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DEMOCRATIC REPUBLIC OF CONGO

War against unarmed civilians

1. Introduction

Since 2 August 1998, fighting in the Democratic Republic of Congo (DRC) has dramatically endangered the lives of millions of civilians. This armed conflict has spread swiftly - both in terms of the number of governments and armed groups involved in the fighting, and in terms of the devastating impact the conflict has had on local populations. Initially sparked by President Laurent-Désiré Kabila's expulsion of Rwandese and other foreign troops, the conflict has rapidly involved other regional governments and armed opposition groups from the DRC and neighbouring countries which support either side of the main protagonists.

Sections of the *Forces armées congolaises* (FAC), Congolese Armed Forces, supported by government troops from Uganda, Rwanda and Burundi¹, began a rebellion against the DRC Government on 2 August 1998, and formed the coalition known as the *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy. The Congolese forces loyal to President Laurent-Désiré Kabila continue to receive foreign troop support from Angola, Chad, Namibia, Zimbabwe, and reportedly Sudan. Transfers of military equipment, technology and training have accompanied the provision of foreign troops to either side of the conflict.

Armed groups opposed to governments in the region have also reportedly lent assistance to either side, playing out their internal conflicts in the DRC. For example, the Ugandan opposition group Alliance of Democratic Forces (ADF), Rwandese opposition groups including the *interahamwe* militia and members of the former Rwandese Armed Forces (ex-FAR) believed to be responsible for the 1994 genocide, as well as Burundian armed opposition groups are actively supporting the FAC. The *mai-mai*, an indigenous group based in eastern DRC, has also joined ranks with the FAC. Angola's *União Nacional para a Independência Total de Angola* (UNITA) armed opposition group reportedly assists the RCD. The RCD also says that it has the support of sections of *mai-mai* combatants².

¹ Uganda has admitted that members of its Uganda People's Defence Forces (UPDF) are deployed in the DRC to counter Ugandan armed groups, particularly the Alliance of Democratic Forces (ADF), in eastern DRC and controls a number of airports there. Uganda continues to deny that its troops are assisting the RCD in the fighting. After denying for three months that it had any troops in the DRC, Rwanda's Vice-President Paul Kagame admitted on 6 November that Rwandese government soldiers were assisting the RCD. It was reported on 10 November that Rwanda and Uganda had set up a joint military command to coordinate their forces in the DRC. Burundi denies involvement in the war.

² The regional dimensions of this conflict are discussed in greater detail in the Amnesty

International report entitled “Democratic Republic of Congo: A long-standing crisis spinning out of control”, AI Index: AFR 62/33/98, published on 3 September 1998.

AI Index: AFR 62/36 /98

Amnesty International

Since August 1998, Amnesty International has repeatedly expressed serious concern that this crisis would have a devastating impact on civilian populations,³ due to the main protagonists' record of massive human rights abuses. In the last three months, serious violations of human rights and international humanitarian law, including large scale massacres of unarmed civilians, "disappearances" and torture, including rape, as well as arbitrary arrests and detentions, have been committed by parties on both sides of the conflict. Human rights violations have been perpetrated by combatants in reprisal for losses they have suffered from their opponents. These reprisals have mainly targeted unarmed civilians not taking an active part in the conflict. Amnesty International is particularly concerned about recent reports of rape and other acts of sexual violence by combatants. Sexual violence appears to have been used as a weapon of war by the combatants on both sides at times preceding or accompanying the massacre of civilians. It has been used by combatants to spread terror among the populations, and to destabilise community identity. In response to the threat of RCD military gains, some Congolese government officials and media fuelled a Tutsi witch hunt, which has led to killings of unarmed civilians in Kinshasa, Kisangani, Uvira and other areas in the DRC. Captured combatants have been summarily executed (by the RCD and the FAC) in contravention of the most basic principles of international humanitarian law.

Amnesty International is publishing this report to bring these violations to the attention of the international community. While the conflict has received some attention by the media and some foreign governments, very little has been said or done about its human rights dimension and the atrocities inflicted on the unarmed civilian population. The organization urges the main protagonists, their supporters, as well as the international community, to take immediate and effective action to end these abuses.

Amnesty International has obtained most of the information contained in this report from local sources, including human rights organizations, who have carried out investigations in the DRC at tremendous risk. Their commitment to the cause of human rights and to the plight of the victims should be properly supported and recognized. The parties to the conflict should take measures to prevent further human rights abuses and governments should bring the perpetrators to justice.

Civilians have paid the highest price in this war. Armed members and allies of the FAC and of the RCD are effectively waging war against unarmed and defenceless civilians. The serious human rights violations documented in this report represent only a

³ See AI's report entitled *Democratic Republic of Congo: A long-standing crisis spinning out of control* (AI Index: AFR 62/33/98), published on 3 September 1998, *ibid.*

fraction of the violations which are regularly occurring in the DRC. A local human rights activist commenting on the human rights situation in one town has stated:

*“... one must keep in mind that every hour a person is arrested, a person is illegally detained, a person is tortured, a person is raped...”*⁴

2. Human rights violations by the FAC government forces and civilian supporters

Amnesty International is concerned about reports of massacres and other killings of unarmed civilians suspected of being RCD sympathisers by the FAC. Civilian supporters of the government have also perpetrated abuses. In some cases, civilians have been formally mobilized by government forces. For example, local youths known as *combattants* were mobilized by the FAC to “kill the Tutsi aggressors”. Amnesty International considers such groups as part of the formal military structures. In other cases, civilians appear to have committed abuses outside any formal organized structure, though they have taken place following direct calls by Congolese officials to the civilian population to kill “rebels” and Tutsi. Armed groups which have perpetrated human rights abuses alongside DRC government forces have reportedly included those opposed to the governments of Rwanda and Uganda (see above). Armed groups from neighbouring countries are often mixed with, and difficult for witnesses to distinguish from, the *mai-mai*.

While some massacres occurred after armed clashes with RCD combatants, many others occurred when DRC government officials and local media fuelled ethnic violence by disseminating ethnic slurs and urged the population to take up arms. Many of the public statements made by government officials have characterized RCD sympathizers according to their ethnicity, and as such, many of these massacres have specifically targeted Tutsi, or people with family or personal links with them, in most cases without evidence of their connections with the RCD.

2.1 Incitement to ethnic hatred and violence

One DRC official was quoted by foreign monitoring of radio broadcasts in the DRC as saying:

⁴ *“... ce qu’il faut retenir est qu’à chaque heure une personne est arrêtée, une personne est détenue illégalement, une personne est torturée, une personne est violée...”*

“The enemy is like a virus, a mosquito and filth which must be crushed with determination and resolve”⁵

As part of a campaign to ensure the support and assistance of the local civilian population to counter RCD battlefield successes, the DRC authorities have made inflammatory speeches amounting to incitement to ethnic hatred. These speeches have incited ordinary citizens to kill unarmed civilians and captured combatants. Similar incitement to violence by the former Rwandese Hutu-dominated government and media was in part responsible for the massacre in 1994 in Rwanda of hundreds of thousands of Tutsi and other perceived or known Hutu opponents of the government by government forces and militia.

According to foreign monitoring of radio broadcasts in the DRC, some senior Congolese government officials have called upon civilians to commit murder and other abuses to end what they have called “*the senseless adventure of the Rwandese in Congo.*” A spokesperson in an 8 August broadcast of the Congolese radio from Bunia in eastern DRC reportedly said: “*...people must bring a machete, a spear, an arrow, a hoe, spades, rakes, nails, truncheons, ..., electric irons, barbed wire, stones, ... , and the like, in order, dear listeners, to kill (abattre) the Rwandan Tutsi, who are currently in Ituri district...*”. The same spokesperson called on listeners to “*... jump on the people with long noses, who are tall and slim [reference to Tutsi] and want to dominate us ... Wake up, be aware of our destiny so as to defeat the enemy*”. On 12 August, a military spokesperson stated on a Bunia radio broadcast that “*The entire population has become a military population from today onwards,*” adding further that “*You will detect enemies and massacre them without mercy, victory is assured*”. “*Be ferocious,*” the report continued. “*If you happen to encounter a Rwandan enemy, do not (word or words indistinct), beat him to bruises*”.

A top Kinshasa regional government official reportedly said in a speech that “*Any real patriotic and nationalistic Congolese must kill their Tutsi.*”⁶ In Kinshasa, unarmed civilians accused of supporting the RCD and captured combatants, some of them Tutsi, but also including many members of other ethnic groups, were burned alive by civilians. In Masina district, one young civilian, referring to the burnings, reportedly told a Radio France International (RFI) reporter on 27 August that “*It is the people. It was not the soldiers, it is we ourselves, we ourselves who burn the Tutsi. We, when we see a Tutsi - myself, when I see one, I burn him...*”

⁵ “*L’ennemi est comme un virus, un moustique, et une ordure qu’il faut écraser avec détermination et résolution!*”

⁶ “*Tout vrais congolais patriotique et nationaliste doit tuer son Tutsi*”.

The slogan “*Let the snake go but kill the Rwandese*”⁷ was repeated by local civilians at an official protest march organized on 10 August in Kisangani, the capital of Orientale province in northern DRC. A former top regional government official in Kisangani, who fled before the city was captured by the RCD, reportedly appeared on television calling on the civilian population to kill Tutsi with machetes.

Amnesty International considers these forms of incitement by government officials to be a major contributory to the killings committed by some civilians against other civilians not taking an active part in the hostilities.

2.2 Killings of unarmed civilians

Mass graves containing as many as 500 people have been reported at Lutendele, 18 kilometres southwest of Kinshasa. Some sources have claimed that the bodies are of Tutsi civilians killed there at the start of August. Other sources have said that the bodies are those of soldiers killed during fighting between troops opposed to and others supporting President Kabila. It has not been possible for Amnesty International to verify the information. It is urging the DRC authorities to ensure that an independent investigation is carried to establish the truth about the alleged mass graves at Lutendele.

Killings of civilians have taken place in Kinshasa after repeated inflammatory broadcasts. Killings of Tutsi and other individuals perceived to be RCD supporters have been reported since early August 1998. When RCD combatants approached Kinshasa around 26 August, the DRC authorities encouraged ordinary civilians to seek out 'rebels' hiding in Kinshasa, and all persons believed to be supporting the RCD. In addition to people with Tutsi appearance, mentally ill persons who were rumoured to be disguised rebels were also targeted. For example, a mentally ill man who lived at the intersection of Kasai and Usoke streets in Barumbu commune, Kinshasa, was riddled with bullets at the central Kinshasa market on 27 August. Others targeted and in many cases killed included persons with red mud (purportedly not found in and around Kinshasa) on their shoes or boots in and around Kinshasa, and persons in sports clothing. Burned bodies were seen by local fishermen floating in the Congo river, and others were thrown into the Ndjili river. Persons accused of being rebels were reportedly buried alive at Kintambo and Masina districts of Kinshasa. Other killings reportedly took place in Lingwala, Ndjili and Kimbanseke districts. On 4 August, **Giresse Nkola** and one other student were shot dead by soldiers from Camp Tshatshi military barracks.

One local source counted 89 bodies, 78 of them allegedly of people of Rwandese origin, in Kinshasa, massacred between 3 and 24 August by assailants believed to be

⁷ “Laissez passer le serpent mais tuez le rwandais”.

government supporters or forces. According to reports, four truckloads of bodies were buried on 5 and 7 August in Kintambo, in mass graves dug by bulldozers on 11 August. It is unclear whether the alleged graves contain bodies of soldiers killed during military operations, or civilians extrajudicially executed for their alleged support for the RCD.

Massacres by local armed groups took place in Uvira and Fizi at the beginning of August. The FAC reportedly mobilized local youths, known as '*les combattants*,' (combatants), to kill 'the Tutsi aggressors.' Between 2 and 3 August, the 'combatants' reportedly killed as many as 250 unarmed civilians, including **Mugabo Mwafrika**, a customs officer at Uvira, **Zebedée Munyamahoro**, an employee of UGEAFI-Minembwe/Fizi, whose mother, two younger brothers and cousin were also killed. Others included **Amedée Mukiza**, **Pastor Mudakikwa** and one **Tharcisse** and his family. Ten unidentified bodies were found on the road to Uvira's *Biens-mal-acquis* district.

Around 27 August, when elements of the RCD had reached the outskirts of Kinshasa, numerous suspected RCD combatants were burned alive with petrol or burning tyres around their necks. One young man suspected of being an RCD combatant was attacked by a group of local people, his skull split open by machete blows, and his body thrown into the street where he was burned.

Zimbabwean and Angolan troops reportedly killed civilians in late August during indiscriminate shelling of Kinshasa suburbs, in particular in the populous districts of Masina, Kimbanseke, Ndjili, Kingasani and Mikonga. Similar indiscriminate shelling was also reported in other towns, including Kisangani, causing numerous civilian casualties.

In Kisangani, many unarmed civilians were reportedly killed by the FAC before the RCD took control of the city on 23 August. For example, on 5 August, **Protails Ndayitwayeko**, a psychology student at the University of Kisangani, was reportedly beaten to death by FAC soldiers at his residence in Kilima ya Bahindi district. **Faustin Ibanda**, a Sun Air airline agent was shot dead by FAC on 8 August. Others were killed by civilians, with the acquiescence of local authorities. For example, the director of Kole primary school and his son were killed on 20 August, approximately 180 kilometres from Kisangani, by local civilians allegedly encouraged by soldiers. The perpetrators apparently believed the victims were Tutsi.

FAC soldiers reportedly executed civilians in Bangboka and Simi Simi districts of Kisangani. Most of the victims were apparently forced to wear military uniform prior to being executed, to make it seem as if the victims were killed in the context of military operations. In early September the RCD announced that it had uncovered bodies of at least 150 Tutsi civilians killed by the FAC in the days preceding the RCD control of the

area. Other sources said that some of the victims were members of the Nande, Hema and other eastern DRC ethnic groups.

At least 77 unarmed Tutsi civilians were killed in Kalémie, Katanga province, in mid-August, and a further 100 killed in the village of Viura, near Moba, by government soldiers and armed groups apparently including Rwandese *interahamwe* militia withdrawing from the area. Amnesty International has received reports of unlawful detention of hundreds of Tutsi by the security forces in parts of Katanga province, particularly its capital, Lubumbashi. At least 80 Tutsi detainees were reportedly killed by armed civilian allies of the FAC.

During an attack on the town of Goma, the RCD stronghold in North-Kivu, on 12 September, a group of FAC allies reportedly including *mai-mai*, Rwandese *interahamwe* and other armed groups reportedly targeted a camp for the internally displaced and killed at least 12 unarmed and defenceless Tutsi civilians. The victims were among Tutsi who had survived previous killings in Kisangani which took place just before the city fell to the RCD on 23 August.

2.3 Summary executions of combatants

The DRC Government reportedly released a statement in early August stating that any Tutsi found with a weapon would be summarily executed. Some Tutsi and other suspected RCD supporters were reportedly executed by FAC in and around Kinshasa in August, though the exact number of victims remains unclear. At Kisangani's Ketele military barracks, two FAC soldiers suspected of having links with the RCD were reported to have been summarily executed by fellow soldiers on 6 August. On 7 August, FAC soldiers who had arrived from Kinshasa to reinforce troops loyal to President Kabila are reported to have summarily executed two Tutsi FAC soldiers at Isangi, near Kisangani.

On 3 September, members of the FAC and civilian youth gangs reportedly captured and burned alive an unspecified number of RCD combatants near a television mast in Kalémie. Many of the victims were reportedly former members the *Forces armées zairoises* (ex-FAZ), Zairian Armed Forces, of former President Mobutu Sese Seko. During reprisal attacks after the FAC had fled Kalémie, RCD combatants reportedly killed dozens of unarmed civilians in the town (see section 4.1).

2.4 “Disappearances”

Many of the people suspected of having links with the RCD, arrested by the FAC from August 1998 onwards, had not been seen by early October. Many people were taken by the FAC from Gombe, Binza, Ma Compagne, Ozone, and Pigeon districts in Kinshasa, as well as the area around the *Institut pédagogique national* (IPN). Their current whereabouts are not known. For example, FAC soldiers arrested **Dr. Beza Bimamisana** on 7 August at the Kinshasa University Clinic where he worked. He has not been seen since.

Amnesty International is also concerned for the safety of a number of persons who had been arrested by government soldiers in Kisangani before the town was occupied by the RCD and its allies. Sources in Kinshasa say that they have no information indicating that these persons are being held in Kinshasa, and the authorities have neither acknowledged their arrest nor revealed their whereabouts. Those “disappeared” include **Jean-Marie Lisasi** who was last seen on 8 August at the military airport in Kisangani where he was escorted by soldiers onto a plane bound for Kinshasa. Several dozen other civilians were reportedly arrested between 2 and 23 August by government forces in Kisangani on suspicion of supporting the RCD or their allies from Uganda and Rwanda and have not been seen since. They include **Jean Chihasha** and his son **Francis**, originally from Bushi (Sud-Kivu) and **Katabirora** and **François Buchana**, both Sun Air airline agents. **Sengi Sibobana**, a treasurer of the ruling *Alliance des forces démocratiques pour la libération du Congo* (AFDL), also responsible for relations with non-governmental organisations, in Kisangani was also “disappeared”, as were **Guy Rongorongo**, member of the *Agence nationale des renseignements* (ANR), National Intelligence Agency, and **Vianney Bigega**, an employee of the SNEL state electricity company, residing in *Regideso* district, commune Mangobo. One **Sande**, a diamond dealer, and **Rwakabuba** both “disappeared” from Makiso commune, while **Patrick Ndayambaje** and **Sebera Wangu** “disappeared” from Kabondo commune. Many students have “disappeared”, including **Bedel** and **Elmase** from the University of Kisangani, **Moise Muhire**, a student at IFA, and **Jean-Baptiste Kanyamuzani**, a student at the *Institut supérieur commercial*. **Norbert Gasana**, **Midigudu Kalinda**, **Fidèle Rugabo**, and **Hemedi** also “disappeared” from various districts in and around Kisangani.

2.5 Detention of prisoners of conscience and torture, including rape

Amnesty International is concerned by the large numbers of arbitrary arrests, apparently based on ethnic or political affiliation, carried out by the DRC security forces. Many civilians have been arrested on unsubstantiated accusations of being RCD members or supporters. The clearest examples of this have occurred in Kinshasa, where persons with red mud on their boots, persons exhibiting mental illness, Tutsi or persons associated with Tutsi were arrested on the suspicion of being RCD supporters, with no additional

evidence demonstrating complicity with the rebellion. Although the authorities claim that many of these persons are being held for their own security, the detainees are held in conditions which are anything but secure: reports of torture, including rape, have surfaced, as have reports of deaths in custody. The authorities have also failed to specify the law under which the detainees are being held.

The official number of Tutsi civilians held without charge at the Kokolo military barracks in Kinshasa since 19 August is 185, though the actual number is believed to be much higher. Others are reportedly held at the Camp Tshatshi military barracks and in the different detention centres of the security services, such as the ANR and the *Détection militaire des activités anti-patrie* (DEMIAP), Military Detection of Anti-Patriotic Activities, in the Kintambo district of Kinshasa, and at the Kin Mazière detention centre in Gombe, Kinshasa. More than 300 Tutsi are reported to be held in a convent in Lubumbashi, the capital of Katanga province. Elsewhere in Katanga province, as many as 1,000 Tutsi are reportedly held in Likasi and about 700 in Kolwezi. Amnesty International is also concerned by reports of torture and ill-treatment at the Tshatshi barracks.

Many persons were tortured by the FAC while detained in Kisangani prior to RCD control of the city. They include **Jean-Marie Lisasi** who was arrested at the start of August, tortured, and then “disappeared” on 6 August. **Dieudonné Ngwashi**, a lawyer, was reportedly frequently beaten while he was detained at the *Police d'intervention rapide* (PIR), Rapid Intervention Police, until he managed to escape in mid-August. **André Rwabihama**, a medical doctor, is reported to have been regularly whipped while in custody. He was released before Kisangani was captured by the RCD.

Amnesty International has received information which suggests that at least 100 women and young girls were raped by the FAC in and around Kinshasa in August. Women and girls, arrested in the course of many operations seeking RCD supporters in Kinshasa were reportedly raped by the FAC prior to being transported to places of detention. Some of those who were raped or subjected to other forms of sexual violence are reported to have been subsequently killed. The authorities do not appear to have taken any measures to prevent sexual violence by the security forces or to have taken any action against those responsible.

2.6 Muzzling witnesses

In an effort to control the access to information and to prevent reports of human rights abuses from reaching the international community, the DRC authorities have harassed, threatened and detained journalists and human rights activists in the areas they control. Local people who have spoken to journalists and human rights activists have themselves

been subjected to reprisals. A spokesperson for President Kabila reportedly accused journalists of being “no better than common criminals,” of being “blind, immoral, unprofessional,” and some of being “evil monsters.”

Since August 1998 foreign journalists and photographers, including those from World Television Network (WTN), Associated Press and Reuters, have been detained and some of them beaten by members of the security forces. They have since been released. Two AFP correspondents, accused of being spies, were detained on 20 August by FAC soldiers at the Kasumbalesa border post with Zambia and taken to Lubumbashi where they were interrogated. They were returned to the border on 22 August and expelled. On 25 August journalists of the South African Broadcasting Corporation (SABC) were threatened with assault by FAC soldiers at Kasumbalesa and were denied entry into DRC despite valid visas.

Seven local journalists from the official Congolese radio station *La Voix du peuple*, Voice of the People, accused of links with the RCD, were arrested on 9 September and held at police headquarters in Lingwala district, Kinshasa. The group, including **Semy Dieye**, **Lokota**, **Nkuku Mengui**, **Delo Demazou** and **Pronto**, were released after a few days, apparently after the Minister of Information had intervened. They were re-arrested on 18 September and held at DEMIAP until their release on 28 September.

Albert Tumba, a director of *Alerte* newspaper, and his colleague **Belly Bosange**, were arrested on 13 October by the police at their homes in Kinshasa. They were reportedly accused of publishing an article claiming that Interior Minister Gaetan Kakudji, who was in Belgium, had defected to the RCD. They were still held at an unknown location by mid-November. Another *Alerte* journalist, **Jean-Marie Nkanku**, was arrested on 30 October by DEMIAP agents, after the newspaper reportedly published a photograph of Interior Minister Gaetan Kakudji with an RCD leader. On 5 November, three journalists of *Le Soft* newspaper, including its editor, **Awozi Kharomon**, were arrested by the Rapid Intervention Police and detained at the headquarters of the National Security Council security service in Kinshasa. The newspaper, which is owned by a member of the RCD, had published an article suggesting that the USA Government had advised President Kabila to negotiate with the armed opposition or to leave the DRC political scene. The three journalists were released on 7 November without charge.

Some journalists have been detained for publishing articles critical of government officials, although the authorities have generally not provided the official reasons for their arrest. On 29 October, **Gustave Kalenga** and **Bayard Kabango Mbaya** of *La Flamme du Congo* newspaper were arrested by the ANR, after the newspaper published an article alleging that President Kabila’s Chief of Cabinet had been involved in bribery. They were

still held by mid-November. On the same day, **Baya Mukotso** of *La Destinée* newspaper in Kananga, the capital of Kasai Occidental province, was arrested after his newspaper published an article critical of the province's governor. He was believed to be still held by mid-November.

In Lubumbashi, **Gordon Masibiro**, a member of the *Association africaine de défense des droits de l'homme* (ASADHO), African Association for the Defence of Human Rights, was detained for one day on 14 August by members of the ANR who accused him of sending information out of the country. ASADHO is a new name for the former *Association zairoise de défense des droits de l'homme* (AZADHO) which the DRC authorities banned in April 1998. At around 3 am on 5 October several armed soldiers in Kinshasa reportedly visited the home of **Jean-Marie Mutombo Kabamba**, a member of the *Ligue des électeurs*, Electorate's League, human rights group, and threatened to kill him. He subsequently fled the country.

3. Human Rights abuses by the RCD

Members of the RCD and their allies, particularly Rwandese Patriotic Army (RPA) soldiers, have carried out deliberate and arbitrary killings of unarmed civilians and executed captured armed opponents. They have also abducted and unlawfully detained and ill-treated civilians. Some of the victims are women who have been reportedly subjected to rape and other forms of sexual violence.

3.1 Killings of unarmed civilians

The RCD is responsible for a series of massacres in North and South-Kivu provinces which have taken place before and after they gained control of parts of eastern DRC. Some of these massacres were apparently ordered by RCD commanders to avenge the killing of RCD combatants. Others followed the RCD discovery of massacres of Tutsi civilians, previously perpetrated by the FAC and local armed groups. Other killings appear to have been carried out or ordered by commanders faced with public dissent or other challenges to their authority.

After Uvira was captured by the RCD on 6 August, many massacres took place in what some sources described as reprisals for the earlier killings of Tutsi by local armed groups and FAC soldiers. For example, on 25 August, approximately 200 unarmed civilians were reportedly killed by the RCD at Kivovo (Makobola), about 23 kilometres from Uvira. In Kasenga, 630 bodies of people claimed by some sources to have been killed by the RCD were located on 31 August.

On 24 August and for several days thereafter, a large group of RCD combatants are said to have killed more than 850 unarmed civilians at Kasika Roman Catholic parish and neighbouring areas of Kilungutwe, Kalama, and Zokwe in South-Kivu province. These massacres are alleged to have taken place in reprisal for the death of some 30 RCD combatants and members of the RPA who had been ambushed by *mai-mai* allies of the DRC Government near the parish. The RCD combatants reportedly accused the civilian population of supporting the *mai-mai*.

At Kasika parish, massacres commenced on 24 August as a local priest, Father Stanislas Wabulakombe, began mass. The RCD combatants blocked off the exits to the parish. According to reports, Father Wabulakombe opened the door of the sacristy to allow people to flee, but few managed to do so as the RCD quickly opened fire inside the church. **Father Stanislas Wabulakombe**, three nuns and 37 parishioners were killed inside the church. Many more bodies were found around the church building. The combatants stripped all the victims naked.

In connection with these reprisals, local traditional chief (*Mwami*) **François Naluindi Mubeza III** was killed on 24 August near Kasika parish reportedly by RCD combatants. His killers reportedly removed his heart. His wife, **Yvette Nyange Mukulumanya**, was killed by machete blows to her neck. Twenty-six people were found dead in the *Mwami*'s home, all of them naked. One pregnant woman had her stomach

opened, from her genitals to her abdomen. Another woman had a large stick protruding from her genitals. According to witnesses, children were held by their feet, their heads bounced against walls, and many of them were thrown into latrines.

The combatants proceeded from Kasika to Zokwe (five kilometres away). When they left, 43 bodies were found, and a further 50 persons were apparently burned alive in a house. In Kalama, another neighbouring town, 95 charred bodies were found in houses after the RCD left the town.

At Kilungutwe, the RCD combatants reportedly opened fire on the population gathered at the main market place, killing as many as 173 unarmed civilians. They ordered the remaining villagers to regroup themselves - 50 per house - and then killed them. One 32-year-old survivor told a local human rights activist:

“After the killing of all those you see at the market, they told us to regroup. In this house we were 54 people. They killed us two at a time. They forced us to strip naked at the entrance - our clothes were used to tie our arms. One part was used to cover the eyes. This is how more than 200 people were killed.

In our prison, a young boy cried, demanding to know what we had done, and he was strangled in front of us. The fact that I am alive is a miracle. Moreover, I wonder whether I am alive.”⁸

According to a local human rights group, the number of deaths recorded in Kilungutwe was 373, a further 385 people died in and around Kasika parish, 43 at Zokwe and 95 at Kalama. Human rights activists in South-Kivu have specified that these victims exclude those who were burned. Other persons reported to have been massacred in these incidents include **Sisters Adrienne Kagarabi, Germaine Lugolo and Germaine Nyagira**, nine babies aged between one and three years, six members of the Kugabula family, two members of the Kage family, seven members of Methodist pastor Kalama's family, **Mateso Lukamba, Wasso Lubula, Shabani Ngenge, Yango Mundjo, Wangoyi Ndjuma, Masudi Itulamy, Ienge Lukele, Placide Bafuni, Ikoby**

⁸ *Après les tueries de tous ceux-là que vous voyez là-bas et au marché, ils nous ont obligé de se regrouper. Dans cette maison, nous étions 54 personnes. Ils tuaient deux à deux personnes. A la porte, ils obligeaient de se désabiller à adam et votre habit servait de cordé aux bras. Une partie était servi comme voile aux yeux. C'est comme cela qu'ils ont tué plus de 200 personnes regroupées. Dans notre prison ici, un jeune garçon a crié pour demander qu'est-ce que nous avons fait, on l'a étranglé devant nous. Moi je suis en vie par miracle. D'ailleurs je me demande si je suis vivant.*

Lubula, Ndainga Kadawi, Malinga Naweza, and Ombene Kokela. Many others, such as **Yuda Ileke**, sustained severe injuries.

On 31 August, RCD military commander Jean-Pierre Ondekane reportedly addressed the local elders in Bukavu acknowledging RCD involvement in the massacres at Kasika and surrounding villages. He maintained that the massacres would be fully investigated, and the perpetrators brought to justice. Top RCD leaders announced in September that they would set up a commission of inquiry to investigate the killings in and around Kasika. It was still unclear at the start of October whether such a commission had been set up and, if so, whether any investigation had taken place.

Human rights activists and other witnesses in South Kivu, some of whom have since fled the DRC, have reported that RCD combatants perpetrated a series of reprisal massacres of civilians. The combatants apparently killed the civilians because of their perceived complicity with their armed opponents. For example, on 27 August in Kazimia town, Fizi zone, southeastern DRC, RCD combatants and members of the Burundi armed forces reportedly killed more than 300 unarmed civilians. Those who were killed include **Mulilo Bosoka, Umbe Bushiri, Elema Loochi, Gueshoom Susten, Asende Esengya, Choloko Esengya, and Bikye Esengya.** This massacre of civilians reportedly occurred after fighting between RCD and the FAC had died down. Around Mboko town, as many as 344 civilians were killed on 1 September by RCD combatants, apparently in reprisal for losses suffered during a previous *mai-mai* attack in the area. On 6 September in Cirunga, Kabare town, as many as 152 civilians were deliberately and arbitrarily killed by the RCD following a *mai-mai* attack on RCD positions. The remaining civilians reportedly fled the town. A delegation of RCD political and military leaders apparently visited the area on 28 September, hoping to coax petrified villagers to return.

In a campaign that has terrorized the population of Uvira, RCD combatants reportedly killed many civilians in circumstances unrelated to the armed conflict. Among the victims was **Cléophas Munyampara** who was killed on 10 August together with his family at his home in Kalundu district. **Pierre Munyonge** was shot dead on the road by RCD troops passing through Kalundu district, and **Désiré Mutabazi** was killed when he opened the door of his house to see people lurking outside. In Mulongwe district, **Muhivwa** and his niece were killed on 11 August. Two other young girls were killed by RCD combatants when the girls asked for payment for beer the combatants had consumed. Ten bodies were located on 13 August at Mulongwe beach, near the market known as *Soko zairois*, and on 19 August, the **son of Duga**, a Mulongwe businessman, was killed with one of his workers when he refused to give a room to an RCD combatant.

In Lemera district, Pentecostal pastors named **Matoto, Kazera, Evariste** and **Kinyota** were reportedly killed on 15 August while they were praying. **Pierre Muhunga**, a Pentecostal pastor from Kasenga parish was killed on 17 August while returning from a

funeral service for the four Lemera pastors. One **Muzani**, a businessman, was killed by RCD combatants when he refused to give them articles they would not pay for. As a result of the insecurity in Uvira, many civilians have reportedly gone into hiding.

In Bukavu, one **Kibombo**, a shopkeeper at Nguba market, was killed by RCD combatants on 9 August apparently after he refused to surrender his vehicle to them. On 10 August, 10 bodies were found in Gihamba district, including those of **Charles Ntimbuka**, from Muhungo district, and **Lwaboshi Badesire**. **Jean-Jacques Badesire**, a plantation manager from Walungu district, was reportedly killed by RCD combatants when he failed to give them diesel fuel. In Kisangani, **Crispin Mbomro Mujani** was reportedly killed by soldiers described as members of the RPA at his home on 6 August. RCD killings of local civilians have also been reported in Rukobero, Kigoma, and Sange.

In reprisal for the burning to death of RCD combatants by FAC soldiers and civilian youth gangs on 3 September, members of the RCD reportedly killed dozens of unarmed civilians in Kalémie town around 4 and 5 September. Some of the victims were reportedly mutilated and left to die. Some entire families are reported to have been decimated. The victims reportedly included 16 businessmen from Uvira, South-Kivu, including one **Dédé** and one **Mulolo**, who were staying at an hotel known as Kanamu. Other victims included current and former employees of the *Société nationale des chemins de fer du Congo* (SNCC), National Railway Company of Congo, and their relatives. Those named include **Dr Okitakola**, **Mwamba Mwechenie**, SNCC pensioners **Bezombero** and **Albert Djamba**, **Adalbert Kahenga** (SNCC medical assistant) whose body was reportedly mutilated, and train drivers **Achille Mashanta**, **Rigobert Mujanga** and **Mukendi**.

3.2 Summary executions of combatants

On 3 August at Kavumu airport near Bukavu, more than 200 FAC soldiers loyal to President Kabila were reportedly summarily executed on the orders of a commander who had defected to the RCD. The commander is reported to have first ordered the FAC soldiers to guard the airport, where reinforcements and arms were expected. Shortly afterwards, RCD troops surrounded and disarmed the FAC soldiers and separated them into three groups: officers, former members of the *Forces armées zairoises* (ex-FAZ)⁹ and child soldiers known as *kadogos*. The 67 officers reportedly executed first, then the execution of 147 ex-FAZ soldiers. The *kadogos* are then said to have been forced to bury the victims.

⁹ Members of former President Mobutu Sese Seko's armed forces who have been reintegrated into the FAC; some of them joined the RCD.

On 14 August, a FAC major from Kasai hospitalised in Uvira was reportedly killed by RCD combatants who accused him of killing some 30 Tutsi. On 27 August, three FAC soldiers hospitalised at Bukavu general hospital were reportedly executed by RCD combatants.

3.3 Abductions

The RCD has also been responsible for a series of abductions in eastern DRC. Many of the victims are reported to be Hutu civilians. Some local sources have expressed concern that some of the abductees have been forcibly taken to Rwanda. The whereabouts of most of these persons remain unclear.

In Bukavu, the RCD took the owner of Orchidée Hotel in Muhumba district, one **Moro**, and his cook, from their work place on 3 August to an unknown location. They had not been seen by early November. A traditional chief, **Mwami Ntambuka**, was abducted by the RCD on 23 August, and though he was seen transiting through a Muhumba detention facility in Bukavu, his whereabouts were still unknown by November. On 14 September, about 30 traditional chiefs, including **Nakalonge** of Kalonge, **Muganga** of Burhinyi, and the chief of Kalehe, were arrested along with some other civilians. Though their actual whereabouts are unknown, concern has been expressed that they may be held in Rwanda.

Panda wa Makulu, a former director of the *Société de coopératives pour le développement de Fizi* (SOCOODEFI) is also reported to have “disappeared” in Kazimia, Fizi. On 18 August, **Migombano**, member of the village development committee of Kigongo, was reportedly arrested by RCD combatants and his whereabouts were still unknown at the start of November. On 19 August, the head of the Runingo village was arrested and taken to an unknown destination. Sixteen youths taken in August by the RCD in Makobola district remained unaccounted for.

Human rights sources in Bukavu reported in October that as many as two dozen people were being abducted daily by the RCD in the town. Those abducted, many of them Congolese Hutu, are reported to include children as young as three years old. For example, as many as 27 Hutu, including 13 children, were reportedly abducted during the last week of September by the RCD in Panzi quarters of Ibanda commune. The abductees included one **Rumwarindi** and his four children. There have been reports that this group of Hutu were seen at Saio military barracks and that they were subsequently executed by the RCD. On the same day, **pastor Mangambo**, his wife and five children were reportedly abducted from Bukavu’s Bagira commune and have not been seen since. **Phili Kompanyi**, head of Chimpunda quarters, was reportedly abducted on 24 September by RCD combatants after he allegedly put a question critical of the RCD to a top RCD

official. He and at least 10 other non-Hutu abducted at the end of September had not been seen again by mid-October.

Hamuli Nzabonimpa, Semagongi Habimana and Nturiza Bahati, all Hutu from North-Kivu's Masisi territory, were reportedly arrested by RPA soldiers in the Birere district of Goma on 14 September. On 19 September, **Jean Pierre Ilunga**, a member of the ANR, was arrested by RCD combatants in the same district on suspicion of communicating with forces loyal to President Kabila. His whereabouts are unknown.

3.4 Detention of prisoners of conscience and torture, including rape

There are reports of numerous arrests of people by the RCD forces in Bukavu, where secret detention facilities have been created to house the detainees. Detainees are reported to be held at the military procuracy mess (*mess des officiers de l'auditorat*), at the official residence of the Governor of Bukavu and at the former presidential residence which currently serves as the RCD's Bukavu headquarters of the *Agence nationale des renseignements* (ANR). In Bukavu, people described as dirty or chicken vendors are reported to have been arrested and accused of being *mai-mai* combatants. People wearing sports clothing have been accused of being RCD deserters, and four such persons were arrested in Kadutu market. Some members of armed groups opposed to the RCD reportedly wear sports clothing as their uniform.

On 5 August, **Willy Mudwengu**, a student who lives in Bukavu's Nyawera district, was arrested by RCD combatants when he was found speaking to a Belgian television journalist. He was detained for seven days in a secret detention centre where he was reported to have been ill-treated, including by forcing him to drink his own urine. His younger brother who made inquiries after him was also briefly detained. On 10 August, **Michel Bashizi**, a student at Bukavu Catholic University, was arrested apparently for not being able to locate a tenant who was sought by the RCD. He was detained for six days during which period he reportedly received 100 whippings each morning.

Thierry Bagalwa, from the *Bien-aimé* area in Kadutu district, was arrested by the RCD on 10 August apparently for not being able to locate his older brother, Claude. According to local sources, Claude was being sought because he had posed a question described as embarrassing during a meeting in Bukavu addressed by the RCD President. At the same time, his 16-year-old sister named **Sifa** was said to have been raped by six RPA soldiers who took her to an unknown destination. Her relatives reportedly fear that she may have been killed.

Pascal Nyamulinduka from Nyawera district was arrested on 10 August, reportedly because his father, a prominent businessman, was seen on national television

speaking with a DRC government minister. He was held in a secret detention centre. He was said to have been tortured, suffering fractures to his right leg and right arm.

In Goma, North Kivu, **Maombi**, a female nurse at Kacha dispensary was reportedly accused of treating injured *mai-mai* combatants and arrested on 14 September by English speaking soldiers, believed to be Ugandan. Also on 14 September, **Gangi**, a butcher from Magengo district, was arrested and reportedly taken to a detention centre in Rugerero, in Rwanda's Gisenyi prefecture. **Murefu Mpabuka**, **Nzabonimpa Byatete** and **Bizimana Nzabondora**, all Hutu originating from North-Kivu's Masisi territory, were reportedly arrested on 15 September and taken to Rugerero detention centre by RPA soldiers. One **Mbarushimana**, apparently accused of stealing beans, was briefly detained and beaten by RCD combatants in the Karisimbi district of Goma on 15 September. Also in Karisimbi district, one **Dominique** was arrested and reportedly severely beaten by RCD combatants on 16 September.

Some women have been killed in particularly heinous ways - such as some of the women murdered around Kasika parish, one of whom was found with a large stick protruding from her genitals. Many women and girls were reportedly raped prior to being murdered, while others were reportedly raped in detention and subsequently released. The bodies of many victims - both women and men - were found stripped naked.

Rape appears to have been used since August by the RCD as a war weapon as it captured Bukavu and other towns in eastern DRC. For example, an RCD commander reportedly ordered his combatants to rape women in the town. Seven cases were reported in Essence, two in Kibonge, including one 14-year-old girl who was attacked by four combatants, and 14 in Kadutu. An employee of the World Food Programme (WFP) in Bukavu was arrested at her residence on 3 August in Nyawera district because she could not reveal her husband's whereabouts to the RCD. She was kept for five days in a secret location and was reportedly raped by RPA soldiers, until an RCD official intervened on her behalf.

On 1 September, a curfew was instituted in Bukavu and the RCD launched a search operation in Kadutu district, hoping to locate members of the *mai-mai* and the FAC. At least 57 women and girls were arrested in this operation and taken to a secret location where they were reportedly raped. The victims include 18-year-old **Jeannine Fazili**, 18-year-old **Yvette Mushengezi**, 16-year-old **Gode Murebwa**, 16-year-old **Cibalonza**, 17-year-old **Francine Kapapa**, 20-year-old **Yvette Kaseko**, 21-year-old **Chantal Muderwa**, 22-year-old **Mamy Mushengezi**, 22-year-old **Rosette Kabazimya**, and 21-year-old **Caryne Mudosa**. **Jeannine Chishugi**, who reportedly tried to resist rape and was forced to undress in front of her brothers and parents. Many of the victims were subsequently taken by relatives to hospital for treatment.

On 12 August, **Colette Ndazina** of Burundian nationality was reportedly raped and killed by RCD combatants in the *Biens-mal-acquis* district of Uvira town. Her body was later found on the Lake Tanganyika beach. In Uvira, one **Roda** of Kalundu district was arrested on 20 August and detained in a secret place for seven days. She was reportedly raped at least twice daily by RCD combatants, and was reported to be in poor health at the end of September.

3.5 Muzzling witnesses

Virtually all international and local humanitarian organisations, including United Nations agencies, operating out of Goma and Bukavu were forced to hand over their communication equipment to the RCD authorities in August. This tactic was used by the AFDL coalition during the 1996-97 war to depose former President Mobutu to prevent information about human rights abuses reaching the outside world. While information was being suppressed, unarmed civilians, most of them Rwandese Hutu refugees, estimated to be as many as 200,000 were massacred by members of the AFDL and the RPA.

Since 2 August 1998 members of human rights organizations have been persecuted for their human rights work by the RCD in areas it controls and a number of them have subsequently fled the country or gone into hiding. One human rights activist, **Pastor Jacques Semurongo**, a member of the *Héritiers de la Justice*, a human rights organization based in Bukavu, was killed by RCD combatants on 6 August in Lemera. The assailants reportedly told his wife afterwards that the pastor had been passing information on to foreign human rights organizations. His colleagues, **Jean-Bosco Bahati** and **pastor Babunga Bujiriri**, received threats and fled in September. **Jean-Paul Bengehya** of the same organization was arrested on 9 August. It is unclear whether he was still held by the start of November. Since 23 August, their office has been under surveillance by armed members of the RCD. An immigration official known as **Chenyange** was arrested in Bukavu, apparently on suspicion of helping human rights activists leave the country. Members of *Collectif des organisations des jeunes du Sud-Kivu* (COJESKI), Collective of South-Kivu Youth Organizations, have also received threats.

Many university campuses have been closed and students threatened after some students reportedly verbally challenged Ernest Wamba dia Wamba, the RCD political leader during a public meeting in Bukavu. Among those being sought by the RCD is **Donix Bahige** of the African Evangelical University, previously living in Muhungu district. Members of the RCD reportedly threatened to kill his parents when Donix could not be found, prompting them to go into hiding. **Edouard Wasso**, a student at the *Institut*

supérieur de développement rural (ISDR), Higher Institute for Rural Development, living in Kadutu district was similarly sought by the RCD who threatened to kill his aunt when they could not find him.

4. Exacerbating the human rights situation

There are many factors which have contributed to the current conflict in the DRC. These factors, many of which have been discussed in previous Amnesty International reports¹⁰ were grave enough when fighting began in August 1998. New factors have further exacerbated the conflict, further fuelling massive abuses.

“Weapons are going to be handed out to tens of thousands of people for them to defend their country and to defend their sovereignty,” President Kabila told Congolese national radio on 11 August. *“I fully support the decision taken by young people who ask to be armed. We shall do so,”* he continued.

The arming by the Congolese government of civilians with guns and other weapons and simply the broad instruction to defend their *patrie*, without any training on basic principles of international humanitarian law or a chain of command to prevent human rights abuses is a recipe for a human rights disaster. This has already led to the deliberate killing of particularly vulnerable civilians.

Both the FAC and the RCD have recruited children, some as young as 10 years old, contravening Article 38 of the Convention on the Rights of the Child, which provides that:

1. State Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. State Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
3. State Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

¹⁰. See Amnesty International report “DRC: A long-standing crisis spinning out of control” AI Index AFR 62/33/98 dated 3 September 1998.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, State Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Forcible conscription has been carried out by the RCD, the FAC and the RPA, with many of the persons forced to enlist being children. Children between the ages of 10 and 12 have been reportedly forced by the RCD to enlist in Goma, in violation of international law.

Rwandese Hutu refugees have reportedly been recruited from several camps in the region to join the FAC, contrary to the purposes of the *UN Convention Relating to the Status of Refugees* and the *Convention Governing the Specific Aspects of Refugee Problems in Africa*, and exacerbating ethnic tensions in the region.

The list of governments throughout Africa and beyond who continue to lend support to either side to the conflict has grown since August 1998. Amnesty International is concerned that given the already appalling human rights record of the main parties to the conflict, any military support given to them is likely to exacerbate human rights abuses in the DRC. Governments actively supporting the FAC with troops, military equipment and, or training include: Angola, Zimbabwe, Namibia, Chad, and reportedly Sudan.

Governments actively supporting the RCD with troops, military equipment and logistics include Rwanda, Uganda and Burundi. Burundi has consistently denied having any troops in the DRC. The Uganda Government has admitted that members of its Uganda People's Defence Forces (UPDF), led by Chief of Staff James Kazini, are deployed in the DRC and are controlling a number of airports in eastern DRC, but it denied involvement in the fighting yet. Sources in eastern DRC reported in September that UPDF soldiers, who include formerly demobilized soldiers, also known as veterans, were operating anti-aircraft batteries.

Amnesty International has learned that throughout August and September 1998, new RPA recruitment was stepped up. Numerous trucks of RPA soldiers were seen crossing daily into the DRC. Many Rwandese have volunteered to join the RPA and fight in the DRC. However, others have been forced to do so. In various regions, including in the capital Kigali, there have been large-scale round-ups in the streets, during which men and youth have been picked up and forced to undergo military training. New recruits are reportedly given very basic training, usually lasting between four days and two weeks. Many are then reportedly sent to the DRC to fight alongside the RCD and RPA troops.

Those forcibly recruited include many young people, particularly students, some as young as 15 or 16. In many cases, their families are left without any news of their whereabouts and fear for their safety. For example, according to former recruits, on 14 September, a 17-year-old student and a friend of his, were stopped in the street in Kigali by two armed soldiers in civilian clothes, who ordered them to follow them to a location in Kigali's Gikondo district, where they found many other young people who had also been taken there for military training. Most were described as being under 20 years old. The training there lasted four days. The physical conditions were extremely harsh and the food rations insufficient. Also according to former recruits, those who were physically unable to bear the conditions or who tried to resist were beaten. Some of the recruits' identity cards (a document which must be shown to the authorities on request and without which some people may be suspected of belonging to armed opposition groups) were torn up; they were promised that they would receive DRC identity cards once they had crossed the border. After four days, the recruits were made to board military trucks at night and were taken towards the DRC. They had been told that they would be sent for further training at the Rumangabo camp, near Rutshuru, in eastern DRC. The student and his friend managed to escape and have gone into hiding.

In some cases, the training is carried out in the Gabiro RPA military training camp in eastern Rwanda. In the second half of September, large numbers of people were reportedly being trained there. Military experts described by Rwandese sources as American were reportedly among those carrying out some of the training at Gabiro. It is unclear whether these experts are known to or have links to the US Government. The US Government claimed in August 1998 that it had withdrawn all its military personnel from Rwanda after war broke out in the DRC on 2 August.

Sources in eastern DRC informed Amnesty International that as many as 20 unmarked planes were landing at Goma airport each day in September ferrying RCD military supplies, including tanks and heavy weapons, and troops from Rwanda and Uganda, to various airports in eastern DRC. Similar flights were continuing in November. Virtually all pilots were reported to be white, but the sources were unable to establish where they were from or who was paying for the flights.

5. Conclusions

Amnesty International fears for the safety of thousands of civilians persecuted on the basis of their ethnic origin and perceived or known political affiliation. Such persecution has escalated in recent months, in part fuelled by the inflammatory statements made by DRC government officials against Tutsi. In 1996 hundreds of Tutsi were killed by forces loyal to former President Mobutu and in 1996 and 1997 tens of thousands of Hutu and other civilians were killed by Tutsi-led combatants in the former Zaire. The UN

Secretary-General's Investigative Team (UNSGIT)'s investigation of these killings and other reports of violations of human rights and of international humanitarian law was obstructed by the DRC Government. The Secretary-General withdrew the Team in April 1998.

All over North and South-Kivu, thousands of civilians fearing persecution and arrest are hiding in forests, trying to escape the fighting. Villages have been emptied and fields are untended. Similar scenes have been reported in Kinshasa and Kisangani, where at different stages of the conflict large neighbourhoods had been vacated, with hundreds of thousands of displaced persons. Some have fled the country, though most remain displaced within DRC borders.

Effective action is urgently required by all sides of the conflict, by all supporters of the different sides, and by the international community as a whole to ensure that civilians are fully protected.

Amnesty International believes that although the current situation in the DRC is critical, there is still an opportunity to prevent further abuses against unarmed civilians. Foreign powers and others have provided arms or funds to buy them to parties to the armed conflict in the DRC. The abundance of weapons channelled to all sides has contributed to a climate of violence and impunity in which defenceless people are routinely ill-treated or killed. Yet, none of the countries that have supplied weapons to either side of the conflict have taken any steps to ensure that their weapons would not be used to perpetrate human rights abuses. They have also failed to acknowledge the role that these weapons have played in enabling armed forces in the Great Lakes region to commit human rights abuses.

Amnesty International believes that all governments have a responsibility to ensure that arms and training which they or those under their jurisdiction supply are not used to commit human rights abuses. The organization is opposed as a matter of principle to military, security or police transfers to government and armed opposition groups that can reasonably be assumed to contribute to human rights abuses such as deliberate and arbitrary killings, torture and other forms of ill-treatment. Such transfers may include equipment, personnel or training, as well as financial or logistical support for such transfers. In the present situation, where human rights abuses have been widely documented, it is insufficient for governments to assume that such transfers will not contribute to the commission of human rights abuses. It is necessary for such governments to establish clear mechanisms to monitor how their transfers are used. Governments should prohibit such transfers to any party to the conflict in the DRC, unless it can be reasonably demonstrated that they will not contribute to human rights abuses.

6. Recommendations

To the DRC government

- Give public instructions to all their combatants and supporters that human rights abuses will not be tolerated and that measures will be taken against those responsible;
- Instruct all combatants to abide by international humanitarian law, in particular those provisions of the 1949 Geneva Conventions which specifically prohibit attacks against people taking no active part in the hostilities, torture, including rape, as well as the taking of hostages;
- Announce and implement specific measures to prevent human rights violations, including the setting up of competent, independent and impartial human rights bodies to which victims or witnesses can report allegations of human rights violations, and ensuring that those found responsible are brought to justice;
- Allow members of Congolese human rights organizations and other independent human rights observers to investigate and report on allegations of human rights violations, and ensure that the investigators have unhindered and safe access to all areas under DRC government control;
- Prevent any incitement to violence, discrimination or hatred against any groups or individuals and ensure their protection from human rights violations, regardless of their ethnic, political or other affiliation;
- Publicly undertake to implement the recommendations of the UN Secretary-General's Investigative Team, including cooperating with a follow-up UN inquiry into the atrocities committed in the DRC since 1993 once established, and ensuring that those found responsible will be brought to justice in trials that conform to international standards for fairness and exclude the use of the death penalty;
- Release all detainees held outside the law, prevent any arbitrary arrests, and ensure that humanitarian organizations, such as the International Committee of the Red Cross (ICRC), have access to and are allowed to assist detainees in all detention centres;
- Give clear public instructions to armed force commanders not to recruit children and to exclude from their ranks any children that may already have been

recruited. Civilians should not be subjected to human rights violations if they refuse to participate in the conflict.

To the RCD and other armed groups participating in the conflict

- Give public instructions to all their combatants and supporters that human rights abuses will not be tolerated and that measures will be taken against those responsible;
- Instruct all combatants to abide by international humanitarian law, in particular those provisions of the 1949 Geneva Conventions which specifically prohibit attacks against people taking no active part in the hostilities, torture, including rape, as well as the taking of hostages;
- Announce and implement specific measures to prevent human rights abuses, including the setting up of competent, independent and impartial human rights bodies to which victims or witnesses can report allegations of human rights abuses;
- Allow members of Congolese human rights organizations and other independent human rights observers to investigate and report on allegations of human rights abuses in areas under their control, and ensure that the investigators have unhindered and safe access to all such areas;
- Prevent any detention of people solely on ethnic or other discriminatory grounds arbitrary arrests, and ensure that humanitarian organizations, such as the ICRC, have access to and are allowed to assist detainees in all detention centres;
- Give clear public instructions to armed force commanders not to recruit children and to exclude from their ranks any children that may already have been recruited. Civilians should not be subjected to human rights abuses if they refuse to participate in the conflict.

To the governments of Angola, Chad, Namibia, Zimbabwe, Sudan Rwanda, Burundi, and Uganda

- Give public instructions to all combatants that human rights violations will not be tolerated and that those responsible will be brought to justice;

- Instruct all combatants to abide by international humanitarian law, in particular Common Article 3 of the 1949 Geneva Conventions which specifically prohibits all parties to the conflict from targeting people taking no active part in the hostilities; in particular from carrying out acts of violence or torture against them, including rape, as well as the taking of hostages;
- Ensure that their national armies abide by the 1949 Geneva Conventions and Additional Protocol I to the Geneva Conventions. These standards include a requirement to protect civilian lives, including the principle of distinction between military targets and civilians. The civilian population shall not be the object of attack. Indiscriminate attacks are prohibited, as are reprisal attacks against civilians.
- States should not supply light weapons and other types of military, security or police equipment, which is likely to be used by parties to the conflict or by their allies to commit human rights abuses.
- Announce and implement specific measures to prevent human rights violations, including the setting up of competent, independent and impartial human rights bodies to which victims or witnesses can report allegations of human rights abuses, and ensuring that those found responsible are brought to justice;
- Allow members of Congolese human rights organizations and other independent human rights observers to investigate and report on allegations of human rights violations, and ensure that the investigators have unhindered and safe access to all areas under the control of their forces;
- Release all detainees held outside the law, prevent any arbitrary arrests, and ensure that humanitarian organizations, such as the ICRC, have access to and are allowed to assist detainees in all detention centres;
- Give clear public instructions to armed force commanders not to recruit children and to exclude from their ranks any children that may already have been recruited. Civilians should not be subjected to human rights violations if they refuse to participate in the conflict.

To other governments

- Publicly condemn all human rights abuses that have been and are being committed in the DRC, regardless of the identity of the perpetrators or the victims.

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- States should not supply light weapons and other types of military, security or police equipment to governments and armed groups implicated in the war in the DRC which are likely to be used by parties to the conflict to commit human rights abuses. Given the persistent and well-documented patterns of human rights abuses against unarmed civilians by the main parties to the conflict in the Great Lakes region, it is reasonable to assume that in the present situation, such transfer is likely to contribute directly to further human rights abuses.
 - Support the work of the UN Commission of Inquiry into arms transfers to the former Rwandese armed forces and urge the UN Security Council to extend its mandate to cover all arms transfers which are being used for grave violations of international humanitarian law and human rights standards in the DRC.
 - To ensure that perpetrators are brought to justice, investigations should continue through the establishment by the UN Security Council of a competent, independent and impartial investigative body. This body should pursue the work carried out by the UN Secretary-General's Investigation Team (UNSGIT). The Security Council should ensure that the investigative body has unfettered access to the DRC, but in the event of access being denied, the body should gather testimonies from victims, witnesses and other sources outside the DRC.
 - The UN should seek safety guarantees for and strengthen the office of the UN High Commissioner for Human Rights in the DRC to report on the human rights situation in the country;
 - Provide support to and reaffirm the importance of the mandate of the three experts of the Commission on Human Rights on the DRC, Rwanda and Burundi. The experts should be given political and material support to carry out a visit to the DRC in order to report on the human rights situation there;
 - Request the UN High Commissioner for Human Rights to convene another extraordinary coordination meeting of the UN human rights experts on the Great Lakes region, following on the one convened by the previous UN Commission on Human Rights in 1996, to draw up recommendations to prevent a deterioration of the human rights situation in the region. The meeting should also receive contributions from UN agencies and relevant treaty bodies, as well as other inter-governmental and non-governmental bodies which have expertise relevant to addressing the current human rights crisis. A report containing their findings and recommendations should be discussed at the UN General Assembly at its forthcoming session in order to allow this body to make concrete recommendations to address the present human rights situation.

- Ask for a reinforcement of the UN human rights field presences in the Great Lakes region, including the deployment of human rights monitors in the DRC.

- The OAU and the SADC should state their commitment and determination to ensuring that impunity is ended in the region once and for all in order to ensure lasting protection from human rights abuses for the people of central Africa. These intergovernmental organizations should recommend measures which should be taken by the DRC Government and the international community to address impunity for past violations and to prevent further human rights abuses in the DRC;