

DR Congo(60)

Im. Fln.sekr. 19

J.nr. 1997/71511-83

13 JUNI 2000

21/6-00

[EMBARGOED FOR: 31 May 2000]

Antal bilag

Aktnr. 33

Public

amnesty international

79

DEMOCRATIC REPUBLIC OF CONGO

Killing human decency

31 May 2000

SUMMARY

AI INDEX: AFR 62/07/00

DISTR: SC/CC/CO/GR

Belligerents in the Democratic Republic of Congo (DRC) have unlawfully killed thousands of unarmed civilians and subjected many others to torture - including women raped - and other forms of cruel, inhuman or degrading treatment. Many people have "disappeared" in the custody of the various forces which have unlawfully detained hundreds of suspected or known supporters of their opponents. Several hundred thousand civilians have fled to neighbouring countries, while as many as one million have been internally displaced in conditions that have caused numerous deaths from diseases, starvation and exposure. This is a snapshot of a catalogue of human rights abuses and suffering that the people of the DRC have been subjected to since August 1998 by forces whose foreign and Congolese political and military leaders claim to be fighting for security or sovereignty.

The on-going war pits several armed opposition groups and foreign government forces against the DRC Government which is itself supported by several foreign governments. DRC government forces known as the *Forces armées congolaises* (FAC), Congolese Armed Forces, are supported by those of the governments of Angola, Namibia and Zimbabwe. Sudanese government aircraft are reported to have bombed suspected armed opposition positions during 1999. Chad withdrew its forces in mid-1999 after it, together with the DRC Government, signed a peace agreement with Uganda in April 1999. The armed opposition is composed of two factions of the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy, and the *Mouvement pour la libération du Congo* (MLC), Movement for the Liberation of Congo. The main foreign government forces supporting the RCD and the MLC are the Burundian government forces, the Rwandese Patriotic Army (RPA) and the Uganda Peoples' Defence Forces (UPDF).

In this report, Amnesty International is seeking to highlight the manner and extent to which a large section of the DRC's population has been subjected to unacceptable levels of human rights abuses. Information contained in this report covers mainly the period between the start of 1999 and early 2000. The perpetrators of these abuses have clearly

violated Common Article 3 of the Geneva Convention. The killings also violate international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter).

Hundreds of unarmed civilians have been killed by DRC government forces. More than 100 civilians and soldiers have been executed, after trials that fell short of international standards. A number of civilians and members of the security forces have "disappeared" after they were detained. Many people who have been arrested before and since the start of 1999 have been subjected to violence, including torture, at the time of their arrest and in custody by members of the security forces.

Thousands of unarmed civilians have been victims of deliberate and arbitrary killings by the RCD, MLC, RPA, UPDF and Burundian government forces. Most of the victims appear to be women, children and the elderly who had not been able to flee or who thought they would not be targeted by combatants. These forces have "disappeared" or abducted hundreds of people. Many of those arrested, by the RCD and their allies were subjected to beatings, and other forms of torture while in custody, especially in unofficial or secret detention centres.

Mayi-mayi, *interahamwe* and other armed groups opposed to the RCD and their foreign backers have deliberately killed and abducted unarmed civilians. These groups have also been responsible for torture, including rape, mainly of people suspected of cooperating with the RCD and its foreign backers.

Amnesty International has concluded that there has been a blatant lack of will on the part of the leaders of the governments and armed groups involved in the DRC war to prevent human rights abuses and a total disregard for their obligations under international law to prevent attacks on unarmed civilians.

Amnesty International's main recommendation is that the UN Security Council sets up a new international commission of inquiry to fully investigate violations of international humanitarian and human rights law in the DRC, including since August 1998. The commission's mandate should include making recommendations for action to bring alleged perpetrators of grave human rights abuses to justice and to prevent a recurrence of similar human rights tragedies in the future.

KEYWORDS: ARMED CONFLICT1 / INDISCRIMINATE KILLING1 / EXTRAJUDICIAL EXECUTION1 / DEATH PENALTY / TORTURE/ILL-TREATMENT / DISAPPEARANCES / MILITARY / NON-GOVERNMENTAL ENTITIES / CHILD SOLDIERS / MILITARY TRIBUNALS / MASS KILLING / MSP / PHOTOGRAPHS

This report summarizes a 46-page document (20,032 words) entitled *DEMOCRATIC REPUBLIC OF CONGO: Killing human decency* (AI Index: AFR 62/07/00), issued by Amnesty International on 31 May 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

<http://www.amnesty.org/news/emailnws.htm>

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

[EMBARGOED FOR: 31 May 2000]

Public

amnesty international

DEMOCRATIC REPUBLIC OF CONGO

Killing human decency



31 May 2000
AI Index: AFR 62/07/00
Distr: SC/CO/CC/GR

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

TABLE OF CONTENTS

1. Introduction	1
2. Background	2
2.1 The main protagonists	3
2.2 Impact of the armed conflict	5
2.3 International attempts to end the armed conflict	6
3. Violations of the right to life in DRC government-controlled areas	8
3.1 Unlawful killings	8
3.2 Executions ordered by the Military Order Court	10
3.3 "Disappearances"	13
3.4 Torture and other forms of ill-treatment	15
4. Violations of the right to life in areas under rebel and foreign forces	19
4.1 Unlawful killings	19
4.1.1 Killings by RCD and allied forces	20
4.1.2 Killings by Burundi government forces	22
4.1.3 Killings by the RPA	24
4.2 UPDF accused of extrajudicial killings in Ituri intercommunal violence ..	25
4.3 Death sentences and executions ordered by armed opposition leaders ..	25
4.4 "Disappearances" and abductions by rebel and allied troops	26
4.5 Torture and other forms of ill-treatment	28
5. Abuses by <i>mayi-mayi</i> , <i>interahamwe</i> and allied armed groups	32
6. Arming and training the killer forces	35
6.1 Arms for the DRC war	35
6.2 Child combatants	40
7. Conclusion	41
8. Recommendations	42
8.1 To the United Nations Security Council	43
8.2 To Governments and armed groups with forces in the DRC	44
8.3 To foreign governments, OAU, SADC and EU	45
GLOSSARY OF ACRONYMS	46

Democratic Republic of Congo

Killing human decency

1. Introduction

Combatants participating in the on-going war in the Democratic Republic of Congo (DRC) have unlawfully killed thousands of unarmed civilians and subjected many others to torture and other forms of cruel, inhuman or degrading treatment. Many people have "disappeared" in the custody of the various forces which have unlawfully detained hundreds of suspected or known supporters of their opponents. Seeking to save their lives, at least 300,000 civilians have fled to neighbouring countries, while more than one million have been internally displaced in conditions that have caused numerous deaths from diseases, starvation and exposure. This is a snapshot of a catalogue of human rights abuses and suffering that the people of the DRC have been subjected to since August 1998 by forces whose foreign and Congolese political and military leaders claim to be fighting for security or sovereignty. In reality, many of the leaders are involved in a fight for political and economic control of the DRC. Amnesty International has concluded that these leaders are perpetrating, ordering or condoning atrocities on a large and systematic scale, and deliberately violating people's individual and collective right to security and sovereignty.

Amnesty International has received scores of testimonies and reports about atrocities committed against unarmed civilians or captured combatants since the current war started on 2 August 1998. To acquaint itself further with the human rights situation in the DRC and prepare this report, Amnesty International sent delegates to the DRC and neighbouring countries in late 1999 to gather information from survivors, witnesses and other individuals or organizations with an interest in human rights. Several of the organization's delegates visited Tanzania and Zambia in September 1999 and interviewed Congolese refugees, most of whom had fled from eastern DRC. Other Amnesty International delegates visited parts of the DRC under government control in August and eastern DRC in November 1999 to gather information about the human rights situation and to hold talks with the respective authorities there.

What stood out in the mass of information gathered by the delegates, as well as reports received from local human rights defenders since the start of 1999, was the appalling extent to which unarmed civilians have continued to be relentlessly deprived of the right to life and to physical integrity. These abuses have been perpetrated in total disregard of international humanitarian law and human rights treaties, to which the DRC and other governments taking part in the conflict are party. In this report, Amnesty International is seeking to highlight the manner and extent to which thousands of unarmed civilians have been unlawfully killed and others, together with combatants, executed after unfair trials. A large number of civilians and some combatants have been subjected to torture, including women raped, and other forms of cruel, inhuman or degrading treatment. Others have been "disappeared" or abducted. Information contained in this report covers mainly the period between the start of 1999 and early 2000.

Before and after the start of the on-going war, Amnesty International has regularly made public some of the violations of international human rights and humanitarian law in a number of reports,¹ Urgent Actions and news releases.² Other human rights organizations inside and outside the DRC have done likewise. In most cases, government and armed opposition leaders have justified, denied or played down the severity of abuses by their forces, while condemning atrocities by their opponents. They have also sought to publicly discredit human rights organizations and individuals who have denounced these abuses. The impunity enjoyed by the perpetrators has only served to sustain a cycle of atrocities by combatants against unarmed and defenceless civilians, most of them women, children and the elderly.

Prominent Congolese and members of the civil society in the DRC are practically unanimous in their condemnation of and appeals for an end to the armed conflict and human rights abuses in the country. Many people, including human rights defenders, journalists and other members of the civil society, have fallen victim to abuses by forces of the belligerents because they have opposed or criticized human rights abuses and the armed conflict. Amnesty International and numerous foreign human rights and other organizations have added their voice to that of the people of the DRC. Amnesty International is gravely concerned that leaders of the forces fighting in the DRC have continued to ignore these appeals, particularly by the people of the DRC, while claiming to be fighting for the cause of the Congolese people.

2. Background

The current war pits several armed opposition groups and foreign government forces against the DRC Government which is itself supported by several foreign governments. The main backers of President Laurent-Désiré Kabila's government and his foreign and Congolese armed opponents were all on the same side when they ousted former President Mobutu Sese Seko in May 1997. They fell into opposing camps as President Kabila sought to eliminate the influence of Rwandese and other foreign forces suspected of supporting his opponents inside and outside the DRC security forces and government, and seeking his removal from power. The governments of Burundi, Rwanda and Uganda on their part accused President Kabila of

¹ See Amnesty International reports entitled *DRC: War against unarmed civilians* (AI Index: AFR 62/36/98), published on 23 November 1998, and *DRC: Government terrorises critics* (AI Index: AFR 62/01/00), published on 10 January 2000.

² See Amnesty International news releases entitled *DRC: Amnesty International urges peace negotiators to place the protection of DRC human rights defenders on the agenda* (AFR 62/19/99), published on 29 June 1999, and *DRC: Massacres of civilians continue unabated in the east* (AI Index: AFR/04/00), published on 17 January 2000.

supporting their armed opponents based in the DRC. Both sides, and more so the armed opposition, include political and military leaders who previously supported former President Mobutu and who were opposed to, but are now allies of, countries which helped to overthrow Mobutu.

2.1 The main protagonists

DRC government forces known as the *Forces armées congolaises* (FAC), Congolese Armed Forces, are supported by those of the governments of Angola, Namibia and Zimbabwe. Sudanese government aircraft are reported to have bombed suspected armed opposition positions during 1999. Chad withdrew its forces in mid-1999 after it, together with the DRC Government, signed a peace agreement with Uganda in April 1999. The two other parties to the agreement, mediated by Libya, continued fighting. The DRC government has links with armed groups, collectively known as *mayi-mayi*,³ fighting Congolese armed groups and foreign governments seeking to overthrow President Kabila. In September 1999, President Kabila appointed several *mayi-mayi* commanders to senior military posts, including that of the army Chief of Staff. An alliance also exists between the DRC Government and the former Rwandese *interahamwe* militia and former Rwandese government forces. The *Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie* (CNDD-FDD), National Council for the Defence of Democracy-Forces for the Defence of Democracy, a Burundian armed opposition group, and a Ugandan armed opposition group known as the Allied Democratic Forces (ADF) also have combatants and bases in the DRC.⁴

The armed opposition is composed of two factions of the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy, and the *Mouvement pour la libération du Congo* (MLC), Movement for the Liberation of Congo. The main foreign government forces supporting the RCD and the MLC are the Burundian government forces, the Rwandese Patriotic Army (RPA) and the Uganda Peoples' Defence Forces (UPDF). The MLC, led by Jean-Pierre Bemba was formed in late 1998 with the direct assistance of the Ugandan Government to overthrow President Kabila. Disagreements among RCD leaders led to a split in early 1999, culminating in the formation of two factions. One faction loyal to the Rwandese Government is known as RCD-Goma, led by Emile Ilunga. The second faction loyal to the Ugandan Government was initially known as RCD-Kisangani and is now known as RCD - *Mouvement de libération* (RCD-ML), RCD-Liberation Movement, led by Ernest dia Wamba.⁵

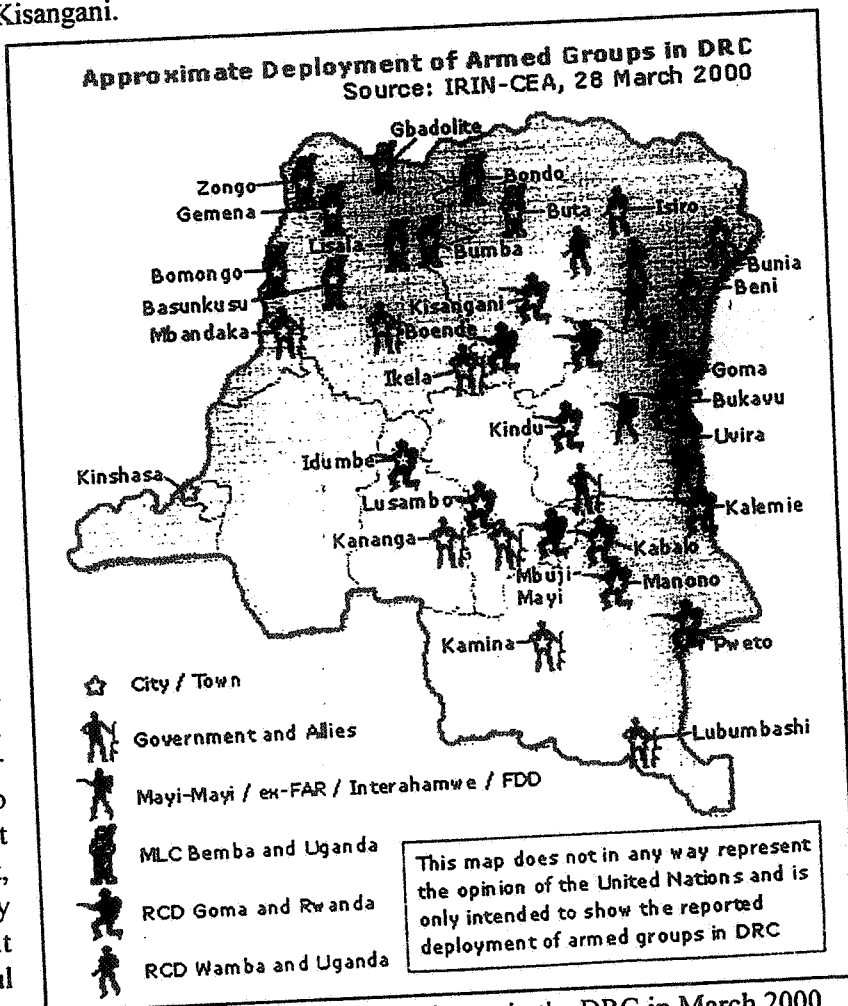
³ *Mayi-mayi* formally call themselves *Forces d'auto-défense populaires* (FAP), Popular Self-Defence Forces.

⁴ The governments of Rwanda and Uganda say they are involved in the DRC war to pursue their respective armed opponents based in the DRC or supported by the DRC Government.

⁵ Also often referred to as RCD-Wamba

Disagreements between Ugandan and Rwandese military commanders on economic, military and political control over captured territory and the war strategy, as well as their support for rival RCD factions, sparked off fighting between their forces in Kisangani in mid-August 1999. Many soldiers and unarmed civilians were killed in the fighting (see Section 4.1). Following an inquiry by Ugandan and Rwandese military commanders the Ugandan and Rwandese authorities later agreed to "demilitarise" Kisangani. The RCD-ML and UPDF transferred their headquarters from Kisangani to Bunia in Orientale and to Gbadolite in Equateur province, respectively. However, tensions were rising again in March and April 2000 as RCD-Goma with the RPA and the UPDF mutually accused each other of amassing troops and weapons in Kisangani.

Rwandese political, military and economic control over RCD-Goma has remained a source of discord within the armed opposition group and defections from among the RCD-Goma leadership continued into early 2000. RCD-ML leadership was also beset with internal feuds, which the Ugandan Government was seeking to resolve in April and May 2000. The RCD and their allies have failed to secure significant local popular support, in part because they have carried out widespread unlawful killings and other human rights abuses against unarmed civilians suspected of supporting the DRC Government and local armed groups.



1 UN map showing positions of forces in the DRC in March 2000

2.2 Impact of the armed conflict

In areas under government control, much of the population is experiencing extreme economic hardship. Hundreds of thousands of people who have fled from areas of armed conflict are internally displaced in areas under government control, with little or even no material help. Social services, including medical care, have effectively collapsed. The government has imposed measures, particularly foreign currency and price controls which have made it very difficult for most Congolese to earn money to pay for food and medical services. Most government employees have rarely, if at all, been paid since August 1998, and most private businesses have collapsed.

Burundian, Rwandese and Ugandan troops are thought to constitute as much as 50 per cent of the forces ranged against President Kabila. The armed opposition and allied foreign forces have captured most of eastern, northern and central DRC from forces loyal to the government. Ugandan, Rwandese and Burundian forces in the DRC, in conjunction with the armed opposition groups they support, have set up administrative entities and appointed officials in the areas they control. The administrative changes appear to have exacerbated hostility towards the foreign forces, the armed groups they support and sections of the population perceived as supporters of the occupation of the DRC by foreign forces. In February 2000 the RPA is reported to have forcibly removed large numbers of people from their villages in North-Kivu province and relocated them into camps where they had in most cases no access to humanitarian assistance.

Large sections of the population in Kivu are hostile to the RCD-Goma's decision in 1999 to introduce a new "national" flag and to twin Bukavu with the Rwandese capital, Kigali. In Uvira, entry and exit visas are reportedly issued by Burundian officials and some administrative decisions are reportedly taken in or referred to Bujumbura, the Burundian capital. Further north, intercommunal violence between members of the Lendu and those of the Hema ethnic groups broke out in June 1999 at the same time as the UPDF and RCD-ML formed a new province of Kibali-Ituri comprising the former Ituri and Haut-Uélé districts, and appointed a new Hema governor loyal to the RCD-ML. The governor appears to have had disagreements with the RCD-ML leadership, apparently linked to the conflict between Hema and Lendu, and she later joined the MLC. A new governor was subsequently appointed. Further animosity towards the armed opposition groups and foreign forces has been caused by widespread impoverishment of the wider society caused by the armed conflict, and non-payment of salaries to most Congolese workers and combatants. At the same time, Congolese in the region have witnessed exorbitant taxation and massive transfers from the DRC, particularly to Uganda and Rwanda, of public and private property and natural resources, particularly minerals and timber, by foreign forces and their business associates. On 20 April 2000 the UN Secretary-General recommended to the UN Security

Council to set up a panel of experts to investigate the looting of DRC's natural resources by belligerents.

Since early 1999 there have been increasingly frequent reports of internal divisions within RCD-Goma, particularly between members of the Tutsi and those from other ethnic groups. Some Congolese Tutsi, commonly known as Banyamulenge, have clashed with Rwandese forces and dissociated themselves from the RCD-Goma. Some Banyamulenge have formed a new group known as the *Forces républicaines fédéralistes* (FRF), Federalist Republican Forces, which on 14 February 2000 called for a withdrawal of Rwandese forces from the DRC. It also accused Rwandese forces of systematic looting and arming members of other ethnic groups in South-Kivu. Talks on peaceful co-existence between some Banyamulenge and members of other ethnic groups have been reported.

Hostility towards armed opposition groups and their foreign backers has severely strained relations between RCD-Goma and the Roman Catholic church in the DRC. Many of the church's leaders have made public their opposition to the war against President Kabila and to human rights abuses against the population. Relations between the Roman Catholic church and armed opposition groups supported by Rwanda have been strained since the invasion of former Zaire in September 1996. The church has been vociferous against the Rwandese invasion and human rights abuses by Rwandese forces and their Congolese allies. This stance has been interpreted by some as the church's support for persecution of Tutsi.⁶ Roman Catholic church leaders in eastern DRC have reportedly been targeted by members of RCD-Goma. Following the publication of a Christmas 1999 letter to his followers in which he called for opposition to foreign invasion of the DRC, the Roman Catholic Archbishop of Bukavu, Emmanuel Kataliko, was prevented by RCD-Goma from returning to Bukavu and was relegated to his home town of Butembo in North-Kivu in February 2000. His predecessor, Archbishop Christophe Munzihirwa, who was also opposed to the invasion of the former Zaire and atrocities by Rwandese forces, was killed on 29 October 1996. Rwandese and allied forces killed a number of priests and dozens of members of the religious community in eastern DRC during 1996 and 1997.

2.3 International attempts to end the armed conflict

Although the international community has not taken any significant measures to prevent human rights abuses or protect human rights in the DRC, the United Nations (UN), the Organization of African Unity (OAU) and the European Union (EU) have called for an end

⁶ Some Roman Catholic church leaders were supporters of the former Hutu-dominated Rwandese Government and are accused of complicity in the 1994 genocide in Rwanda. Several Rwandese bishops and other religious leaders in Rwanda have been killed or imprisoned by forces of the current Tutsi-dominated Rwandese Government.

to the armed conflict in the DRC, while largely resisting DRC Government and civil society pressure to condemn the invasion of its territory by Burundi, Uganda and Rwanda. The Southern Africa Development Community (SADC) has remained largely divided as a result of four of its member states' involvement in the war. In April 1999 the UN Security Council passed Resolution 1234 demanding an end to the conflict and for an inquiry into violations of human rights and international humanitarian law once the security situation permitted. These intergovernmental organizations supported mediation between the main belligerents by Zambian President Frederic Chiluba. The mediation culminated in the signing in the Zambian capital, Lusaka, of a cease-fire by the governments of Angola, the DRC, Namibia, Rwanda, Uganda and Zimbabwe in July and by the armed opposition groups in August 1999. The implementation of the cease-fire agreement, which includes cessation of hostilities, disarmament of armed groups not party to the agreement, withdrawal of all foreign forces and a political dialogue and settlement among Congolese leaders, was supposed to be completed within one year of its signature. Although a facilitator for the DRC national dialogue, former Botswana President Ketumile Masire, was appointed in December 1999, most other aspects of the agreement remained unimplemented by the start of May 2000. All parties to the conflict continued to violate the cease-fire in Katanga, Equateur, South-Kivu, Equateur and the two Kasai provinces.

Amnesty International welcomes a recommendation in the cease-fire agreement that members of the former Rwandese government forces (ex-FAR) and *interahamwe* militia responsible for the 1994 genocide in Rwanda should be brought to justice. However, the organization is concerned that the agreement failed to demand that other forces responsible for violations of international human rights and humanitarian law in the DRC, particularly since 1996, should also be brought to justice. The cease-fire agreement failed to be specific on measures to be taken to protect human rights.

Parties to the armed conflict set up a Joint Military Commission (JMC), as required by the Lusaka agreement, to monitor the implementation of the cease-fire. Amidst wrangling by the RCD factions about their representation on the JMC, fighting continued as the belligerents mutually accused each other of violating the cease-fire. In August 1999, the UN Security Council authorized the deployment of some 90 military liaison officers to prepare for the deployment of a peacekeeping force known as the *Mission de l'Organisation des nations unies en République démocratique du Congo* (MONUC), United Nations Organization Mission in the Democratic Republic of Congo. The liaison officers visited the countries involved in the conflict, but had no tangible effect on the fighting. In February 2000 the UN Security Council voted Resolution 1291 authorizing a deployment of an expanded MONUC peacekeeping force consisting of up to 5,537 personnel. MONUC, which is required to cooperate with the JMC, was mandated by the Security Council to monitor and facilitate the implementation of the Lusaka agreement. The force is expected

to include personnel responsible for human rights and child protection. MONUC is specifically mandated to “facilitate humanitarian assistance and human rights monitoring” and to “protect civilians under imminent threat of physical violence”. The resolution did not state whether a full deployment of the peacekeeping force would lead to a start of an investigation recommended by Security Council Resolution 1234 in April 1999.

Fighting continued to be reported in mid-April despite a new plan to implement the cease-fire agreed by a Political Committee composed of political representatives of the warring parties at a meeting in Kampala, Uganda, at the start of April 2000. The plan included an effective cease-fire starting on 14 April and establishment of a 30-kilometre buffer zone between opposing troops. Concerned about the failure by belligerents to implement the cease-fire agreement, in early May 2000 the UN Security Council sent seven of its ambassadors to countries party to the war to discuss concrete ways to enforce the cease-fire ahead of the deployment of the MONUC.

3. Violations of the right to life in DRC government-controlled areas

The DRC security forces have been responsible for numerous human rights violations in areas under government control. Amnesty International has also received reports of indiscriminate bombings by forces of the governments of Angola, Namibia and Zimbabwe. The organization has received no other verifiable information about human rights violations committed by ground troops from the three countries since the start of 1999. It is also unclear what action, if any, the foreign government forces may have taken to prevent human rights violations by DRC Government forces. However, the military and other support they have given to the DRC Government has facilitated the violations that DRC government forces have perpetrated.

3.1 Unlawful killings

According to information available to Amnesty International, extrajudicial executions by government forces have been far less widespread since the start of 1999 than in late 1998. However, since the start of 1999 hundreds of unarmed civilians have been killed as a result of direct or indiscriminate attacks by forces loyal to President Kabila in clear violation of Common Article 3 of the Geneva Conventions. The killings also violate international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter).

Many of those reportedly killed unlawfully were accused by government forces of supporting armed opposition groups and their allies. For example, in January 1999, government soldiers reportedly killed several hundred unarmed civilians in the

northwestern towns of Zongo and Libenge, which were under attack by MLC and UPDF troops. Similar killings at a lesser scale in July 1999 were reported in Zongo, before MLC and Ugandan troops captured it.

FAC commanders have allegedly ordered the summary execution of civilians without any form of trial. For example, in March 1999 soldiers based at Bondo in Orientale province, after fleeing from advancing MLC and Ugandan forces, killed **Zakule Peute**, a local primary school teacher, because they found him in possession of a hunting rifle. Before throwing him in a latrine and killing him, the soldiers reportedly slit both sides of his mouth with a bayonet. The commander of the unit based at Bondo reportedly ordered several other executions of people accused of violent crimes, including murder. In another case, a man found bathing in a nearby river and his three children were killed in April 1999 by soldiers at a place where a crocodile had killed a soldier. The soldiers reportedly cut open his body, removed his heart and placed it in his hands. Before they were routed by UPDF and MLC forces, government soldiers based at Bondo reportedly carried out numerous rapes of married women and young girls.

After being defeated in battle by a combination of MLC and Ugandan forces in July 1999, retreating FAC soldiers in Kodoro and Boso-Ngombo areas of Basankusu territory, Equateur province, reportedly killed many unarmed civilians, including women and children. Most of those killed were reportedly from the Ngombe ethnic group which the government soldiers accused of supporting the MLC. The victims included **Pius Andapongo**, a local chief of Boende-Moera, who was reportedly found by FAC soldiers in possession of a letter in which he had allegedly asked the MLC to intervene and stop human rights violations by the FAC in his area. The soldiers also reportedly raped many women, including **Claire Mokbulu** who was raped by 12 soldiers at Djombo and a 12-year-old girl who was raped by two soldiers at Boso-Nduku.

In other cases, many civilians were reportedly killed when government aircraft indiscriminately bombed areas in which there were high concentrations of unarmed civilians. In January and May 1999, dozens of unarmed civilians were reportedly killed when the air forces of the DRC Government, Zimbabwe, and reportedly Sudan, bombed the towns of Goma, Uvira and Kisangani. Human rights groups based in Kisangani, the capital of Orientale province, have reported that many of the targets in the city bombed on 10 January 1999 in Kisangani were military positions and buildings inhabited by many soldiers. The groups said that many of the civilians appeared to have been killed by anti-aircraft fire from guns of Ugandan and other forces in the city. More than 30 civilians were reportedly killed when on 11 May government aircraft bombed civilian residential areas in Goma. Reports that about 600 civilians were killed in August 1999 when Sudanese planes

bombed the northwestern towns of Makanza and Boghonga could not be confirmed by independent sources.

3.2 Executions ordered by the Military Order Court

More than 100 civilians and soldiers sentenced to death by the *Cour d'ordre militaire* (COM), Military Order Court, have been executed since early 1999, after trials that fell short of international standards. Such executions amount to the arbitrary deprivation of the right to life in contravention of Article 6 of the ICCPR and Article 4 of the African Charter. The COM had found many of those executed guilty of criminal offences, including armed robbery and murder. Others were soldiers found guilty of cowardice, desertion or other military offences. The COM has continued to impose death sentences and dozens of defendants have been executed despite statements by the DRC Government that it aspired to abolish the death penalty.⁷ In a June 1999 letter to the UN Secretary-General and in a meeting with Amnesty International in July and August 1999, the Minister for Human Rights said that his government was making plans to abolish the death penalty. However, the Minister said the abolition would occur sooner if the government received material assistance to reform and equip the judiciary and the penitentiary service.

Despite a declaration in December 1999 by the Minister for Human Rights that the government was exercising a moratorium on executions, 19 people were executed in a space of one week at the end of January and the start of February 2000. Most of the victims had been found guilty of violent offences, such as murder and armed robbery. These were the first executions since July 1999. In February 2000, Amnesty International learned that 61 prisoners, including 19-year-old Kuna Diavanga, on death row at Kinshasa's central prison known as the *Centre pénitentiaire et de rééducation de Kinshasa* (CPRK), Kinshasa Penitentiary and Reeducation Centre, were at risk of imminent execution. Although most of the 61 prisoners appeared to have been convicted on charges of violent criminal offences, at least one of them, 23-year-old Kasilibani Kabamba, had been found guilty of treason. Amnesty International and several other human rights organizations, as well as the UN Special Rapporteur on the human rights situation in the DRC, condemned the resumption of executions and appealed to the government not to carry out further executions. The 61 prisoners had not been executed by the start of May.

In April 2000 Amnesty International was pleased to learn that a number of prisoners on death row had been among beneficiaries of a February 2000 Presidential amnesty and

⁷ At its 56th session in April 2000 the UN Commission on Human Rights passed a resolution urging States that still maintain the death penalty to restrict the number of offences punishable by death and to establish a moratorium on executions, with a view to abolishing the punishment.

had been released. Those released in March included Jacques Matandu Tshiama, a former Mayor of Boma in Bas-Congo province, who was convicted on a charge of treason for receiving money from an RCD commander. Those reportedly still held included Nelly Malengo and Nono Mandako who were convicted on a charge of possession of three 100 US dollar counterfeit notes.

Between February and July 1999 the DRC Government carried out a spate of executions of people sentenced to death by the COM. On 20 February 1999 Kanza Tumba, a soldier found guilty by the COM of killing his superior, was reportedly executed at Kibomango military training centre, outside Kinshasa. At least 49 people sentenced to death by the COM were executed in April and May 1999. For example, on 13 April, 11 people were publicly executed in Mbuji-Mayi, the capital of Kasai Orientale province. A month later, 15 people were executed in Kinshasa. A further 23 prisoners were executed in Kinshasa on 25 May 1999. Among those executed was Ntumba Kalala, a soldier who had been found guilty of embezzling the pay of soldiers in Equateur province. His mother-in-law was arrested and tortured in connection with the embezzlement (see Section 3.4).

Some of those sentenced to death and executed are women. On 28 July 1999, Agnes Dinagu Mukengenshayi was among 11 people publicly executed in Mbuji-Mayi. In one case, a woman, Charlotte Ngoy, was saved from execution on 6 May 1999, only minutes before she and 11 others were due for execution in Lubumbashi. She had been found guilty of criminal association because she had lived with an armed robber. In April, Amnesty International learned that she and some other prisoners on death row had been released in connection with the February 2000 Presidential amnesty. Other women on death row include Marie Mutuel Kasanga from Kalémie in northern Katanga province, who in August 1999 was being held at Kasapa prison in Lubumbashi.

Some people have been sentenced to death by the COM and are at risk of execution because they were found guilty of assisting Tutsi to escape from custody. For example, Dave Davene and two other members of the security forces were sentenced to death on 1 June 1999 because they apparently assisted Nyanza Nyamusensera, identified by the authorities as a Rwandese Tutsi, to escape from detention in Lubumbashi in November 1998. The COM found them guilty of treason.

Although the COM was set up in August 1997 to try soldiers accused of military offences, it has also tried civilians accused of political and economic offences. Opposition political leaders and journalists critical of the government or its policies have also been tried by the COM. Although government opponents accused of non-violent political offences have not been sentenced to death, some - including prisoners of conscience - have been sentenced to as many as 15 years' imprisonment. Trials by the COM are

fundamentally unfair and contravene international standards. The decree setting up the court specifically denies defendants the right to appeal to a higher jurisdiction. The COM's sitting judges are serving military officers whose independence from the military and government authorities, as well as their impartiality and competence, are in doubt. In many cases, defendants have no access to legal counsel and, when they have, lawyers do not have sufficient time to examine the evidence, interview witnesses and adequately prepare a defence.

Those convicted can only appeal to the President for clemency, but in some cases the execution of those sentenced to death has taken place so soon after the trial that it has been doubtful that the President had been able to consider appeals for



2 From left: Mumba, Kasongo and three other soldiers at their trial.

clemency. For example, on 15 January 2000 Kasongo, a 14-year-old child soldier, and 22-year-old Mumba were executed within 30 minutes of their trial. The COM found them guilty of murdering a driver.

Many soldiers have been sentenced to death, and some have been executed after the COM found them guilty of cowardice or desertion. For example a group of 27 soldiers, including Mike M'bo Shonda, were sentenced to death on 12 April 1999 after they were found guilty of fleeing from the enemy (*fuite devant l'ennemi*). Their battalion had been engaged in combat against RPA and RCD forces around Lubao and Cabinda in the Kasai region. When they lost Lubao to their opponents on 26 January 1999, the commander of the FAC battalion ordered the soldiers to withdraw. He and dozens of other soldiers were arrested in February in Mbuji-Mayi. All but 27 of them were reportedly released before the trial. In April 2000 Amnesty International learned that the 27 had been released at an unspecified date and reassigned to combat duties.

Dozens of civilians found guilty of economic offences have been sentenced to death. The authorities have stated that those involved in economic crimes, including illegal dealing in foreign currency, are guilty of undermining the war effort and therefore treason. The Minister of Justice said in early 1999 that people found guilty of economic crimes would be liable to the death penalty. For example, in August 1999 Tshinkob Madika was on death row at Kasapa prison in Lubumbashi after the COM found him guilty of offering counterfeit dollars to a money changer and sentenced him to death. He denied the charge. On 19 October 1999, five defendants were sentenced to death in Kinshasa after the COM found them guilty of treason by stealing fuel from the military. They included Gaby Ngimbi Kiamba, a businessman, and Maroy Muzaliwa, a director of fuel supplies at the military headquarters.

Foreign businessmen are among people sentenced to death for economic offences. For example, two Lebanese businessmen were sentenced to death in January 2000 after they were found guilty of espionage and trafficking in the Congolese currency known as the *Franc congolais* (FC). Official sources in Kinshasa claimed that the businessmen admitted before the COM that they intended to sell the Congolese currency to the armed opposition in eastern DRC, in exchange for US dollars. The Lebanese Government appealed for clemency, and the Vatican-based Sant Egidio Community was reported in mid-February to have asked for and obtained the commutation of the death sentences imposed on the two Lebanese businessmen.

3.3 "Disappearances"

A number of people have "disappeared" after they were detained by members of the security forces. Their relatives fear that those "disappeared" may have been killed secretly. Most of those who have "disappeared" since the start of 1999 are members of the security forces accused of complicity with the armed opposition. In contrast, most of those who were "disappeared" by government forces at the end of 1998 were Tutsi and others accused of supporting the RCD and their foreign backers.

Some of the people are thought to have "disappeared" because the authorities would not inform the next of kin of their whereabouts. For example, former army general Denis Lango Topkwi was thought by his relatives to have "disappeared" after his arrest around 15 October 1997 from a military barracks in Kinshasa known as *Camp Tshatshi* where he was being held. Amnesty International delegates found him in a prison in Lubumbashi in August 1999. He was reportedly released in March 2000. However, the whereabouts of many other former soldiers remain unknown. For example, former army colonel Albert Mwimba Otamba "disappeared" after his arrest in November 1998. His relatives learned from some sources that he may have been sentenced to death in

Lubumbashi and possibly executed. Amnesty International has been unable to confirm this information. Another military detainee whose whereabouts remain unknown is Jules Lumumba, a member of DRC's first Prime Minister Patrice Lumumba's family. He was arrested around April 1999 after he was apparently accused of ordering his troops to retreat after they reportedly ran out of ammunition near Kindu in eastern DRC. He was reportedly first held at the *Cité de l'OUA* detention centre in Kinshasa. Fears for his safety increased after another member of his family, Julien Lumumba, was reportedly summarily executed by fellow soldiers at Lodja in Kasai Oriental province. François Lumumba, son of former Prime Minister Patrice Lumumba and leader of the Mouvement national congolais - Lumumba (MNC-L), National Congolese Movement, an opposition political party, was arrested in Kinshasa on 22 April 2000. After going on hunger strike to protest against his detention he was released on 3 May.

In April 1999 Fifi Mwanza Nkuta reportedly "disappeared" after she had been detained for nearly two months by the security service known as the *Agence nationale de renseignements* (ANR), National Intelligence Agency, in Lubumbashi. Her "disappearance" followed that of her husband, Yves Bangamba, a FAC soldier who was arrested in October 1998 at Kalémie, Katanga province, just before the town fell to the armed opposition. Accused of complicity with the armed opposition, he was reportedly detained and then "disappeared" by the security services in Lubumbashi.

Jean Nkumu Wangala, a former police commander in Matadi, Bas-Congo province, reportedly "disappeared" on 12 May 1999 after he was removed from a detention centre of the COM. He had been arrested on 12 September 1998 and charged with treason on suspicion of complicity with the armed opposition when Matadi was occupied by forces seeking to overthrow President Kabila in August 1998. He was tried and acquitted by the COM on 12 January 1999 but rearrested on the orders of the COM President on 9 February. He had not been charged with a new offence.

People of Rwandese origin have "disappeared" after they were arrested on suspicion of unsubstantiated links with Rwanda. They include Dr Richard Munyanganzo Milugo who was arrested on 22 September 1998 at Moaza, Masi Manimba territory, Kwilu district of Bandundu province. He was head of the *Ecole médicale* (Medical School) in Bandundu. He "disappeared" after he was transferred by soldiers to Kenge on 30 September. Nicodème Sibomana, a Hutu of Rwandese origin working for the local Red Cross at the *Poste de santé du Pont Wamba*, "disappeared" soon after his arrest around 22 September 1998 by soldiers from Kimbao.

Other "disappearances" have been reported in central and southeastern DRC. For example, Serge Itala Luzengu, Aimé Ngoba Kitenge and Nicolas Bantu Mwamine (a member of the *Groupe spécial de sécurité présidentielle* (GSSP), Special Presidential

Security Group, "disappeared" on 13 January 2000 after they were arrested in December 1999 by members of the national police in Lubumbashi. Their arrest was in connection with an alleged sale of a military uniform by Nicolas Bantu Mwamine to Aimé Ngoba Kitenge. They were held at a detention centre of the police's criminal investigations branch known as the *Brigade spéciale de recherche et de surveillance* (BSRS), Special Investigations and Surveillance Brigade. Members of the BSRS beat the men with iron bars and subjected them to electric shocks, causing them to bleed heavily. When their relatives visited the BSRS on 13 January the victims had already been taken to an unknown destination and the police refused to reveal their whereabouts. Amidst fears that they could have been killed, the police ignored instructions by the COM in Lubumbashi to produce the victims. In Kasai Oriental province, Leonard Mpombombo Muanza "disappeared" after he was arrested in November 1999 by members of the security forces on the Mbuji-Mayi to Tshilunda road. He was apparently arrested because he was found with a jerrycan containing petrol while travelling to an area held by the armed opposition.

3.4 Torture and other forms of ill-treatment

Many people who have been arrested before and since the start of 1999 have been threatened with or subjected to violence, including torture, at the time of their arrest and in custody by members of the security forces. Torture, including rape of women, as well as inflicting pain to men's genitals while in custody have been frequently reported. Torture is prohibited by several human rights treaties ratified by the DRC, including the UN Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, and cannot be justified in any circumstances, including a situation of war. Many of the political detainees and convicted prisoners, including some under sentence of death, were released in December 1999 and March 2000 following Presidential amnesties for political prisoners.

Conditions in many prisons and detention centres amounted to cruel, inhuman or degrading treatment. During their visit to Katanga province in August 1999, Amnesty International representatives described many of the detainees they saw at Boma prison in Likasi as "walking skeletons". The prison was very filthy and inmates received food only once a week. Detainees held by the security services routinely use open containers as toilets in humid and often congested cells.

The most notorious detention centre in Kinshasa is reputed to be the *Groupe Litho Moboti* (GLM) building used by the GSSP. The GSSP is directly responsible to President Kabila. A human rights investigator who visited the building in February 1999 told Amnesty International that although she was not allowed by the GSSP to see or meet any detainees, it was filthy and stank of blood and human waste.

Soldiers accused of complicity with the armed opposition have been subjected to severe torture. For example, **Frédérique Bomwenda**, a woman army lieutenant-colonel, was tortured after she was arrested on 30 December 1998 in Bas-Congo where she had been a commander of FAC troops. She was reportedly accused of contacts with former President Mobutu Sese Seko's Civil Guard commander, General Kpama Baramoto. She was subsequently moved to the GLM building where she was kept naked and so severely whipped that she was bleeding from all over her body. She was believed to be still held at the GLM without charge or trial and deprived of visits in April 2000.

Another detention centre in Kinshasa where torture is reported to be routine belongs to the military security service known as the *Détection militaire des activités anti-patrie* (DEMIAP), Military Detection of Unpatriotic Activities, situated in the Kintambo district. One of the people tortured there was **Astrid Tshibwabwa**, a mother-in-law of **Ntumba Kalala** who was among 23 prisoners who were executed in Kinshasa on 25 May 1999 (see Section 3.2 above). He had been found guilty of embezzling the pay of soldiers in Equateur province. Before his execution, his mother-in-law was arrested by the DEMIAP on 21 May. She was subjected to beatings to force her to repay the money stolen by her son-in-law. Although she reportedly paid the sum required by the authorities, she continued to be held incommunicado. It is unclear whether she was still held by early 2000.

Some government officials have reportedly ordered and supervised the torture of detainees. One such case was that of **Kally Kalala Buadi**, a civil servant in Mbuji-Mayi. He was first arrested on 6 August 1999 at N'djili airport in Kinshasa, apparently on the orders of a top government official in Mbuji-Mayi. The official was reportedly angered by reports that Kally Kalala Buadi had alleged that the official had fled from Mbuji-Mayi to escape a possible capture of Mbuji-Mayi by the armed opposition. Kally Kalala Buadi was released after two days and ordered to return to Mbuji-Mayi. On arrival in Mbuji-Mayi, Kally Kalala Buadi was redetained by the BSRS. During the first five days of his detention, the government official who ordered his arrest reportedly ordered Kally Kalala Buadi to be brought daily to his residence. The official's relatives at the residence subjected Kally Kalala Buadi to severe beatings, including with a sickle. Two lawyers who tried to intervene were reportedly also detained. He was allegedly also beaten while naked and tied to a tree. The torture was reportedly stopped after a sister of the official intervened. By then Kally Kalala Buadi's body was reportedly covered in wounds. He was later released at an unspecified date.

Many of those detained and tortured at the GLM are people accused of links with the armed opposition in eastern DRC. For example, **Merikas Wetemwami Katembo**, a human rights defender, was tortured there after his arrest on 8 September 1999. He is a member of a human rights group known as the *Collectif des organisations des jeunes du*

Sud-Kivu (COJESKI), Collective of South-Kivu Youth Organizations, who fled persecution by the RCD in eastern DRC. A member of the GSSP who arrested Merikas Wetemwami Katembo first took him to a police station in Gombe, where his shoes, watch, money, an identity card for the displaced and other property were removed from him. He was then thrown into a cell, punched, kicked and whipped, with his hands and legs bound. On the evening of 8 September he was transferred to the GLM building and held in an underground cell, where he was subjected daily to eight lashes in the morning, afternoon and evening. His torturers also pulled his genitals. He was also forced to clean offices and toilets. He was reportedly not given any food during the first five days of his detention. He was released without charge on 17 September 1999.

Some women detainees have often been subjected to torture in the form of sexual abuse, particularly rape. For example, Jeannine Bouchez Mwayuma, a woman from Bukavu, was reportedly arrested on 28 December 1998 and detained at the *Conseil national de sécurité* (CNS), National Security Council, in Kinshasa. She was accused of having contacts with the armed opposition. She was living in Kinshasa to escape the fighting in eastern DRC. During her detention at the CNS she was whipped twice in the morning and twice at night, and she was also routinely threatened with death as punishment for what the members of the CNS said was "betraying the country". She was kept in a cell at the CNS until 6 January 1999 when a military officer took her to the GLM where she was severely beaten, including with metallic piping. The officer and several other soldiers took her to a hotel in Kinshasa's Kintambo district, where they interrogated and raped her. She was later transferred to



3 Jeannine Bouchez Mwayuma

the DEMIAP detention centre, from where she was reportedly taken several times by a senior military officer and raped in several Kinshasa hotels. On 16 February 1999 she was transferred to the CPRK. On 17 February 1999 she appeared before the COM, on the charge of "endangering the security of the state" (*atteinte à la sûreté de l'Etat*). Her trial had not

been completed when she was granted provisional release on 9 March 2000, following a February 2000 presidential amnesty for people accused or found guilty of political offences. The release note instructed her to remain in Kinshasa and report to the COM every Monday and Friday, and not to appear at any port or airport.

Numerous women are reported to have been raped and threatened with violence, including death, by government soldiers. Some of the rapes have been carried out by soldiers at roadblocks. Such rapes were reported in early 1999 at roadblocks mounted by soldiers at Kenge, Madimba and Luila in Bas-Congo province, on the Kinshasa-Matadi road. It was reported that women were removed from vehicles and raped while men were obliged to remain on board. At Kiri, in Bandundu province, soldiers reportedly raped the wife and a daughter of a local government official.

Journalists accused of publishing articles critical of top government officials or government policies have been among those subjected to torture at the time of their arrest and while in custody. One such journalist is Freddy Loseke, editor of *La Libre Afrique* newspaper, who was arrested in Kinshasa on 31 December 1999, following the publication by his newspaper on 29 December 1999 of an article alleging that a military commander was plotting to kill President Kabila. Freddy Loseke was taken to Kokolo military barracks (*Camp Kokolo*) where he was repeatedly kicked by a military officer. He was held there until 9 January 2000 when he was released. The military officer who had ordered his arrest reportedly arrested more than 20 members of Loseke's family to force Loseke to resubmit himself for detention. Freddy Loseke was rearrested on 10 January and returned to Kokolo barracks. On arrival, soldiers kicked, punched and whipped him. They then stripped him naked and threw him into a cell. He appeared before the COM on 12 January and was reportedly charged with spreading false information (*propagation de faux bruits*). For several days, food brought for him by his relatives was reportedly eaten by the guards. By February, he was reportedly suffering from a kidney illness, without access to medical care. He continued to be held incommunicado at the barracks until 25 February when he was transferred to the CPRK prison. A journalist who saw him in his cell at Kokolo barracks, two days before he was transferred to the CPRK, said his body bore black markings caused by the beatings he had received in custody. Freddy Loseke appeared before the COM on 3, 7 and 14 April. When he reappeared on 3 May the prosecution reportedly amended the charge against him to insulting behaviour towards the army (*outrage à l'armée*), punishable on conviction by up to 10 years' imprisonment. He continued to be held at the CPRK

One other journalist severely ill-treated is Mayonde Kolongo of *Le Défi africain* newspaper. He was severely ill-treated on the night of 23 to 24 May 1999 because he asked a senior police officer to release him from unlawful custody. Mayonde Kolongo was arrested on 22 May 1999 after a dispute with a bus ticket inspector who refused to recognise his press card authorizing him to travel free of charge by public transport. When he and the

ticket inspector reported the matter to Mont Amba police station, a police officer decided to detain Mayonde Kolongo. From his cell he saw and called a senior police officer to intervene and get him released on 23 May. The senior police officer instead ordered several policemen to beat Mayonde Kolongo. They reportedly kicked and whipped him before returning him to his cell. Another police officer punched him repeatedly and spat in his face. Mayonde Kolongo was released on 24 May 1999, but no action was taken against the police officers responsible for his ill-treatment.

4. Violations of the right to life in areas under rebel and foreign forces

In areas controlled by foreign government forces and Congolese armed opposition groups, most of the human rights abuses are reported to have been committed by members of the RCD. In practice, the RCD-Goma often operates and carries out abuses jointly with the RPA and Burundian government forces in parts of the provinces of North-Kivu, Katanga and Maniema, and in virtually the whole of South-Kivu province. In parts of North-Kivu, Orientale and Equateur provinces RCD-ML and MLC operate and at times perpetrate human rights abuses together with the UPDF. In some cases victims and witnesses of human rights abuses have been able to identify the units responsible for the abuses as belonging to Burundian, Rwandese and Ugandan government forces. Given that the governments of Burundi, Rwanda and Uganda have most of the military and political control of the areas where their troops are deployed, Amnesty International believes that they are responsible for the grave violations of international humanitarian law and human rights that have occurred. However, this does not in any way mitigate the responsibility of Congolese leaders of armed opposition groups, or of those with links to the DRC Government. Mayi-mayi and other armed groups opposed to forces seeking to overthrow President Kabila have also been responsible for unlawful killings and other abuses.

4.1 Unlawful killings

Information received by Amnesty International since 2 August 1998, and more so since early 1999, suggests that armed opposition groups and their allies from Burundi, Uganda and Rwanda have carried out a larger scale and more widespread unlawful killings than those perpetrated by DRC government forces and their allies. Thousands of unarmed civilians have been victims of deliberate and arbitrary killings by the RCD, MLC, RPA, UPDF and Burundian government forces in what amounts to a grave breach of Common Article 3 of the Geneva Conventions which specifically prohibits the killing of persons taking no active part in the hostilities. Most of the killings are reported to have occurred during or soon after armed clashes between RCD and allied forces on one side and *mayi-mayi* and allied armed groups from Burundi, Rwanda and Uganda on the other. Most of the

victims appear to be women, children and the elderly who had not been able to flee or who thought they would not be targeted by combatants.

4.1.1 Killings by RCD and allied forces

The year 1999 started with one of the largest massacres by the RCD and allied troops from Rwanda and Burundi at Makobola in South-Kivu province. During 1999, Amnesty International received testimonies from survivors and witnesses of the massacre, as well as reports from local human rights defenders. The massacre, which lasted up to three days from 30 December 1998, was reportedly preceded by an armed confrontation between RCD and allied troops against *mayi-mayi* fighters. The *mayi-mayi* reportedly killed a number of their opponents, including several RPA and RCD commanders. When RCD and allied reinforcements arrived, the *mayi-mayi* had reportedly left the area. The RCD, together with Rwandese and Burundian forces, then reportedly set on the local population shooting at any local person they saw. Many sources reported that some civilians were herded into houses and set on fire. The victims included Amisi Wenia, a local Red Cross worker, and his wife, Nakamusenge Wenia who died at a hospital in Uvira where she was being treated for burns after a house in which she was hiding was set on fire by RCD and allied troops. A team sent by the RCD to investigate the massacre claimed that only 23 people had been killed, while at the same time calling for another investigation. No such investigation is known to have occurred. RCD leaders have claimed that the security situation in the area has impeded any further investigation. Local human rights groups have compiled lists of more than 800 alleged victims of the Makobola massacre.

On 17 March 1999, members of the RCD reportedly killed at least 109 people at Budaha in Burhinyi county (*chefferie*). The massacre followed several days of fighting in nearby Mukungwe and neighbouring villages of Ngweshe county between members of the RCD and *mayi-mayi*, during which many RCD combatants were reportedly killed. Most of the victims, including Mushegero and Murhega Kalyabijumbi, were reportedly buried in six mass graves, each containing up to 22 bodies. The killings at Budaha were apparently in revenge for the losses the RCD suffered during the fighting. Killings of smaller numbers of civilians had occurred in Burhinyi county earlier in March 1999. For example, on 12 March 1999 RCD combatants in Mulambi and Karhendezi killed about 16 people, including Kashule Ntavingwa and his mother, Nakwishiga.

Since the war started, traditional leaders of ethnic groups opposed to the RCD and its foreign backers have been targeted in eastern DRC. While some have gone into hiding, others have been killed by RCD combatants or their backers. For example, at Lukweti in Masisi territory, members of the RCD killed a son of a local chief and his aide. He was reportedly suspected by RCD combatants of supporting the *mayi-mayi* and *interahamwe*.

Numerous sources in eastern DRC have reported cases of people who have been mutilated to death by members of the RCD and their allies. For example, on 30 September 1999 three people were mutilated to death at Kiomvu, Lwindi county, in Mwenga territory of South-Kivu. The killers reportedly removed the heart of one of the victims, Roger Kandondo, a driver of the CELPA mission at Kalambi.

Between 15 and 20 October 1999, RCD soldiers publicly killed at least 12 women - some of whom were buried alive after being tortured, including raped - accused of witchcraft in Mwenga, South-Kivu. The victims included Everine Bitondo Lumini, Christine Safi and Musombwa Mbilizi. After initially denying the incident, the RCD claimed that the women had been lynched by civilians. The RCD arrested a local military commander on the grounds that he failed to prevent the lynchings. The commander was reportedly among several dozen detainees who escaped on 5 February 2000 from Bukavu central prison. No further investigation or action is known to have occurred.

According to several human rights groups and other sources in eastern DRC, on 23 October 1999 RCD-Goma combatants shot dead at least 50 unarmed civilians, many of them women traders, at Kahungwe market which is situated some 40 kilometres north of Uvira in South-Kivu province. Before the killings occurred, RCD-Goma forces had been involved in a clash with *mayi-mayi* combatants in the nearby Sange hills. Shortly afterwards, retreating RCD-Goma forces arrived at Kahungwe and opened fire on people in the market. Some of the market-goers were killed as they tried to flee in vehicles. Female victims included Kabibi Malelera from Uvira and Riziki Kikeja from Sange. Male victims included Kishule Ruhukumba from Sange. In a letter to a local independent radio station, Maendeleo, the governor of South-Kivu claimed that only 16 civilians were killed in a cross-fire as RCD forces returned fire when they were attacked by CNDD-FDD combatants. In November 1999, RCD-Goma officials told Amnesty International that those killed were combatants. However, this claim was rejected by all unofficial sources in South-Kivu interviewed by the organization's representatives.

Several Roman Catholic priests have been killed by armed men believed to be members or supporters of the RCD-Goma. For example, Roman Catholic priest Paul Juakali was killed on 7 April 1999. Although the RCD denied being implicated in his death, many sources in the region said he was shot on the orders of RCD commanders by members of a militia, known as *Forces d'auto-défense* (FAD), Self-Defence Forces, formed by and loyal to the RCD. On 22 November, Roman Catholic priest Georges Kakuja and six other men were killed by armed men believed by people in the area to be members of the RCD at Kalonge parish. Other sources suggested that Georges Kakuja may have been killed by *mayi-mayi* combatants after an armed confrontation with the RCD in the area. Sources in Uvira blamed the killing of Roman Catholic priest Remis Pepe Kibuyu and two

unarmed guards of Kiliba mission on 15 February 2000 on the RCD. The killers reportedly set the mission on fire before they left. The killings were reportedly in reprisal for an attack by *mayi-mayi* during which a number of RCD-Goma combatants were killed and injured.

According to human rights and humanitarian organizations in Kisangani, as many as 300 people, many of them civilians, were killed there in mid-August 1999 during fighting between Ugandan and Rwandese government forces, with their respective RCD factions. Although an inquiry into the fighting was reportedly carried out by Ugandan and Rwandese military commanders, the inquiry is not known to have established the identities of unarmed civilians unlawfully killed in the fighting. Hence, no action is known to have been taken against those responsible for unlawful killings carried out by the forces involved.

Many killings, particularly in Uvira territory of South-Kivu province have been specifically attributed to Banyamulenge members of RCD-Goma. These killings have often been carried out to avenge attacks by *mayi-mayi*. In many other cases such killings by armed Banyamulenge have been followed by revenge killings of unarmed civilian Banyamulenge by *mayi-mayi*. Killings by Banyamulenge include a massacre on 5 May 1999 of at least 27 members of the Bembe, Bafulero and Bavira ethnic groups in Kahuna village. The killers reportedly burned houses in the village.

Comparatively fewer killings of unarmed civilians by the MLC have been reported. Amnesty International has experienced communication difficulties with areas MLC and Ugandan forces control. MLC soldiers at Djombo, headquarters of Gambalo county in Basankusu territory, Equateur province, reportedly killed Pie-Roger Ibendu by cutting his body to pieces, after they tied him to a tree. His killers reportedly grilled and ate parts of his body in full view of the public, and threw his remains into a nearby river. His name was reportedly on a list compiled by the MLC of people sought by the armed group. It is unclear why he was targeted.

4.1.2 Killings by Burundi government forces

The extent of the involvement of Burundian government forces in the armed conflict and atrocities in the DRC became clearer when Amnesty International delegates interviewed dozens of Congolese refugees in Tanzania. Many of the refugees had fled from areas on the northern and western shores of Lake Tanganyika where there were large concentrations of Burundian soldiers fighting or hunting down *mayi-mayi* fighters and members of the CNDD-FDD. Accounts by survivors and other witnesses of the killings and other human rights abuses which occurred in the region suggest that hundreds of unarmed civilians were killed by Burundian government forces during the first half of 1999. The forces carried out

indiscriminate reprisal shootings and shelling against unarmed civilians in villages on the shores of Lake Tanganyika.

Dozens of refugees in Tanzania who fled from the area around Lake Tanganyika gave Amnesty International consistent accounts of killings of unarmed civilians between March and July 1999. Combatants often opened fire on fleeing civilians. One refugee told Amnesty International that he was in Boma village near Wimbi port on 15 April 1999 when RCD and allied troops surrounded the village and opened fire on a fleeing population. Dozens of victims of the ensuing shootings included his sister known as Asa, his mother Zaina, his grandmother Ntunduti and his sister-in-law Bora. The killings had been preceded by fighting between *mayi-mayi* combatants who had fled the area when the civilians were attacked. Survivors of the attack subsequently fled to Tanzania.

In March 1999, Burundian government soldiers reportedly burned alive at least seven fishermen at Kazimia on the shores of Lake Tanganyika. The fishermen had been out fishing during the night when the soldiers were attacked by *mayi-mayi*. When the men docked their boats the soldiers arrested and burned them alive. The victims included Asende Kasinja and two others known as Choloko and Enala.

On 9 May 1999 Burundian government forces killed more than 60 civilians in Karamba village on the shores of Lake Tanganyika. The forces reportedly used gunboats and helicopters to attack the village which they apparently suspected of containing *mayi-mayi* fighters. Those killed included Haruna Etungano, Pendezo Chuki (f) and Sifa Lubanda (f).

In late July to early August 1999 Burundian government soldiers attacked the villages of Bulunga and Buzimba, setting many houses on fire. Some of the victims were lepers living in Buzimba. In one incident, soldiers in Katanga village beheaded four traders, one of them known as Manueli, travelling from Baraka to Simbi to sell salt. The wife and children of one of the traders killed subsequently fled to Tanzania. Around 10 August, Burundian government soldiers reportedly opened fire on Sebele market which was being frequented by internally displaced people, killing at least 15 people, including one woman identified as Musoka and a man known as Ekanga. Some of the injured, including a woman known as Salama, were treated at Nemba hospital, where she and other wounded victims later died from their injuries. The shooting reportedly occurred after the displaced people disobeyed an order by a Fizi local official to return to their homes, many of which had already been destroyed in previous attacks.

4.1.3 Killings by the RPA

Killings of hundreds or even thousands of unarmed civilians in parts of North-Kivu dominated by Congolese members of the Hutu ethnic group have been reported since 1998. The killings, most of which have been carried out by members of the RPA, have continued into the start of the year 2000. The victims are reportedly accused of being members or supporters of the *interahamwe* militia. For example during March 1999 RPA soldiers killed 16 young boys at Bukombo in Osso-Banyungu county of North-Kivu. Members of the FAD militia loyal to the RPA and RCD-Goma in North-Kivu also killed 25 civilians at Lwibo in Bashali county, 17 civilians at Kaloba, 30 at Loashi, nine at Nyamaboko in Katoyi and three at Kibachiro in Bashali county in Masisi territory. In May, FAD militia reportedly killed 14 people, including 69-year-old Mukewa(f) at Kalembe in Bashali county.

On 15 August 1999 RPA soldiers reportedly killed about 30 people, including Katuta and Feza Mashariki(f), in the village of Kirambo, Katoyi county in Masisi. On 22 September, RPA soldiers reportedly killed as many as 74 worshippers in a church at Kailenge in Wanianga county of Walikale territory. After the RPA left the area, *interahamwe* fighters reportedly attacked the same village, killing at least 11 people, including one Muloba.

Many killings have been reported around Kamituga mining area which is largely controlled by the RPA. For example, on 3 December 1999 RPA soldiers from Kamituga reportedly killed several dozen unarmed civilians at Kiomvu. The victims included Daudi Mutenda, together with his wife, a younger brother and a daughter in-law, as well as Yunus Sombola, a Methodist pastor.

Although most of the victims appear to be members of the Hutu ethnic group accused of supporting the *interahamwe*, members of other ethnic groups, such as Hunde, are also targeted for their alleged membership of or collaboration with the *mayi-mayi*. On 16 February 2000 RPA, together with RCD forces, looking for *mayi-mayi* combatants killed more than eight unarmed civilians at Nyabyondo in Masisi territory. A source in North-Kivu told Amnesty International that many local residents fled when the soldiers approached Nyabyondo. Those who were killed, including Adolphe Kiti Mutoo, Evariste Nyamanja and Baudouin Karafuru, had remained in the area hoping that they would not be targeted as they had no connections with the *mayi-mayi*.

RPA soldiers based at Bihambwe reportedly killed as many as 30 young members of the Hunde ethnic group at the headquarters of Masisi territory. The soldiers had reportedly been in the area looking for *interahamwe* and *mayi-mayi* operating in surrounding areas. On their return to Bihambwe, the same group of soldiers reportedly killed a further 12 Hunde travelling to Masisi from Goma.

4.2 UPDF accused of extrajudicial killings in Ituri intercommunal violence

Units of the UPDF and RCD-ML reportedly took part in and carried out numerous unlawful killings of civilians when intercommunal violence broke out in June 1999 between members of the Lendu and those of the Hema ethnic groups in Ituri district of Orientale province. Long-standing tensions over land, political and economic power between the elite from the two ethnic groups exploded into widespread violence in June 1999. Lendu reportedly accused wealthy Hema of using their economic power, political influence and ethnic affinity with the UPDF to seize land, which Hema claimed they had legally acquired from the government. In subsequent months, armed members of the two ethnic groups attacked each other, with each claiming to be defenceless victims of a "genocide".

Sources in Ituri have reported that more than 1,000 Hema and Lendu were killed during the first six months of the conflict. Other sources have estimated that between 5,000 and 7,000 people were killed. A large number of the victims were reported to be women, the elderly and children, including babies.

Virtually all independent local sources and humanitarian organizations contacted by Amnesty International have been unanimous on the involvement of the UPDF in the killings. It has been reported that members of the UPDF took sides in the conflict supporting the Hema. Wealthy Hema hired UPDF soldiers to guard their homes and property, and to kill their Lendu opponents. In other cases some UPDF soldiers sold military weapons and ammunition to Hema civilians for use to defend themselves or attack their Lendu opponents. Medical and humanitarian sources reported that the impact of UPDF involvement was visible from the types of injuries sustained by civilian combatants and non-combatants. The sources said that the vast majority of victims with gunshot wounds were Lendu, while Hema victims had almost always sustained injuries from domestic or civilian weapons, such as spears, arrows and machetes. The number or proportion of victims of attacks with military weapons remained unclear.

The Ugandan authorities have denied that their forces were involved in the conflict, although they have claimed to be taking measures to end it. A UPDF officer who was accused of supporting the Hema was reportedly replaced. In early 2000 local attempts at reconciliation appeared to be paying off and the violence appeared to have abated.

4.3 Death sentences and executions ordered by armed opposition leaders

The armed opposition groups have established military courts known as *Conseil de guerre opérationnel* (CGO), Operational Court-Martial, which have sentenced people to death after

unfair trials. The numbers and frequency of death sentences imposed by the military courts are unknown to Amnesty International. Reports from eastern DRC say that executions mostly occur in secret and information is hard to obtain or confirm. Trials by the military courts have been reported in Goma, Bukavu, Uvira, Kisangani and Butembo. Those known to have been tried by the CGO are soldiers accused of crimes such as murder, looting and armed robbery. Armed opposition leaders officially say that ordinary courts are operational in the areas they control. However, in practice these courts are rarely used or respected by the authorities. Theoretically, those convicted by the CGO can appeal to a higher civilian jurisdiction but this is not known to have occurred and civilian courts are virtually always ignored.

Amnesty International has received reports that seven soldiers, including Roger Mutubenge, sentenced to death by the CGO in Uvira on 28 and 29 June 1999 may have been executed a day later in the "*Biens mal-acquis*" quarter of Uvira. The court sentenced six others to life imprisonment. Those allegedly executed included Bushiri Katembo. The soldiers were reportedly found guilty of loss or sale of military weapons and ammunition. On 22 March 2000 Jean-Claude Baritegera, an RCD-Goma policeman, was executed in Goma after the COG found him guilty of killing his superior during an argument over sharing money they had extorted from a woman. The offence occurred on 15 March 2000 and the trial on 20 March. It is unclear whether he had legal representation or whether he was allowed to appeal against his conviction or sentence.

RCD combatants, including children, are reported to have been summarily executed, without formal charge or trial. An RCD soldier known as Kakule - accused of armed robbery - was publicly executed on 8 June 1999 for armed robbery. He was apparently executed without being formally charged with any offence or being tried. On 18 January 2000, Ndondo, a 15-year-old child soldier, was publicly executed in Goma. He had been arrested on 16 January 2000 by members of the RCD-Goma military security service known as "B2" after a woman accused him of stealing a radio. Before he was executed, Ndondo was reportedly severely tortured while being held at the "B2" detention centre.

An MLC commander in Bokakata, Equateur province, reportedly said in December 1999 that he had personally executed two of his soldiers caught stealing. The extent of such executions by the MLC is unclear.

4.4 "Disappearances" and abductions by rebel and allied troops

Many people have been arrested by members of the RCD and allied troops, including many from Rwanda and Burundi. In some cases people who have been reported as having been "disappeared" by foreign government forces or abducted by RCD forces may only have temporarily fled their homes. For example, Amnesty International established in November

1999 that one Moreau (identified as Moro in an Amnesty International report published in November 1998) was alive and well at his hotel in Bukavu. In the company of provincial authorities he denied ever having been subjected to any human rights abuse by RCD and allied forces.

Sources in areas under armed opposition and foreign government control claim that hundreds of people have been "disappeared" by foreign government forces or abducted by armed opposition groups since August 1998. However, only in a few cases has Amnesty International obtained information about specific individual victims. Many of the victims, targeted for their known or suspected opposition to the Congolese armed opposition groups or foreign government forces, are believed to have been killed or taken to Rwanda by members of the Rwandese security forces.

In Baraka, South-Kivu, one Asumani was reportedly never seen again after he was taken away in February 1999 by members of the RCD. He was abducted by members of the RCD after he reportedly accused the RCD of killing people while at the same time claiming to be liberating them from President Kabila.

Many other people have been abducted because they were accused of being members of the *interahamwe* militia. For example, six people, including one identified as Matondo and another known as Benoit, were abducted on 30 May 1999 by soldiers travelling in a vehicle bearing number plates of the North-Kivu Governor's office and another belonging to the intelligence department of the RCD. The victims were all removed from a bar in Goma at around 7.30 pm local time. In April 2000 a source in Goma informed Amnesty International that Matondo had been released in Goma, but the fate of the five others remained unknown. The fate of three others also abducted by soldiers travelling in the same governor's office vehicle remained unknown. The victims, identified as Odette (f) who was pregnant, Mugabo and 12-year-old Pasi, were part of a group of five members of a Congolese Hutu family in Goma. Only the two others, 17-year-old Jeannette Safi and 14-year-old Jean-Sébastien Safari, were accounted for, although they remained in hiding. Jeannette Safi was released after she was severely tortured in custody. She was detained in a container at Goma airport, along with other detainees. A military commander held a gun to her head when she refused to have sex with him. Other soldiers held her while the commander raped her. While in the container, she was also beaten and blindfolded. The commander released her the following morning. Jean-Sébastien Safari was detained in a building previously used as a medical clinic, along with a number of other detainees. He and several other detainees reportedly escaped.

Many of those "disappeared" or abducted appear to have been targeted for their suspected membership of or support for the *mayi-mayi*. For example, many men were

reportedly taken from Dine village near Lake Tanganyika after the RCD took control of the area from the *mayi-mayi* in June 1999. Some of the victims were named as Pablo, Wilange, Nduma and Asanga, all of them aged between 20 and 25 years.

Some victims have been abducted from medical centres where they were undergoing treatment. For example, Adrien Ngendahayo, a Burundian national, has not been seen since 13 August 1999 when he was removed from Uvira Hospital by soldiers speaking Kinyarwanda (the national language of Rwanda).

Some people have not been seen after they were taken into custody in residences of military commanders. For example, two Hutu believed to be Rwandese refugees have not been seen since they and two others were arrested in Bukavu on 1 October 1999 and detained in a private detention centre at the residence of a military commander. One of the victims known as Mwamba reportedly escaped, while one Bosco was still in custody in mid-November 1999. The whereabouts of the other two, Evariste and John remained unknown.

Other Rwandese nationals who have "disappeared" after they were arrested in eastern DRC include Roman Catholic priest Francois-Xavier Munyaburanga. He was arrested on 20 January 2000 and detained at a private detention centre of a Rwandese military commander in Bukavu. Sources in Bukavu who knew about the arrest said that Francois-Xavier Munyaburanga's whereabouts remained unknown by April. The whereabouts of Mado Uwimana, a Rwandese refugee, also remain unknown since mid-February 1999 when she was forcibly taken to Gisenyi in Rwanda by members of the Rwandese security forces. She was first arrested in Goma in July 1999 and held in military custody until she was released in December. In mid-February 2000 she was reportedly transferred to military detention in Gisenyi. Sources in Gisenyi said in April that her whereabouts could not be established. Hundreds of Rwandese, mostly Hutu, in Rwanda have been "disappeared" by the Rwandese security forces in recent years.

Some of those abducted were removed from custody by military officials, amidst reports that many of the victims were forcibly deployed to fight in the war. For example, the whereabouts of Mapendano Mugisho, Ciruku Masirika, Mushagalusa Bahizire and Fedac Kulondwa remain unknown since members of RCD-Goma's 6th Brigade forcibly removed them from Bukavu central prison at night in January 2000.

4.5 Torture and other forms of ill-treatment

Many of those arrested, usually arbitrarily, by the RCD and their allies were reportedly subjected to beatings, and other forms of torture while in custody, especially in unofficial or secret detention centres in violation of Common Article 3 of the Geneva Conventions

which prohibits torture. Torture methods used by the RCD and their foreign allies include hanging men by their genitals, prohibiting detainees from urinating or defecating, rape, whipping and detention in water-logged pits. Some other victims had stones rubbed against their genitals, while others were held naked. There have also been reports of detainees being forced to sleep in a room with bodies of people who had died in custody. Some detainees claimed to have been forced to lick blood off dead bodies.

One of the unofficial military detention centres most notorious for torture is known as *Chien méchant* (Dangerous dog) in Goma. Members of the RCD and their allies have also used truck containers and private houses as detention centres, where torture, sometimes leading to death, has been reported. While the RCD rarely provides any food to detainees, guards at detention centres reportedly demand payment from detainees' relatives to pass food on to the detainees. There have also been numerous reports of detainees being beaten or kept in detention until they or their relatives pay as much as US dollars 50 to be released.

Women detainees held in military and security service detention centres of the RCD and its allies are reportedly often raped. Widespread rape is also reported in remote areas where RCD and allied forces are deployed. Sources in the region say that in addition to being a deliberate torture of women, rape of married women is used as a weapon against their husbands suspected of collaborating with the *mayi-mayi*.

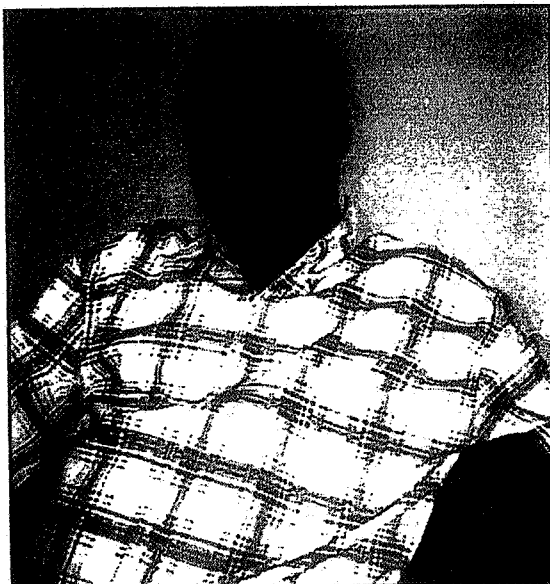
Some people have been tortured for voicing opposition to the war and calling on the armed opposition to abide by the Lusaka cease-fire agreement. For example, Jean-Bosco Rwesha, a Roman Catholic priest, was severely beaten by armed men believed to be members of the RCD on 4 February 1999. The armed men removed his clothes and kicked him as he lay on the ground. His torturers reportedly accused him of being anti-RCD because during mass on 31 January 1999 he had demanded an end to the war waged by the RCD and its backers against the DRC Government.

Francine Ngoy, a 22-year-old woman, was arrested in Goma on 27 May 1999 and repeatedly beaten by members of the RPA while being held at the *Chien méchant* detention centre. She was accused of collaboration with President Kabila's government. Some of the 19 men and two women she found in the detention centre were reportedly subjected to electric shocks. In October, she was transferred to Gisenyi, in northwestern Rwanda, where she was held in military custody. She was released in November and allowed to return to Goma. She was rearrested three days later and detained at the "B2" military security service. A week later she was transferred to Gisenyi and held at the "MILPOC" military detention centre until January 2000 when she was released. On her return to Goma she continued to be harassed by RPA and RCD soldiers. She fled eastern DRC in February.

Four people arrested in Butembo, North-Kivu, by RCD-ML on 29 August 1999 were subjected to severe torture by Ugandan soldiers. The victims, Ndume Mukambilwa, Ilunga Tumba, Abubakar Kinyama and Daniel Makutubu, were apparently arrested on suspicion of being responsible for the distribution of anti-RCD tracts. On 1 September they were reportedly seen tied together and only dressed in underwear in the rain and being rolled in the mud. They were also repeatedly beaten on their fingers. Their fate is unknown to Amnesty International.

Some people accused of being in contact with *mayi-mayi* or *interahamwe* have been detained and tortured. For example, in October 1999 Aristide Mugisho, Bahati Mbwana, Cyiza Mweze and Mamy Mirimba were severely beaten and detained for about one week in a container at Burhale by members of the RCD. The commander responsible for their arrest reportedly took them out of the container several times and subjected them to mock executions. They were apparently arrested because *interahamwe* reportedly bought drinks from them.

Four men, including Byamungu Makubuli, a teacher at the Kyamate secondary school, were severely tortured after they were arrested by members of RCD-Goma at Katindigenda, near Sange in South-Kivu, on the night of 24 September 1999. The arrests followed a shoot-out between two RCD units that had mistaken each other for *mayi-mayi* fighters near Sange. The RCD claimed they had been attacked by *mayi-mayi* fighters and accused local residents of links with *mayi-mayi*. Byamungu Makubuli and the three other men were then taken to a container at Sange, with their upper arms tied. They were hit with big stones and wooden planks on the head. Amnesty International delegates saw scars on Byamungu Makubuli's head in November 1999. On 25 September the victims were transferred to Uvira and held there in a detention centre belonging to the 9th Brigade of the RCD-Goma. While in custody they were questioned by RCD-Goma officials about the shooting. They were released on 29 September.



4 Byamungu Makubuli

People accused of non-political offences are among those who have been severely tortured and even killed in custody. For example, **Brigitte Birhakabulirwa M'irenge** died on 25 July 1999 from severe beatings and rape by members of RCD-Goma at Burhale. She had been arrested the previous day, reportedly in place of her RCD combatant boyfriend who had extorted money from a civilian. After the torture, she was detained in the container where she was found dead the following day, apparently from the effects of torture and insufficient air.

Several prominent men were arrested in mid-November 1999 and severely tortured by members of the RCD-ML and the UPDF in Butembo. The victims included **Désiré Lumbu Lumbu**, a former government minister and President of civil society groups, and **Kasereka Kihuvi**, a businessman and vice-president of the Federation of small businesses in Butembo. Their arrest appears to have been linked to a petition they and 11 others signed in September 1999 criticizing the RCD-ML for the social and political crisis in North-Kivu province. Their opposition to the RCD-ML also appears to have been interpreted by the armed group and Ugandan forces as indicating complicity in the killing on 14 November 1999 of a Ugandan army major in nearby Beni town. In custody, the detainees were reportedly subjected to hundreds of whippings while being detained in a pit. After their release on 30 November, **Désiré Lumbu Lumbu** died on 11 December from a brain haemorrhage believed to have been caused by torture. He had also reportedly been blinded in one eye during torture. It was later reported that those responsible for the torture were arrested. It is unclear whether the alleged torturers remained in custody or whether the authorities took any further action.

Ugandan soldiers in Kisangani reportedly arrested and tortured two civilians, **Claude Ubindi** and **Lucien Omeyanga**, and an RCD security official, **Nicole Ndolo(f)**, on 25 December 1999. The two businessmen were severely beaten because they reported to a security official known as Freddy that a consignment of 36 bags containing an equivalent of 600,000 US dollars in Congolese currency had been secretly flown into Kisangani by UPDF soldiers and two foreign businessmen from Uganda. **Nicole Ndolo**, who was pregnant, was beaten and arrested to force her to reveal the whereabouts of Freddy who had seized one of the bags containing the money. Freddy reportedly fled to Goma, while the three detainees were taken to a destination that the UPDF had not revealed to their relatives by April 2000. There was speculation in Kisangani that they may have been transferred to Uganda.

Rape of women in areas occupied by the armed opposition is reported to be widespread. It is carried out by Congolese armed groups and soldiers from Burundi, Rwanda and Uganda. Although this particular abuse is widely reported, most victims fail to publicly admit it for fear of being stigmatized by society or rejected by their husbands.

Many husbands in the region have reportedly rejected their wives after they were raped. Many women who have been unlawfully killed are reported to have been found completely naked and bearing signs of having been raped. In Kindu and other parts of Maniema province, rape by combatants was reported to be systematic, particularly between November 1998 and mid-1999. Victims were reported to include female patients at Kindu Hospital. The perpetrators were initially reported to be members of the RPA and UPDF and subsequently Congolese members of the RCD. Some of the combatants reportedly boasted that they had infected the women they raped with the HIV virus which causes AIDS.

Some of the women are reported to have been gang-raped by members of the RCD. For example, Mulubi Mateso was reportedly raped on 29 April 1999 by 10 members of the RCD who found her working in a garden at Makobola. The soldiers reportedly left her for dead and she was subsequently taken to a health centre at Kibimba, near Uvira, for treatment. Another woman, Anne-Marie Kisesa, was reportedly raped on 3 May 1999 by three members of the RCD at Kiliba. A fourth soldier whom she resisted reportedly stabbed her in the chest.

Further information came to light in early 2000 about more women being subjected to torture by members of RCD-Goma. For example, Willy Kabala, Félicité and Francoise Nzibera were beaten and detained by members of RCD-Goma for several hours on 16 January because they failed to reveal the whereabouts of members of a women's organization known as *Promotion et appui aux initiatives féminines* (PAIF), Promotion and Support for Women's Initiatives. The two members of PAIF, Jeanine Mukanirwa and Immaculée Birhaheka, were themselves arrested because Birhaheka had attended a civil society meeting in Kinshasa and were detained for one and two days, respectively. Kalonji, a woman arrested after she was falsely accused of stealing money, was subjected to 50 lashes which caused her to bleed from the anus. She was released after 15 days in custody at the "B2" detention centre.

5. Abuses by *mayi-mayi*, *interahamwe* and allied armed groups

Armed groups opposed to the RCD and their foreign backers have deliberately killed and abducted unarmed civilians. Numerous sources have reported that groups of *mayi-mayi* fighters have been responsible for killings and torture, including rape, mainly of people suspected of cooperating with the RCD and its foreign backers. The population in areas where the *mayi-mayi* operate has also been subjected to extortion and looting. However, Rwandese Hutu combatants, collectively known as *interahamwe*, appear to be the most feared of the armed groups fighting the RCD and its foreign backers. The local population holds the *interahamwe*, together with the RPA, responsible for exporting the internal

Rwandese conflict to the DRC. The same population generally considers the *mayi-mayi* as its liberators from foreign and Tutsi domination.

At the start of April 1999 *mayi-mayi* reportedly killed several dozen Tutsi civilians, stole cows and burned houses in Elumba village in Uvira territory. On 8 May the *mayi-mayi* reportedly killed more than 30 people in Kagogo and Karingi villages. Between 30 April and 1 May 1999, *mayi-mayi* reportedly killed several civilians in Kashembwe village and abducted an unspecified number of girls for use as sex slaves. Many houses in these villages were reportedly burned and property, including cows, belonging to residents were looted by the *mayi-mayi*.

Between May and July 1999 many unarmed civilians were reportedly killed during fighting between two *mayi-mayi* factions in areas around and north of the shores of Lake Tanganyika. The fighting was apparently sparked off by disagreements on territorial control and collection of "taxes" from the local population. During this period, thousands of civilians, some of whom had fled from other parts of South-Kivu, crossed the lake to Tanzania. The areas most affected were the Ubwari peninsula, Sebele, Talama and Wimbi.

The *mayi-mayi* have reportedly killed many people accused of practising witchcraft against their combatants or in favour of their opponents. For example, a man known as Birondwe from Kabindula in Bavira county, Uvira territory, was reportedly hanged on a cross and killed in June 1999 after the *mayi-mayi* accused him of providing witchcraft to the RCD instead of the *mayi-mayi*. His killers reportedly removed and ate his heart and liver. Others killed by *mayi-mayi* for alleged witchcraft include Bitondo Kisama (f) and Kisambale, who was burned alive at Nyalukungu, Shabunda.

Mayi-mayi are reported to have killed many unarmed civilians they accused of complicity with the RCD and its foreign backers. Those killed between January and June 1999 in Musenge village, Walikale territory, included Lutula-Songa and Nyalima Omba. Some of the victims, such as Faïda and Byanunda, were women accused by *mayi-mayi* of witchcraft. In the village of Itibero, *mayi-mayi* killed Jérôme Lukanda. Riziki Shindano (f) and Juliane Lingima(f).

Many of the abuses, particularly killings, by *mayi-mayi*, have been against members of the Tutsi ethnic group. The *mayi-mayi* accuse Tutsi of being undesirable foreigners or supporting the invasion of the DRC by Rwanda. It is extremely dangerous for Tutsi to live or travel in areas where *mayi-mayi* are prevalent. For example, *mayi-mayi* attacked two Tutsi at Kahungwe market on 25 September, killing one known as Mbirimbiri.

In February and March 2000 *mayi-mayi* reportedly killed more than 40 members of the Tutsi ethnic group in several villages of Minembwe territory of South-Kivu. When *mayi-mayi* combatants briefly captured Lemera town in South-Kivu from RCD-Goma and allied foreign forces on 7 April they reportedly killed several dozen civilians, most of them Tutsi. Members of the Vira, Bembe and Fulero ethnic groups opposed to killings of Tutsi civilians were also targeted by the *mayi-mayi* during the attacks. In March 2000 as many as 700 are reported to have fled from South-Kivu to Burundi to escape attacks by *mayi-mayi* and allied armed groups.

On 24 October 1999, at least four women accused of providing accommodation to RCD-Goma combatants were killed by *mayi-mayi* in Walungu, South-Kivu. The RCD had reportedly been warned of the *mayi-mayi* attack and had left the area when the *mayi-mayi* arrived in Walungu. The *mayi-mayi* reportedly cut the breasts of one of the victims, Rose M'Munandi, and killed her with her daughter.

Mayi-mayi fighters are reported to have carried out numerous rapes of women, although many of their members and leaders deny the abuse. *Mayi-Mayi* claim that the witchcraft they use to render them invincible would be ineffective if they raped women. However, Amnesty International has received numerous reports of women who have been raped after their husbands were killed by the *mayi-mayi*; an act apparently intended to punish and humiliate people suspected of supporting the RCD and its allies or of failing to support the *mayi-mayi*. *Mayi-mayi* rapists reportedly leave behind married women they rape while often forcing unmarried ones to become their sex slaves.

Mayi-mayi have killed other people who refused to join or support them. For example, in March 1999 they killed Kingombwe Ngambwa and Mutandi Musambya, local chiefs of Ngolole, in Kamituga.

The *interahamwe* in eastern DRC are reported to have perpetrated killings, torture, including rape, and other human rights abuses in eastern DRC. The *interahamwe* appear to target mostly Tutsi on the basis of their ethnic origin and perceived support for the RPA and their RCD allies. For example, on 7 January 2000 *interahamwe* killed Tharcisse Musema at Kahungu in Kabare territory of South-Kivu province.

Interahamwe have also targeted members of other ethnic groups they accuse of supporting the RCD. In many other cases, unarmed civilians appear to have been attacked by marauding gangs of *interahamwe* seeking food and property to survive. During December 1999 *interahamwe* reportedly killed more than six people around Bunyakiri in South-Kivu. On 22 December 1999 *interahamwe* tortured and mutilated to death Cizungu Ntabenda at Nyamulwira-Rambo village in Bunyakiri. On 31 December, another group of

interahamwe stabbed Pilipili Kabundula at Kalonge. These killings led many families to flee the area to Bukavu.

Amnesty International has received reports of torture and ill-treatment at the offices of the CNDD-FDD in Lubumbashi, which is controlled by the DRC Government. One Burundian national interviewed by Amnesty International claimed that he had been held by the CNDD-FDD for one month in Lubumbashi. While in custody, members of the CNDD-FDD repeatedly subjected him to beatings and death threats. The victim was unlawfully detained and ill-treated because he refused to join the armed group.

6. Arming and training the killer forces

Amnesty International opposes and calls for an end to transfers of military, security and police (MSP) equipment, weaponry, training and personnel likely to be used to commit human rights abuses. All sides to the conflict in the DRC have received extensive supplies of weapons and other military equipment which many of the combatants use to perpetrate human rights abuses. Although the UN has called for an end to the armed conflict in the DRC, it has conspicuously failed to call for or impose a halt to the supply of weapons to governments involved in the war. The protagonist forces have used the continuing flow of weapons to commit violations of international humanitarian law and human rights.

Although a UN embargo is in place to prevent arms supplies to the former Rwandese forces, this remains largely ineffective because these forces have continued to obtain supplies directly from their allies in the DRC and indirectly by capturing weapons from their opponents, including the RPA. A threat by the EU to suspend economic aid to countries continuing the fighting has only largely been implemented against the DRC and Zimbabwe. Amnesty International does not support or oppose economic embargoes. However, the organization recommends that foreign donors should put in place and implement mechanisms to ensure that the economic funds do not enable recipient governments to use money they acquire from trade and other sources to buy weapons that are used to commit human rights abuses. Furthermore, the governments fighting in the DRC have transferred weapons and training to armed groups there.

6.1 Arms for the DRC war

In a report entitled *Deadly alliances in Congolese forests* (AI Index: AFR 62/33/97), published on 3 December 1997, Amnesty International highlighted the role played by various regional and foreign governments in the armed conflict which brought President Kabila to power. Virtually the same sources of weapons and combatants have continued

playing the same roles since August 1998. Armed opposition groups and the governments of the DRC, Rwanda and Uganda have also continued to recruit children as soldiers.

The DRC Government has received support in personnel and weapons from the governments of Angola, Namibia and Zimbabwe, as well as Chad which pulled out of the conflict in mid-1999. Many civilians in areas controlled by the armed opposition and their backers are reported to have been killed during indiscriminate attacks or bombings by helicopters, as well as MiG and Antonov bomber aircraft, belonging to the forces of Zimbabwe, Namibia and Sudan. Arms received by governments supporting the DRC may well end up in the DRC. In January 1999 the Swiss Government blocked a 1.5 million US dollar deal for the supply of cluster bombs to Zimbabwe. At the start of March 2000, the International Press Service (IPS) reported that a Chilean arms company had sold 66 cluster bombs to Zimbabwe in November 1999. It is not clear whether and where cluster bombs have been used in the war in the DRC. The Zimbabwean *Standard* newspaper reported in late 1998 that the Zimbabwean Government had imported helicopters, including gunships, fighter and spotter planes worth 54 million US dollars. Some helicopters were reportedly imported from the Russian Federation while F7 fighter planes were from China. In January 2000 the British Government authorized an export to Zimbabwe of Hawk fighter aircraft spare parts by British Aerospace. However, reacting to political tensions and violence over land reform in Zimbabwe, in early May the British Government announced a suspension of exports to Zimbabwe of arms, including spare parts for Hawk aircraft, and police vehicles. In mid-April 2000 the London-based *Guardian* newspaper reported Zimbabwe had used TransBalkan Cargo Service, an Amsterdam-based company, to import arms from Bulgaria, for on-ward transfer to its forces in the DRC. Zimbabwe was expected to use the same company to import more arms from Slovakia.

Angola, Namibia and Zimbabwe have also reportedly trained thousands of DRC government soldiers. For example, in October 1999 the FAC reportedly integrated an infantry brigade, comprising 2,600 soldiers and 123 officers, trained by Zimbabwean and Namibian experts. As many as 300 North-Korean military advisers were reported in June 1999 to have arrived in the DRC. Amnesty International subsequently learned that the military experts were training FAC soldiers in Katanga province. The DRC Government initially denied the report, but on 26 April 2000 DRC government television reported the passing out of members of the 10th FAC Brigade trained by North-Korean instructors, some of whom were shown in the report.

In late 1999 several sources in Tanzania and Zambia informed Amnesty International that many DRC refugees had been secretly recruited by agents of the DRC Government in refugee camps in Tanzania and sent to Zimbabwe for military training. Amnesty International has no evidence that either the humanitarian agencies or the Tanzanian authorities were aware of the recruitment. Some of the recruits were reportedly

told that they would be sent for training abroad. Several sources in the DRC also alleged that Zimbabwe was providing weapons and funding to the CNDD-FDD and other armed groups from the Great Lakes region to support the DRC government forces. In February 2000 the *Zambian Post* newspaper reported that several Zambians, including senior security officers, and three Congolese were arrested in connection with arms supplies to a Burundian armed group.

Congolese state television reported in February 1999 that the DRC Government had received a consignment of tanks, cannons and artillery batteries. The source of the weapons was not revealed. In November 1999, the *Washington Post* newspaper reported that Iran had sold scud missiles to the DRC Government, but both the US and Iranian governments denied knowledge of the sale.

Burundi, Rwanda and Uganda have continued to acquire weapons and other military equipment, which are likely to be used by their forces and their Congolese allies in the DRC. The Ugandan and Rwandese governments have used private companies to ferry troops and supplies to their armies in the DRC. For example, according to the Ugandan state-owned *New Vision* newspaper, a Swiss company known as Aviation Support and Trading Organization (AVISTO) was hired by the Ugandan Government to run its C-130 Hercules aircraft which is used to transport its soldiers and their supplies to the DRC. The Ugandan army has also reportedly hired aircraft belonging to Ugandan-based private companies. The *New Vision* reported in July 1999 that the Ugandan army had hired aircraft belonging to VR Promotions Ltd to transport military supplies to the DRC. The London-based *Guardian* newspaper reported in April 2000 that planes registered in Swaziland, belonging to Congolese companies, Planet Air and New Goma Air, had been used to transport weapons, including AK47 assault rifles, from Uganda and Rwanda to eastern DRC.

In February 1999, a Zambian newspaper reported the arrival on 14 January 1999 at the Tanzanian port of Dar es Salaam of a large consignment of military hardware for Uganda. The consignment, aboard a North-Korean ship called MV Komalsan, reportedly included six armoured tanks, 5,000 anti-tank missiles, 5,000 anti-aircraft missiles, 5,000 automatic machineguns, 1,000 grenade launchers, 2,000 boxes of ammunition and 1,000 pairs of boots. The North-Korean ambassador and the Ugandan High Commissioner to Tanzania reportedly supervised the handling and clearing of the cargo. This shipment was reported to have been preceded by two others at the end of 1998. The first consignment of 62 T-55 tanks reportedly arrived at the port from Ukraine in November 1998, aboard a Hong-Kong registered Bulgarian ship, the Lady Juliet. The second consignment of about 80 tons of portable missile mortars, suspected to have arrived from Russia or Ukraine,

arrived at Dar es Salaam port on 23 December 1998 aboard the Greek-registered MV Domain vessel.

In May 1999, a Ugandan newspaper reported that Uganda and Rwanda had obtained Mi-24 military helicopters from Belarus. The helicopter deal was reportedly carried out through a British firm known as Consolidated Sales Limited and a Ugandan bank. In August 1999 another Ugandan newspaper reported that Uganda had purchased six MiG-21 fighter jets in 1998 through the Israeli Silvershadow Ltd arms dealing company owned by a former Israeli army colonel. The jets, three of which had reportedly been delivered by August 1999, were apparently obtained from Poland. The *Jerusalem Post* newspaper reported in November 1999 that Israeli State-owned El Al airline technicians had been hired by the Ugandan Government to modernise the warplanes.

In June 1999, Reuters news agency reported that during a visit to Egypt by the then Rwandese Vice-President Paul Kagame⁸ a resumption of military cooperation between Egypt and Rwanda was announced, after Rwanda had repaid debts owed by the former Rwandese Government. It was reported that the debts were for the supply of artillery pieces, ammunition, bombs and grenades worth six million US dollars to the former Rwandese Government. The Rwandese Foreign Minister reportedly told Reuters that his country had just finished repaying the debt even though some of the weapons were later used to exterminate minority Tutsi and opposition Hutu [in 1994]. It is unclear whether Egypt has delivered weapons to Rwanda since June 1999. On 7 September 1999 State-owned Radio Rwanda announced that Vice-President Kagame inaugurated a paramilitary commando training of 600 soldiers by Russian experts.

In October 1999 and March 2000 Ugandan newspapers reported that the security forces in Uganda intercepted and blocked the delivery of weapons consignments to Burundi. The official reason reportedly given by the Ugandan authorities was that Uganda sought to encourage the Burundian peace process. However, several sources said that the Uganda action was a reprisal for the support Burundi reportedly gave to Rwandese and allied forces during the August 1999 armed clash between the RPA and the UPDF in Kisangani.

In addition to weapons, foreign forces in the DRC have also been training members of the Congolese armed opposition groups they support. Since early 1999 sources in the DRC and Ugandan newspapers have reported that many new and old members of the RCD factions have received military training and ideological indoctrination (known as "political

⁸ Major-General Paul Kagame became Rwanda's new President on 17 April 2000, following the resignation of President Pasteur Bizimungu on 23 March 2000.

education”) in Uganda and Rwanda. In June 1999 a Ugandan newspaper reported that 100 Congolese “vigilantes” to be used for monitoring the Uganda-DRC border had completed their political and military training in Kasese, Uganda. In July 1999 the UPDF were reportedly training some 2,100 RCD-ML recruits in the Nyaleke forest near Beni in Orientale province. Others were reportedly being trained at Isiro, Kisangani, Buta, Lisala and Bunia in the same province. In July 1999, a Ugandan newspaper reported that the Ugandan Government had issued passports to armed opposition leaders to facilitate their travel abroad.

To counter infiltration and attacks by *mayi-mayi*, *interahamwe* and other rival armed groups, the RCD and their allies have since January 1999 recruited and armed civilian militia known as *Forces d’auto-défense* (FAD), Self-Defence Forces. Some of these FAD groups in North-Kivu province are composed of Congolese Hutu civilians, including children. FAD recruits reportedly undergo three weeks’ training at Mushaki, about 30km from Goma. In South-Kivu members of a similar militia have been trained at Kiziba, Kavumu and Katana. In some cases Hutu and Tutsi FAD militia have carried out joint operations with RPA against the *interahamwe*, particularly in Masisi, Walikale and Rutshuru territories. However, some Hutu members of the FAD have reportedly joined *interahamwe* against the RCD and the RPA.

In mid-March 2000 a UN investigation into violations of UN economic sanctions against an Angolan armed opposition group, the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, reported that UNITA combatants, including anti-aircraft gunners, had been fighting alongside the RCD and the RPA in eastern DRC. The report also said that Uganda had provided refuelling facilities for UNITA planes. According to the report, following contacts between then Rwandese Vice-President Kagame and UNITA leader, Jonas Savimbi, RPA and allied troops trapped in southwestern DRC in August 1998 retreated to UNITA-held areas in Angola, from where the troops were airlifted to Rwanda. Other RPA troops reportedly stayed with UNITA. UNITA also reportedly used Rwanda as a transit and dealing centre for smuggled diamonds and for refuelling planes. The Rwandese and Ugandan governments denied involvement in busting UN sanctions.

Detainees held in Rwanda, including those accused of participation in the 1994 genocide in Rwanda, are among people taken to fight in the DRC. Such detainees were removed from prisons in the *préfectures* bordering the DRC (Gisenyi, Kibuye and Cyangugu) but also from central areas, such as Gitarama and Kigali. For example in late 1998, around 150 former government soldiers known as ex-FAR detained in Gitarama “disappeared”. Amnesty International received credible reports that they had been sent to the DRC; they were allegedly selected because in 1994 they had belonged to specially

trained units, which spearheaded killings during the genocide. Some former soldiers who were "released" from Gisenyi prison in 1999 were also reportedly sent to the DRC. Sources in the DRC have reported hundreds of RPA recruits being trained in there, particularly near Kalémie in Katanga province.

6.2 Child combatants

Reacting to an offensive by armed opposition groups and forces from Rwanda, Uganda and Burundi, the DRC Government recruited many children, some as young as 12 years into the FAC. This new recruitment which began in August 1998 started at a time when child protection and humanitarian organizations in the DRC were putting in place programs for the demobilization and rehabilitation of child soldiers who had taken part in the 1996-97 war. Amnesty International representatives learned that 20 per cent of more than 2,000 FAC soldiers who fled into Zambia in March 1999 after they were defeated by the armed opposition in northern Katanga province were children - some of them under 15 years old. All these children returned in early 1999 with the adult soldiers to the DRC to rejoin the FAC. The FAC forces reportedly included about 300 members of the CNDD-FDD, about half of whom were reportedly armed child combatants. The DRC Government has said that it intends to demobilise all child soldiers and that, in any case, children are no longer allowed to participate in combat duties. Many sources in the DRC say that children continue to serve as combatants within the FAC and can still be seen carrying military weapons in many parts of the country. *Mayi-mayi* militia, who are increasingly getting military assistance from the FAC, also heavily recruit children.

Ugandan and Rwandese governments have escalated the recruitment in their countries of fighters, including children, many of whom are reported to have been deployed in the DRC. Recruitment of children in the armed forces contravenes the African Charter on the Rights and Welfare of Children, to which Rwanda and Uganda are parties.

In Uganda, parents in the western district of Hoima told *The Monitor* newspaper in November 1998 that children as young as 12 years had been secretly recruited by officials of the Internal Security Organization (ISO) to join the army. People in the district suspected that the children were being recruited to fight in the DRC or to replace soldiers already deployed there.⁹ Local councillors reportedly complained that many of those recruited were below 18 years and of questionable disciplinary record. One parent claimed that two of his children who had been recruited were primary school pupils aged 12 and 13 years. A

⁹ The Ugandan army is often reported to be overstretched as a result of insurgency, particularly in northern and western Uganda.

district ISO official reportedly said children had been recruited from central Ugandan districts of Kiboga, Mubende and Mpigi.

Many children in Rwanda are among thousands of civilians who have been recruited into the RPA and deployed to fight in the DRC. Amnesty International representatives visiting eastern DRC in November 1999 saw several Rwandese child-soldiers who only spoke Kinyarwanda, clad in RPA uniform, in South-Kivu. The organization's representatives believe many of the children were unlikely to be more than 12 years old.

Sources in Rwanda have frequently seen children being recruited. For example, in the northwestern town of Gisenyi, at the end of July 1999, eye-witnesses described seeing an RPA military truck driving around town in the early morning, stopping at every group of young people and asking who wanted to become a soldier. A number of children volunteered, including street children. The witnesses said some of them were as young as 10 or 12 years old. The younger ones appeared to join voluntarily, while some of the older ones refused. One of the eye-witnesses saw the same practice a second time in Gisenyi town; this time some of the newly-recruited children were now also in military uniform on the truck, trying to persuade others to join them. On 18 August 1999, several secondary school students, some younger than 18, were picked up and made to board a military truck at Rubengera, about 20km from Kibuye. Some of the boys who did not want to get on the truck were reportedly beaten with rifle butts. They were taken to Gabiro, in the east, for military training; all their possessions were taken. An estimated 300 boys were taken away on trucks in this way from Rubengera, around the same period.

7. Conclusion

This report is the latest in a series published by Amnesty International about the horrendous human rights situation in the DRC. Many local and international human rights and humanitarian organizations have also denounced these abuses and appealed to leaders of the forces implicated in the war to institute measures to protect unarmed civilians and observe international humanitarian and human rights law. Some foreign governments and intergovernmental organizations, such as the UN, have also expressed concern at the violations of international humanitarian law. But the abuses have continued unabated.

Amnesty International has concluded that there has been a blatant lack of will on the part of the leaders of the governments and armed groups involved in the DRC war to prevent human rights abuses and a total disregard for their obligations under international law to prevent attacks on unarmed civilians. These leaders should be individually held responsible and brought to justice for the abuses their forces have committed, if it can be

demonstrated that they have ordered, condoned or deliberately failed to prevent the abuses. Violations of international humanitarian and human rights law which governs the humane treatment of unarmed civilians in a war situation have continued unchecked because the international community has failed to act. But it is not too late. The international community should expect and demand that military and political leaders of the forces in the DRC take effective action to prevent further human rights abuses and bring those among their forces responsible for the abuses to justice. Short of such action, the international community has an obligation to demand action against such leaders, regardless of their regional or political position or security force rank.

8. Recommendations

Given that leaders of forces responsible for human rights abuses in the DRC have failed to heed previous appeals by the international community, Amnesty International now believes that the international community should step in to correct past wrongs and prevent their recurrence. Thus, the organization is recommending to the protagonists and the international community to commit themselves to ensuring that an international investigation into allegations of serious human rights abuses takes place and to bringing the perpetrators to justice. In Amnesty International's view, this is the main way these violations can be stopped and prevented in the future.

In August 1997 the UN Secretary-General set up a team known as the UN Secretary-General's Investigation Team (UNSGIT) to investigate violations of international humanitarian law that had occurred in the DRC between 1993 and 1997. The investigation was set up mainly to investigate allegations of large scale massacres in late 1996 and early 1997 of Rwandese Hutu refugees by the RPA and its allies in the DRC. The UNSGIT's work was obstructed by the DRC Government, despite the agreement of the government to the weak terms of reference.¹⁰ After August 1998, the DRC Government blamed the obstruction on forces and allies of the Rwandese Government. Although it was unable to complete its work, the UNSGIT concluded that, on the basis of testimonies and evidence it obtained, combatants, including those loyal to President Kabila and Rwandese government troops, had committed atrocities, which could amount to genocide. The team recommended further investigation by an independent body to identify the perpetrators. Through UN Security Council Resolution 1234 and UN Commission on Human Rights Resolution 1999/56 of April 1999, these UN bodies have demanded and emphasized the

¹⁰ The UNSGIT's terms of reference, which had been agreed between the UN Secretary-General and the DRC Government, were watered down by the separate intervention of the then US Ambassador to the UN Security Council, in an apparent effort to make them acceptable to the DRC Government and its allies.

importance of a full, independent and impartial investigation into the violations of international humanitarian law and human rights law, and a need to bring the perpetrators to justice. These resolutions must not be forgotten and indeed the international community, including the bodies that unanimously passed them, should ensure that they are fully implemented.

Amnesty International recommends that the UN Security Council sets up a new commission of inquiry to fully investigate violations of international humanitarian and human rights law in the DRC, including since August 1998. The commission of inquiry should build on and take into account the findings and preliminary conclusions of the UNSGIT. The investigation should start without delay, particularly but not exclusively in areas where MONUC personnel will be deployed and from outside the DRC. The MONUC should be required to facilitate and guarantee security for the investigators to ensure that the investigation is quickly extended countrywide. The investigators should also be given a mandate to interview witnesses and alleged perpetrators in countries with forces or other personnel in the DRC. The commission's mandate should include making recommendations for action to bring alleged perpetrators of grave human rights abuses to justice and to prevent a recurrence of similar human rights tragedies in the future.

8.1 To the United Nations Security Council

- Urgently set up an international commission of inquiry composed of experienced investigators with a known reputation for their competence, independence and impartiality to investigate violations of international humanitarian and human rights law in the DRC since 1993. The commission should specifically follow up on and complete the work of the UNSGIT;
- Provide adequate material and human resources for a full investigation and for subsequent action, including bringing the perpetrators to justice, once the investigation is completed and the perpetrators have been identified;
- Deploy the investigators to begin their work as soon as adequate arrangements have been made to guarantee their security;
- Demand a binding commitment by governments and armed groups with forces in the DRC to cooperate with and facilitate the investigation and to submit for trial alleged perpetrators identified by the inquiry.
- Ensure that the MONUC has a responsibility for monitoring the human rights situation in the DRC and publicly reports on its findings;

- Urgently demand an expansion of the office of the High Commissioner for Human Rights in the DRC and that its personnel are closely involved in the human rights protection aspect of the MONUC;
- Demand that UN member states prevent the transfer of military, security and police (MSP) equipment, weaponry, personnel and training likely to be used for human rights abuses to all state parties and non- governmental entities with armed forces involved in the DRC conflict. Such a suspension, including of related logistical and financial support, should be maintained until it can be reasonably demonstrated that such transfers will not be used to commit human rights abuses or violations of international humanitarian and human rights law.

8.2 To Governments and armed groups with forces in the DRC

- Take immediate measures to prevent human rights abuses by forces under their control and make it clear to any perpetrators that they will not be allowed to enjoy impunity;
- Make a public commitment to cooperate fully with and facilitate an international investigation into allegations of violations of international humanitarian law and other international and regional human rights treaties during the armed conflict in the DRC;
- Publicly undertake to ensure that commanders and combatants will give evidence to the international investigation. Make a public and unequivocal commitment that those identified as having a case to answer will be submitted for trial by a court of law, with sufficient guarantees of a fair trial and without recourse to the death penalty;
- Undertake to pay compensation determined by the courts to victims of human rights abuses, particularly unlawful killings and torture, or their relatives, committed by forces under your control;
- End the recruitment of any person under the age of 18 into the armed forces, as required by the African Charter on the Rights and Welfare of Children to which Angola, Rwanda, Uganda and Zimbabwe are parties. Other governments which have not yet ratified the Charter should urgently do so and adhere to it;
- Cooperate with and facilitate the MONUC function of monitoring and preventing human right abuses in the DRC.

8.3 To foreign governments, OAU, SADC and EU

- Support Amnesty International's call for the UN to set up an international commission of inquiry to investigate violations of international humanitarian law and other human rights treaties in the DRC, including since August 1998;
- Cooperate with, facilitate and provide resources required to carry out an international inquiry established by the UN;
- Demand that all governments and armed groups, without exception, cooperate fully with the inquiry and submit any alleged perpetrators for trial;
- As a minimum, prevent the transfer of military, security and police (MSP) equipment, weaponry, personnel and training likely to be used for human rights abuses to all state parties and non- governmental entities with armed forces involved in the DRC conflict. Such a suspension, including of related logistical and financial support, should be maintained until it can be reasonably demonstrated that such transfers will not be used to commit human rights abuses or violations of international humanitarian and human rights law.

GLOSSARY OF ACRONYMS

ANR:	Agence national de renseignements
BSRS:	Brigade spéciale de recherche et de surveillance
CELPA:	Communauté des églises libres de pentecôte en Afrique
CNDD-FDD:	Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie
CNS:	Conseil national de sécurité
CPRK:	Centre pénitentiaire et de rééducation de Kinshasa
COJESKI:	Collectif des organisations des jeunes du Sud-Kivu
COM:	Cour d'ordre militaire
DEMIAP:	Détection militaires des activités anti-patrie
DRC:	Democratic Republic of Congo
EU:	European Union
FAC:	Forces armées congolaises
FAP:	Forces d'auto-défense populaires
FRF:	Forces républicaines fédéralistes
GLM:	Groupe Litho Moboti
GSSP:	Groupe spécial de sécurité présidentielle
JMC:	Joint Military Council
ICCPR:	International Covenant on Civil and Political Rights
MONUC:	Mission de l'organisation des nations unies au Congo
MLC:	Mouvement pour la libération du Congo
OAU	Organization of African Unity
RCD:	Rassemblement congolais pour la démocratie
RPA:	Rwandese Patriotic Front
SADC:	Southern Africa Development Community
UNITA:	União Nacional para a Independência Total de Angola
UPDF:	Uganda Peoples Defence Forces