians. Nguesso is also reported to have hired former Zairian and Rwandese soldiers who had been forced out

of the DRC by combined forces of the AFDL and Rwandese troops. Many Hutu refugees, as well as former Zairian soldiers and civilians, still live in the Republic of Congo and some are likely to get involved in fighting in the DRC.

3.6 Angolan war in the DRC

The Angolan Government provided military assistance to the AFDL which overthrew the former Zairian Government in May 1997. In August 1998 Angola was providing military support to forces loyal to President Kabila. Zairian refugees who had lived in Angola for many years also joined the AFDL in 1996. The Angolan government was anxious to prevent UNITA from using Zaire as a rear base. During the 1980s and early 1990s it was widely reported that the United States of America (USA) used the Zairian Kamina airbase and other routes to supply weapons to UNITA. In recent months, members of the DRC police are reported to have received training in Angola. UNITA itself used Zairian airports to import weapons and export diamonds. As the AFDL forces swept towards Kinshasa in early 1997, UNITA troops returned to Angola, followed by Rwandese refugees, including former Rwandese soldiers, and Zairian government troops. UNITA is reported to have an army of more than 20,000, including some former Rwandese and Zairian soldiers, despite declaring in March 1998 that it had demobilized all its troops under the terms of the peace agreement signed in 1994.

The Angolan enclave of Cabinda shares borders with both the DRC and the Republic of Congo. In Cabinda, the Angolan government troops fighting factions of the *Frente da Libertação do Enclave de Cabinda* (FLEC), Cabinda Enclave Liberation Front, have been responsible for torturing and killing unarmed civilians¹⁰. In August 1998, some Angolan government troops are reported to have launched an attack on forces opposed to President Kabila from Cabinda.

The Angolan Deputy Foreign Minister was reported to have said on 19 August 1998 that his country and several others had agreed to provide military and other support to the DRC Government. It has been reported that UNITA might itself get involved on the side of armed opponents of the DRC Government.

The conflicts in the DRC and Angola have generated a new flood of refugees and internally displaced people. In May 1998 some 2,000 Rwandese refugees were reported to have entered Angola through the DRC. In July 1998, 39,000 people reportedly fled from Angola to Katanga province in the DRC while more than 1,000 more crossed over into

¹⁰ See AI Angola report entitled "Extrajudicial executions and torture in Cabinda", AI Index: AFR 12/02/98, published in April 1998.

Bandundu and Bas-Congo. Two thousand Rwandese Hutu refugees reportedly fled from Angola to Zambia in early August 1998.

4. Involvement by countries outside central Africa

Governments outside central Africa have played varying roles in armed conflicts in the Great Lakes region. Some governments have actively supported parties to the conflicts by supplying troops, weapons and other military equipment, while others have provided training. Other governments have effectively condoned human rights abuses by failing to acknowledge human rights abuses committed by various parties to the conflicts. Armed forces supporting or opposed to President Kabila have since September 1996 been responsible for massacres, "disappearances" and abductions, torture and rape against tens of thousands of unarmed civilians. Governments supporting the warring parties have failed to seek or obtain assurances that arms and military training they or arms traffickers in their countries provide are not used to commit human rights violations against unarmed civilians. Despite abundant reports of widespread massive violations of human rights and international humanitarian law committed principally by DRC and Rwandese government forces, as well as by armed groups opposed to the two governments, virtually no-one has been brought to justice.

United States of America

As mentioned above, Rwanda continues to be a key participant in the armed conflict in the DRC. In 1998, as in 1996, the US Government has again denied any involvement in the conflict in the DRC. However, it has admitted that its armed forces had, at least until July 1998, been training Rwandese government soldiers in counter-insurgency and other techniques. US military personnel have been training RPA soldiers during a period when Rwandese government forces have been involved in violations of human rights and international humanitarian law in Rwanda and the DRC. When fighting broke out in the DRC on 2 August 1998 an American delegation comprising representatives of the Departments of Defence and Foreign Affairs was visiting areas along the Rwandese border with the DRC. The US government reportedly claimed that its representatives were in Rwanda to "assess the Rwandese government's capacity to prevent another genocide". It was unclear whether the assessment included the Rwandese government's ability to prevent continuing atrocities by its own troops in Rwanda and in the DRC. The US Government stated at the start of August 1998 that it was due to withdraw its military experts from Rwanda. In light of the persistent and appalling RPA human rights record, Amnesty International is concerned that the US military and security assistance to the RPA could be used to commit atrocities in the DRC and in Rwanda. US government forces have

provided military training to members of the Ugandan army, while private US security firms have been involved in military training for Rwandese government forces.

Zimbabwe

The Zimbabwean Government is reported to have given substantial military support to the AFDL during 1996 and 1997¹¹. During this period, members of the AFDL and their allies are likely to have used some of the military equipment supplied by Zimbabwe and other countries to commit atrocities against tens of thousands of unarmed civilians. Zimbabwe is also reported to have been a conduit for arms imported by the DRC from China and North Korea. The state-run Zimbabwe Defence Industries was reportedly contracted in 1997 to supply arms and ammunition, uniforms, boots and dry food rations to the DRC worth over US\$500,000. Further reports indicate that such supplies continued and that Zimbabwe provided military advisors and military air transport to the DRC during 1997 and 1998. On 17 and 18 August 1998, the Ministers of Defence of Angola, Namibia, Zambia and Zimbabwe met in the Zimbabwean capital, Harare, to discuss the DRC crisis. Soon after, the Zimbabwean authorities reportedly announced that they and some other Southern African Development Community (SADC) Member States would provide military and other assistance to the DRC Government. From mid-August, the Zimbabwean Government reportedly deployed several hundred soldiers and jet fighters to the DRC to support DRC government troops against the RCD and its allies.

South Africa

The South African Government has given significant political and some security support to the DRC Government and has been critical of organizations and governments which have expressed concern about human rights violations by the AFDL and the government led by President Kabila. However, in mid-August 1998 South Africa rejected Zimbabwe's proposal to give military assistance to the DRC Government. South African President Nelson Mandela and his government have since taken a lead in a search for a negotiated settlement to the armed conflict in the DRC. On the other hand, South Africa has in recent years supplied military equipment to Rwanda and Uganda. The South African Government has authorized the supply of military equipment to Rwanda, despite public knowledge that in addition to human rights violations in Rwanda, the RPA had played a major role in the armed conflict and human rights violations in the DRC. Private arms traders based in South Africa have also been involved in supplying small arms to the DRC.

¹¹ See AI DRC report entitled "Deadly alliances in Congolese forests", AI Index AFR 62/33/97, published on 3 December 1997.

Zambia and Namibia

Zambia has provided training to the DRC police. It has also been reported to be a conduit for small arms to the DRC Government and to armed opposition forces. Namibia was reported in mid-August 1998 to have provided about 20 tons of military weapons and other supplies to the DRC Government. In late August the Namibian Government admitted to supplying arms and other equipment to the DRC but continued to deny reports that it had also sent troops there. Most such small arms to the DRC originate in eastern Europe or from recycled stocks in central and southern Africa.

5. Conclusion

Parties to the armed conflicts in the DRC and in neighbouring countries have committed horrendous atrocities. Opposition groups which have taken up arms on the grounds that the governments they are fighting violate human rights have themselves been responsible for abuses of human rights and breaches of international humanitarian law, particularly deliberate and arbitrary killings of hundreds of thousands of unarmed civilians, including women and children not taking part in the hostilities. Millions of people have been forced to flee to areas inside or outside their countries where they have been subjected to further human rights abuses. These abuses will continue unless the international community resolves to place itself on the side of victims, regardless of their identity or that of the perpetrators, and takes a decisive position against human rights violators.

Much of the international community has, so far, either remained silent as unarmed civilians have been massacred or has taken sides with groups or governments responsible for human rights abuses. With a few exceptions, much of the international community has failed to condemn the overall climate of impunity in the region and thus fed the seemingly endless cycle of violence, human rights violations and crimes against humanity.

Amnesty International believes that although the current situation in the DRC is already critical, there is still an opportunity to prevent needless loss of life and suffering for millions of innocent civilians. Foreign powers and others have provided arms or funds to buy them to parties to the armed conflict in the DRC. The abundance of weapons channelled to all sides to the armed conflict has contributed to a climate of violence and impunity in which defenceless people are routinely ill-treated or killed. Despite this, none of the countries that have supplied weapons to the DRC and other countries involved in the conflict have taken any steps to ensure that their weapons would not be used to perpetrate human rights abuses. Furthermore, they have failed to acknowledge the part they and arms dealers in their countries have played in enabling armed forces in the Great Lakes region to commit human rights abuses.

Amnesty International believes that all governments have a responsibility to ensure that arms and training which they or those under their jurisdiction supply are not used to commit human rights abuses. The organization is opposed as a matter of principle to military, security or police transfers to government and armed opposition groups that can reasonably be assumed to contribute to human rights abuses such as deliberate and arbitrary killings, torture and other forms of ill-treatment. Such transfers may include equipment, personnel or training, as well as proven financial or logistical support for such transfers. Governments should prohibit such transfers unless it can be reasonably demonstrated that they will not contribute to human rights abuses.

6. Recommendations

The international community needs to learn from its mistakes which have led to unacceptable levels of human rights abuses in the DRC and the central Africa region as a whole. Parties to the conflict, governments and intergovernmental organizations should urgently institute mechanisms to prevent an escalation of atrocities, particularly against unarmed civilians.

To governments and armed groups participating in the armed conflict

- Give public instructions to all combatants and supporters that human rights abuses will not be tolerated and that those responsible will be brought to justice;
- Instruct all combatants to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions which specifically prohibits all parties to the conflict from targeting people taking no active part in the hostilities; in particular from carrying out acts of violence or torture against them, including rape, as well as taking hostages;
- Foreign governments participating in the armed conflict should ensure that their national armies abide by the 1949 Geneva Conventions and Protocol I of the Geneva Conventions. The fundamental provisions of Protocol I, including for the most part those concerning the protection of the civilian population, are considered to reflect customary international law and therefore binding on all states. Such provisions include a requirement to protect civilian lives, including the principle of distinction between military targets and civilians. Its Article 51 (2) states that the civilian population shall not be the object of attack and its Article 51(4) prohibits indiscriminate attacks. The Protocol also prohibits reprisal attacks against civilians and using civilians as shields.

- Announce and implement specific measures to prevent human rights abuses, including competent, independent and impartial human rights or judicial bodies to which victims or witnesses can report human rights abuses;
- Allow members of Congolese human rights organizations and other independent human rights observers to investigate and report on allegations of human rights abuses in areas under their control, and ensure that the investigators have unhindered and safe access to all such areas;
- Prevent any incitement to violence, discrimination or hatred against any groups or individuals and ensure their protection from human rights abuses, regardless of their ethnic, political or other affiliation;
- Publicly undertake to implement the recommendations of the UN Secretary-General's Investigative Team, including cooperating with a follow-up UN inquiry into the atrocities committed in the DRC since 1993 once established and to ensure that those found responsible will be brought to justice in trials that conform to international standards for fairness and exclude the use of the death penalty;
- Release all detainees held outside the law, prevent any arbitrary arrests, and ensure that humanitarian organizations, such as the ICRC, have access to and are allowed to assist all detainees in all detention centres;
- Give clear public instructions to armed force commanders not to recruit children and to exclude from their ranks any children that may already have been recruited.

To other governments, in particular Members of the UN, the OAU and SADC

- Publicly condemn all human rights abuses that have been and are being committed in the DRC, regardless of the identity of the perpetrator(s) or the victims.
- Prevent supplies of light weapons and other types of military, security or police equipment to all governments and armed groups implicated in the war in the DRC, which would be used by parties to the conflict or by their allies to commit human rights abuses. Given the persistent and well-documented patterns of arbitrary killings of unarmed civilians by all parties to the conflict in the Great Lakes region, it is clear that in the present situation, such equipment is likely to contribute directly to further human rights abuses. Security equipment classed as "non-lethal" (such

as military transport, including armoured vehicles and helicopters) is also being used to facilitate human rights abuses and should not be supplied to either side.

- Support the work of the UN Commission of Inquiry into arms transfers to the former Rwandese armed forces and urge the UN Security Council to extend its mandate to cover all arms transfers which are being used for grave violations of international humanitarian law and human rights standards in the Great Lakes region, including in the DRC, and other countries involved in the conflict there. This would include a mandate to investigate and report on transfers to Angola, Burundi, Rwanda, Uganda and Zimbabwe.
- The OAU and the SADC should state very clearly their commitment and determination to ensuring that impunity is ended in the region once and for all in order to ensure lasting protection from human rights abuses for the people of central Africa;
- To ensure that perpetrators are brought to justice, investigations should continue through the establishment by the UN Security Council of a competent, independent and impartial investigative body. This body should pursue the work carried out by the SGIT. The Security Council should exert political pressure to ensure that the investigative body has unfettered access to the DRC, but in the event of access being denied, the body should gather testimonies from victims, witnesses and other sources outside the DRC.
- The UN should seek safety guarantees for, reopen and strengthen the office of the UN High Commissioner for Human Rights in the DRC to monitor and report on the human rights situation in the country, and recommend measures which should be taken by the DRC Government and the international community to address impunity for past violations and to prevent further human rights abuses in the DRC;
- Provide support to and reaffirm the importance of the mandate of the three experts of the Commission on Human Rights on the DRC, Rwanda and Burundi. The experts should submit their reports to the UN General Assembly for consideration at its regular session including specific recommendations to address the current deterioration of the situation. The experts should be given political and material support to carry out a visit to the DRC in order to report on the human rights situation there when it is safe to do so.
- Request the UN High Commissioner for Human Rights to convene another extraordinary coordination meeting of the UN human rights experts on the Great

Lakes region, following on the one convened by the previous UN Commission on Human Rights in 1996, to draw up recommendations to prevent a deterioration of the human rights situation in the region. The meeting should also receive contributions from UN agencies and relevant treaty bodies, as well as other inter-governmental and non-governmental bodies which have expertise relevant to addressing the current human rights crisis. A report containing their findings and recommendations should be discussed at the UN General Assembly at its forthcoming session in order to allow this body to make concrete recommendations to address the present human rights situation.

- Urge the Rwandese Government to allow a redeployment of the UN Human Rights Operation in Rwanda (UNHRFOR), which was withdrawn in July 1998, and to allow the Operation to investigate and report on the human rights situation in Rwanda. Ask for a reinforcement of the UN human rights field presences in the Great Lakes region, including deploying human rights monitors in the DRC.