

DR Congo (60)

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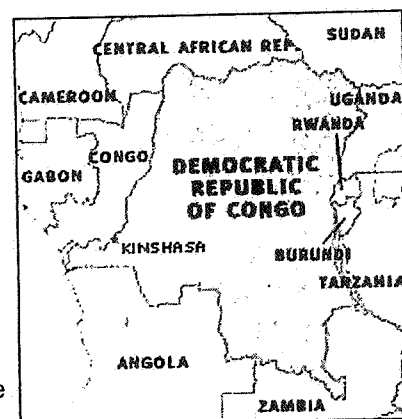
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HUMAN RIGHTS DEVELOPMENTS

The catastrophic five-year war pitting the Congolese government against ever-splintering rebel groups continued through most of the year with belligerents killing, raping and otherwise injuring thousands of civilians. After intensified international efforts to end the war, Angola and Zimbabwe withdrew most of the troops they had deployed to support the Congolese government. Rwanda returned home most of its soldiers backing the Goma branch of the rebel Congolese Rally for Democracy (RCD-Goma), while Burundi, also a supporter of RCD-Goma, and Uganda, backer of three other RCD factions, also announced troop withdrawal plans, albeit in October Rwandan and Burundian forces were reported once more to be in action alongside RCD-Goma as eastern Congo descended further into inter-factional and inter-ethnic conflict. In return for the Rwandan military withdrawal, the Congolese government banned Rwandan rebel groups based in eastern Congo and expelled the leaders of one of them, the Democratic Forces for Rwandan Liberation (FDLR). The government also agreed to facilitate the disarmament and repatriation of Rwandan rebels, but initial efforts at persuading them to return home were largely futile.



In the year or so up to their withdrawal the major foreign actors generally observed a truce, but local forces, some of which received support from the Congolese government or from one of the foreign actors, continued combat behind the front lines in eastern Congo through much of 2002. According to a report by a United Nations (U.N.) Security Council investigating commission released in October, Rwandan, Ugandan, and Zimbabwean army officers and Congolese authorities spurred these local conflicts in order to more easily plunder Congolese resources. It said these high-ranking officials collaborated with "criminal groups" in stealing Congolese wealth, and warned that the withdrawal of foreign troops would not end this exploitation.

Various parties to the conflict met in February 2002 in the inter-Congolese dialogue called for by the Lusaka Peace Accord of 1999, but they reached only a fragile power-sharing agreement that left undecided important questions about national reunification and the political transition. RCD-Goma refused to sign the agreement, as did veteran opposition leaders like Etienne Tshisekedi of the Union for Democracy and Social Progress. RCD-Goma boycotted a scheduled renewal of negotiations in late October.

The government became a state party to the Rome Convention for the International Criminal Court and also called for the establishment of an international criminal tribunal to try crimes against humanity committed in Congo before the date when the ICC came into being. Other actors, too, called for an international tribunal in the agreement reached as a conclusion to the inter-Congolese dialogue, but the international community showed little interest in this.

In May some RCD-Goma troops mutinied in Kisangani. In putting down that uprising, RCD-Goma soldiers, apparently backed by Rwandans, massacred civilians and military personnel: According to a report presented to the U.N. Security Council, more than 160 persons were slain.

In August and September hundreds of civilians were killed in the northeastern province of Ituri, where Ugandan army troops that were supposed to be keeping order there instead gave backing to one side in a conflict between competing rebel factions and ethnic militias. In August the Union of Patriotic Congolese (UPC), a faction predominantly of Hema ethnicity and supported by Ugandan troops, drove forces of the RCD-Liberation Movement (RCD-ML), led by Mbusa Nyamwisi, from the provincial capital, Bunia, and killed members of the Lendu and Ngiti ethnic groups, seen as RCD-ML supporters. RCD-ML forces and predominantly Ngiti militia then attacked the town of Nyankunde and killed hundreds of civilians, including hospital staff and patients, the latter slaughtered in their beds.

In Orientale province Nyamwisi's RCD-ML also lost territory in October to the Movement for the Liberation of the Congo (MLC) led by Jean-Pierre Bemba. Advancing eastwards out of Equateur province and reinforced by another RCD splinter, the RCD-National (RCD-N) led by Roger Lumbala, Bemba's forces captured Epulu and Mambasa, driving thousands of frightened civilians before them, and at this writing were bearing down on Beni in North Kivu.

As Rwandan troops left North and South Kivu provinces in October, local forces including groups of Mai-Mai and Banyamulenge (Congolese people of Rwandan ancestry) drove RCD-Goma soldiers from Uvira and surrounding areas, but then yielded before a new RCD-Goma thrust, reportedly reinforced by Burundian and Rwandan forces. RCD-Goma troops and Mai-Mai all reportedly killed civilians and plundered their property during this combat.

Many Banyamulenge originally supported RCD-Goma, but in early 2002 an important group followed former RCD-Goma officer Patrick Mazunzu in rejecting the rebel movement's authority. RCD-Goma troops tried unsuccessfully to suppress Masunzu's group. Rwandan government soldiers then joined in attacking the Banyamulenge, a people whose security had once been a pretext for the Rwandan army presence in Congo. Rwandan and RCD-Goma troops killed scores of civilians, including some shot from helicopter gunships, and forced thousands from their homes.

Combatants from all sides raped and otherwise sexually assaulted women and girls in the October fighting, as throughout the year. In some cases, victims were abducted and held for weeks or months to provide sexual and other services.

According to U.N. figures, some two million persons had been displaced by the conflict in eastern Congo by late October. Humanitarian agencies could meet the needs of relatively few of them and had to reduce even this limited assistance with October's intensified fighting. Combatants sometimes hindered humanitarian work: Mai-Mai took staff of the Merlin nongovernmental organization hostage for three days in January, and UPC authorities prevented humanitarian flights from landing at Bunia airport in October.

On taking power in 2001, President Joseph Kabila had pledged to honor civil and political rights, but throughout 2002 he continued to exercise autocratic powers inherited from his late father and predecessor, Laurent-Desiré Kabila. According to decree-law number 3 of 1997, all executive, legislative and judicial powers are vested in the president. Authorities carried out many abuses under the guise of delivering justice through the Court of Military Order. In October the prosecutor demanded the death penalty for 115 of 135 persons accused of having participated in plotting the late President Kabila's assassination. Shortly before, the government had announced the end to a moratorium on the death penalty in place since March 2001.

In December 2001 authorities beat and otherwise injured hundreds of Kinshasa university students whom they arrested after they had protested against tuition fee increases. According to the government, three policemen were killed during the protests. Leaders accused of organizing the protests were arbitrarily detained for three months, during which time they were severely beaten to induce them to confess to supposed links with political opposition leaders.

During the year authorities arrested fifteen journalists for publishing articles of which they disapproved. The publication director of the daily *Alerte Plus* reported that he was tortured in detention to force him to reveal sources of a news story published by the paper. The reporter who wrote the story was also arrested. In the East Kasai provincial capital, Mbuji-Mayi, the director of the National Intelligence Agency reportedly ordered three local radio and television stations not to cover news concerning opposition leader Tshisekedi.

In the zone controlled by RCD-Goma, authorities often detained civilians in unofficial places of detention, brought

no charges against them, and refused them outside contact. Such detainees included a dozen Banyamulenge whom RCD-Goma agents arrested in Burundi in January with the help of Burundian authorities. They were reportedly transferred to a container located a short distance from Goma; at this writing their whereabouts were unknown.

In August and September, RCD-Goma authorities cooperated with Rwandan officials in forcibly repatriating thousands of Congolese refugees who had sought safety in Rwanda several years earlier. They made no provision for those who returned and initially refused to allow humanitarian workers access to them.

DEFENDING HUMAN RIGHTS

Human rights activists faced harassment, abduction, beatings, and arbitrary arrest in the course of their efforts to work in an extremely hostile environment in both government-held and rebel-controlled areas of Congo.

In April government agents detained N'sii Luanda Shandwe, head of the Committee for the Observation of Human Rights, and charged him with treason and sheltering criminals. N'sii faces trial before the Court of Military Order and a possible death sentence if found guilty. Human Rights Watch and other local and international advocates asked President Kabila to release N'sii or transfer his case to a civilian court to be tried in accordance with international fair trial standards, but at this writing N'sii—who fell ill in prison—remained under military jurisdiction. Willy Wenga Ilombe, a lawyer and member of the nongovernmental Center for Peace, Democracy and Human Rights, detained in February for criticizing the government, was still held at this writing. Golden Misabiko, chairman in Katanga province of the leading national organization the African Association for the Defense of Human Rights (ASADHO), was detained for eight months and tortured in 2001, and in March 2002 was forced to flee the country after the prosecutor of the Court of Military Order ordered his arrest for having criticized government policy in a radio interview.

In the zone controlled by the Ugandan-backed MLC, authorities detained a local correspondent of the U.N.-supported Radio Okapi for a week because he had interviewed child soldiers. In Bunia in early September, agents of RCD-ML, also backed by Uganda, detained Honore Musoko, founding member of the association Justice Plus, because he had criticized the human rights record of the faction during an interview with Voice of America. In late 2001 and early 2002, RCD-ML agents repeatedly detained Hangi Bin Talent, the representative in Beni of ASADHO. By mid-year, he had fled Congo.

Human rights defenders were harassed and arrested also by RCD-Goma authorities. On March 15 agents detained and severely beat Richard Bayunda of the Research Center for Environment, Development and Human Rights (CREDDHO). They were apparently reacting to his efforts to protect detainees whose rights were being abused. After the May mutiny in Kisangani, RCD-Goma authorities threatened several human rights activists. They detained Dunia Ruyenzi, a lawyer, in late May when he sought information about the whereabouts of some detainees. They held Djento Mahundu Bwenge for over a week at the Direction Générale de Migration (DGM) because he gave an interview to Radio France International. Also in May RCD-Goma soldiers raided the office of the Study and Action Group for a Well-Defined Development (GEAD). They seized documents and equipment and, at the time of this writing, were still prohibiting access to the office. Soldiers later attempted to intimidate Delphine Itongwa, a leading member of GEAD, by making a menacing nighttime visit to her house.

In the RCD-Goma-held city of Bukavu, a civil society leader and teacher at the Catholic University, Professor Byamungu, was assassinated by uniformed soldiers in July. As of this writing, no one had been arrested for this crime.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Having spent much effort trying to end the war in the DRC, and satisfied with the withdrawal of foreign troops and Congo's disavowal of Rwandan rebels, the international community appeared willing to mute its calls for accountability in hopes of ensuring the hard-won semblance of stability.

United Nations

Ambassadors of the U.N. Security Council traveled to countries involved in the Congo war in May, the third such visit in as many years, underlining the importance they gave to ending the conflict. On several occasions the council deplored efforts by belligerents to increase their territory in violation of the truce, condemned the resurgence of violence, and encouraged steps such as the withdrawal of foreign troops.

The United Nations Organization Mission in the Democratic Republic of Congo (MONUC) monitored observance of the truce by the primary belligerents effectively, but did nothing to halt combat among local parties behind the lines. With some 5,500 troops, most of them stationed far from the eastern region where local conflicts were most prevalent, MONUC was ill-equipped to carry out the part of its mandate calling for the protection of civilians at "imminent risk of physical violence." This failure was evident during the Kisangani massacre in May. On the first day of violence no MONUC personnel went out on patrol to deter killing, although there were dozens of military observers in the city and some one thousand troops there to defend U.N. personnel. On the second day, MONUC officers did call for calm, obtained the release of two detained priests, and protected seven other civilians. Officers of the force subsequently joined representatives of the U.N. High Commissioner for Human Rights Field Office in Congo in conducting a detailed investigation of the events. As a number of international actors were calling for increased resources for MONUC in October, U.N. Secretary-General Kofi Annan proposed increasing the force to 8,700 troops and stationing two strong mobile units near the zones of conflict in the east.

Following critical comments by U.N. personnel about the conduct of RDC-Goma soldiers, the rebel authorities expelled two U.N. staff members from the town of Goma and a third from Kisangani. It also declared the secretary-general's special representative persona non grata after MONUC reported on the Kisangani killings as "unjustifiable." On June 5, the Security Council condemned "in the strongest terms" acts of intimidation by RCD-Goma against U.N. officials and called on Rwanda to use its influence to ensure that RCD-Goma obey Security Council resolutions without delay.

On several occasions during the year, such as on September 30 after combat had intensified in the east, the Security Council called for an end to human rights abuses committed by all sides during the war. It issued a particularly strong presidential statement on July 23 condemning the Kisangani massacres and demanding that RCD-Goma bring the officers responsible to justice. It also said that Rwanda had a duty to use its influence over RCD-Goma to see that no further war crimes were committed.

The special rapporteur on extrajudicial, summary or arbitrary executions went to Kisangani to investigate the massacre and gathered information that formed the basis of a report presented by the high commissioner for human rights to the Security Council in July. This marked the first time that the high commissioner had addressed the council on the human rights situation in a single country. At its 2002 meeting, the Commission on Human Rights extended the mandate of the special rapporteur for the DRC.

The Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo presented its final report to the Security Council in mid-October. Drawing on extensive documentary evidence and witness statements, the panel described the networks through which Rwandan, Ugandan, Zimbabwean, and Congolese authorities had been growing rich at the expense of the Congolese people. The report explained that various foreign actors worked to keep local authorities weak and local peoples in conflict in order to make it easier for them to extract wealth from the area. It also concluded that Rwanda was not in Congo to protect its security, as it frequently claimed, but rather to "secure property." It named not just individual officers but also various corporations—some international, some national—involved in illegally exploiting the DRC's wealth. It called for sanctions against the individuals and corporations if they failed, after a brief grace period, to halt their activities.

European Union

The E.U. sought to encourage peace by combining incentives and pressures on all parties to the conflict. The United Kingdom (U.K.) foreign secretary and his French counterpart visited Central Africa together in January. They were followed soon after by the Belgian foreign minister and a joint delegation of the U.K., Netherlands, and Norwegian ministers for international development.

The E.U. condemned violations of the truce, such as when RCD-Goma forces took Moliro and Pweto in March. In demanding that these forces retreat, the E.U. called upon Rwanda to use its influence to see that this was accomplished. On October 22 the E.U. deplored the resurgence of violence in the east and expressed concern about human rights violations, particularly in Ituri. It endorsed an expansion of MONUC forces. Shortly after the Kisangani massacre, the E.U. Presidency and the European Parliament condemned the killings and "the repression of the Congolese people by RCD-Goma members and Rwandan troops." The U.K., known to favor Rwanda, nonetheless played a key role in brokering the agreement between the Congolese government and Rwanda in July.

As the year-long Congolese program of economic reform yielded some improvements, various donors rewarded this success and promised further support if efforts at peace, reconciliation, and democratization continued. In January, the E.U. approved a National Indicative Program of €120 million (U.S.\$118 million) for a five-year effort to alleviate poverty and strengthen institutions. This resumption of development assistance signaled a departure from previous years when the E.U. denied Congo funds for development while delivering extremely generous assistance to Rwanda and Uganda, notwithstanding condemnation of both these governments for their military presence in Congo.

International financial institutions joined in offering new support to Congo. The donors grouped in the Paris club wrote off more than half of U.S.\$9 billion in debt and agreed to reschedule the rest and to seek similar relief for Congo from other donors. The World Bank proposed canceling more than 80 percent of outstanding Congolese debt (to be finally decided on in early 2003). In June, the World Bank resumed cooperation with Congo by giving a loan of \$450 million and a grant of \$44 million to help finance part of a \$1.7 billion emergency and reconstruction program.

United States

Like others in the international community, the U.S. focused on ending the war, a message that President George W. Bush himself delivered to the Congolese and Rwandan presidents in September. The U.S. condemned the Kisangani massacre, and its ambassador for war crimes issues traveled to the scene in October. The ambassador also pushed Congolese authorities to surrender important suspects sought by the International Criminal Tribunal for Rwanda, an effort that netted one important suspect by October. The U.S. State Department *Country Report on Human Rights Practices for 2001* detailed abuses by government and rebel authorities, but recognition of the abuses had only limited impact on policy.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

War Crimes in Kisangani: The Response of Rwandan-backed Rebels to the May 2002 Mutiny, 8/02

The War Within The War: Sexual Violence Against Women and Girls in Eastern Congo, 6/02

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