

ZAIRE

Rape, killings and other human rights violations by the security forces

The international community appears unwilling or unable to take concerted action to help people suffering gross human rights abuses in Zaire. After the mass repatriation of refugees to Rwanda in late 1996, the diplomats and politicians have allowed plans for a humanitarian intervention force to founder. The journalists and cameramen have moved on to the next "hot spot". Yet for the people living in Zaire the situation has gone from bad to worse.

Residents of towns and villages in many parts of Zaire live in constant fear of human rights violations by Zairian soldiers, who have pillaged, raped and killed with virtual impunity. They do not know from one day to the next whether their homes, farms and businesses will be looted, or whether their lives will be in danger. The struggle for survival was summed up by a witness who said, "*The people are resourceful -- the coffin-makers are doing good business*". Countless Zairians have been displaced by fighting and human rights abuses in eastern Zaire and cannot safely return home. Their plight is desperate. Some are living only on what they can scavenge in the forests. "*I returned to [my home town]*" said another witness, "*not because I was not afraid, but because running away serves no purpose. And if I am to be killed, it's better that it happen in front of people.*" Around 300,000 refugees from Rwanda and Burundi remain in the country, largely forgotten by the international community and prey to hunger and disease.

The Zairian government launched a military counter-offensive in January 1997 to recapture territory lost to rebels in eastern Zaire, giving rise to grave fears that civilians would be subjected to further human rights abuses. "*The counter-offensive will not spare anybody, and the war will be fought to the end, whatever the price,*" an official statement warned ominously in late January. The record is not encouraging: this report describes numerous human rights violations by the Zairian security forces committed between November 1996 and February 1997. Amnesty International is publishing this information in the hope that the international community will exert pressure on the Zairian Government at this critical time to prevent further human rights violations by its security forces.

There has been fighting in eastern Zaire since October 1996, and a 400-mile swathe of North and South Kivu region has been taken over by the Tutsi-led armed group, the *Alliance des forces démocratiques pour la libération du Congo-Zaire* (AFDL), Alliance of Democratic Forces for the Liberation of Congo-Zaire. This conflict has served to heighten tension in much of the country, with people of Rwandese, Burundian or Ugandan origin being especially targeted for abuse by government forces and allied civilians. Since late October 1996 dozens of civilians and soldiers have been arrested and accused of being accomplices of the AFDL or spies for the governments of Rwanda, Burundi or Uganda. Many are believed to be still detained in the capital, Kinshasa, in the northern city of Kisangani, and in other parts of Zaire.

The Zairian Government has made some recent efforts to improve the image of its security forces. Since December 1996 it has reshuffled the leadership of the armed forces and in early January 1997 the new Minister of Defence, General Likulia Bolongo, announced that the armed forces had to rid themselves of "criminals, runaways, pillagers and vagabonds" who should be punished by court-martials in a "severe and spectacular" manner. There have been some arrests and trials of military personnel following this announcement. On 21 January 1997 a court-martial in Kisangani sentenced 14 soldiers to death. The tribunal found them guilty of cowardice and desertion during fighting in eastern Zaire between members of the Zairian armed forces and the AFDL.

In late January, scores of soldiers were arrested on charges of looting and desertion. The soldiers, accused of terrorizing civilians in Haut-Zaire region for over a month, were disarmed by units of the *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service. A group of 150, mostly soldiers but including a handful of civilians, were flown to the capital Kinshasa from Bumba in Equateur region to be tried by military tribunal.

The people of Zaire have endured years of widespread human rights violations by the security forces, which Amnesty International has documented in many previous reports.¹ This report covers the period November 1996 to February 1997. It deals with human rights violations committed by the Zairian security forces; primarily the *Forces armées zairoises*, FAZ, the Zairian Armed Forces, but also the SARM and the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service. It focuses largely, but not solely, on eastern Zaire. For information about human rights abuses committed by the AFDL, please see the recent Amnesty International reports *Zaire: Violent persecution by government and armed groups* (29 November 1996, AFR 62/26/96) and *Zaire: Hidden from scrutiny - human rights abuses in eastern Zaire* (19 December 1996, AI Index: AFR 62/29/96).

At the time of writing, late January 1997, the government counter-offensive appeared to be deadlocked, with fighting spreading on several fronts. The Zairian government was making strenuous efforts to secure foreign military support. The presence of a force of 280 white mercenaries in Kisangani to train and fight alongside Zairian troops has been widely reported. The mercenary force, allegedly financed by Kuwait and led by a Belgian, Christian Tavernier, included Serbs, Croats, Russians, Poles, Chechnyans, Belgians, Italians and a "significant number of French". This force was reported to have several jet fighters and military helicopters. Soldiers from Rwanda and Uganda and to a lesser extent Burundi were reported to be serving in combat with the AFDL, as were mercenaries from Eritrea, Ethiopia and Somalia. There are also worrying reports that other African countries, especially Uganda, Rwanda and Burundi, may be drawn further into the conflict.

It is difficult to obtain information about what is happening, especially in eastern Zaire. Journalists and aid workers have been denied access or forced to leave by growing violence. In addition, human rights defenders have been systematically targeted by the authorities and accused of supporting the AFDL. They have been harassed, intimidated, taken in for questioning and arrested. The authorities have stood by when aid workers, including church members, have been attacked. "*It is part of a deliberate plan to undermine and destroy those who stand up for the poor*", said a witness, describing how a group led by soldiers had repeatedly molested and looted a community of nuns in the town of Kananga, the capital of West-Kasaï region (see below). Some aid agencies in north and south Kivu have begun scaling down their operations and some western embassies have called on relief organizations to pull out altogether.

¹Recent reports include: *Zaire: Lawlessness and Insecurity in North and South Kivu*, November 1996, AFR 62/14/96; *Zaire: Violent persecution by government and armed groups*, 29 November 1996, AFR 62/26/96; and *Zaire: Hidden from scrutiny - human rights abuses in eastern Zaire*, 19 December 1996, AI Index: AFR 62/29/96.

Hundreds of thousands of displaced Zairians and refugees are trapped in eastern Zaire. Humanitarian operations are seriously hampered by the Zairian government's decision not to issue "sauf-conduit" (safe passage) permits due to the military operation. A UN official has described the plight of the internally displaced and refugees in the Shabunda and Lubutu zones as "dire". Among refugees sheltering in camps in Tingi-Tingi and Amisi, UNICEF has reported scores of deaths each week, many of young children, mostly from malnutrition, malaria and diarrhoea.

Amnesty International takes no position on military operations: it is concerned solely with the victims and potential victims of human rights abuses. It calls on the Zairian Government to ensure that its forces respect the human rights of the civilians - including the displaced and refugees - in the conflict zones and elsewhere. It calls on the AFDL to abide by the principles of international humanitarian law. Amnesty International has called for a halt to the supply of all light weapons and associated military equipment to government and opposition forces in Zaire. Amnesty International also calls on the international community to use whatever channels of pressure are available to help protect the people who find themselves in the path of a conflict not of their making.

Rape and other abuses against women by soldiers

FAZ soldiers fleeing from advancing AFDL forces in eastern Zaire rampaged through the town of Bunia, 200 miles north of Goma, in early December 1996. They pillaged the commercial centre of the town, throwing grenades into houses and destroying everything they could not carry away.

On 5 or 6 December, according to several local sources, soldiers brutally raped school girls at the Lycee Likovi secondary school in Bunia. The soldiers are alleged to have raped the young girls savagely and systematically - leaving seven of them dead. They went on to raid the town's maternity hospital, and raped women there. One heavily pregnant woman was reportedly killed. Then the soldiers moved on to a convent for elderly nuns. The nuns fled into the forest, but the FAZ soldiers reportedly followed them, beat them with their guns and raped some of them.

The population of the town turned against the soldiers - there were protest marches and one soldier was reportedly killed. A witness said, "*these people have been pushed beyond their limits - now they are going to kill soldiers.*" On or around 8 December, Bunia fell to the AFDL.

This was not the only girl's secondary school to be attacked by soldiers bent upon violating young girls. At Idohu, on the road between Beni and Bunia, a witness reporting that the FAZ soldiers who went to Bunia raped and kidnapped the young girls in late November, said: "*This has turned disgust with FAZ to bitter hatred.*"

Similar abuses against women, especially young women and girls, were reported from other places in eastern Zaire through which deserting FAZ soldiers passed. In mid-November an eye-witness in Nyankunde, 20 kilometres west of Bunia, said he had seen a number of young girls who had been seized by soldiers in Butembo. "*They were crying for help as they passed through here, but were guarded by armed deserters.*" Amnesty International does not know what subsequently happened to these girls.

In Kisangani, six soldiers reportedly raped Wasiangalikani Yenga, a young woman who lived in the Kabondo zone, on 7 November 1996. Also in November, a soldier raped a young woman - Brigitte Sumaili - who worked in the hotel Masudin where he was staying. She needed hospital treatment.

There were further reports of rape by deserting FAZ soldiers in other towns in Haut-Zaire region, and in Isiro, near Bunia, North-Kivu region, and further west between Walikale and Lubutu.

Assaults and killings

There have been numerous reports of killings by soldiers as they travelled northwards and westwards, away from the war zone. In many towns, FAZ soldiers committed widespread violations and fled just days before the AFDL reached there. Many of the reported incidents were impossible to confirm. In some cases, Amnesty International could not ascertain who was responsible, in others it remained unclear whether the killings were deliberate, rather than the result of fighting between armed combatants. For example, there were reports that soldiers had killed as many as 60 civilians in the town of Buta, but these remain unconfirmed.

Soldiers passing through Bunia and Isiro in early November 1996 allegedly killed civilians including a protestant priest and an unarmed man hiding in a farm. FAZ soldiers were also reported to have killed the head of the insurance company in Bunia. Kahindo Kamungele, a shop owner, was attacked by soldiers who had looted and burned down his shop.

Soldiers brutally and systematically looted towns and villages in Haut-Zaire province, in the northeast, including Aketi and Viadana. A woman and a child were reported killed during the looting by stray bullets. The extent of their destruction was so severe that Haut-Zaire was officially declared a disaster area.

In Kisangani, reports of attacks by soldiers began in early November when vehicles carrying soldiers who had fled from the conflict in the east reached the town. Rather than reporting to commanding officers, many of these soldiers occupied hotels in the town, looting shops and attacking anyone who stood in their way. The residents of Kisangani saw their homes pillaged, were subjected to extortion of goods and money in the streets, markets and shops, physical assault and uncontrolled use of firearms. Such abuses were committed not only by deserting soldiers, but also by soldiers from the garrison at Kisangani, and students. On 6 November a march by students ended with the destruction and burning of the goods of people of Hutu or Tutsi ethnic origin. Among those who had their possessions destroyed were Alois Kayawura, a lecturer at the university of Kisangani, who was of Hutu Rwandese origin, Deogratias Niyonkuru Ntina, a long-term refugee in Zaire and coordinator of an aid agency, and the Sekubumba family, who were of Tutsi ethnic origin.

On 27 November 1996, after weeks of abuses by soldiers, matters came to a head. When three soldiers demanded money from a man called Pele Libonbo and then tried to arrest him arbitrarily when he could not pay, he was saved by local people who came to his aid. The population demonstrated that night against the brutality of the soldiers and the terror they were inflicting on the civilian population. They demanded the removal to barracks of the soldiers who had come from eastern Zaire and had occupied hotels in Mangobo zone. Although the soldiers fired their guns, wounding three civilians, the population continued the protest until the military authorities sent an intervention force to remove the deserters.

Protests spread. On 28 November, a soldier opened fire on a crowd of demonstrators approaching the Suamili hotel in Tshopo zone, wounding five people: a clergyman, two of his followers and two passers-by.

Church workers have come under sustained attack, with local officials in Kisangani accusing the church of collaborating with the rebellion. Church buildings have been repeatedly searched or looted, and church personnel have been harassed and intimidated. Three foreign priests in Kisangani were held for several days for questioning in December 1996 and threatened with expulsion. They were accused of sheltering foreign nationals, including Rwandese, Burundians and Pakistanis, and of passing information to foreigners. Two priests in Shaba region were held hostage for 12 hours, without food or water, by seven gendarmes fleeing from Uvira, on 8 November 1996. They were seized on their way to the town of Lubuye. They were eventually freed by soldiers sent from Kalemie, but their money and goods were stolen.

In Kananga, capital of West-Kasaï region, from 2 to 6 January 1997, a group led by soldiers laid siege to a community of nuns. For four nights running, they threw stones at their building, fired their guns around the house, broke down doors and emptied their store cupboards. This armed robbery and molestation was carried out with the full knowledge of the authorities. According to one report, the soldiers were members of the *Brigade speciale de recherche et de surveillance* (BSRS), Special Research and Surveillance Brigade.

Aid workers have also come under attack. Dr Tony Ukety and three co-workers in a Red Cross vehicle were held overnight by soldiers near Nyankunde, near Bunia, on 13 December; they were threatened, beaten and tied up overnight.

Protests by Zairian citizens have led to violent responses by the security forces. In Lodja, a town in the Sankuru sub-region of East-Kasaï region, members of the civil guard reportedly opened fire on a crowd of students in late January, wounding at least 12, two of whom seriously. The students were allegedly protesting against the arrest of one of their colleagues, a law student called Pengi, because the reason for his arrest was unclear.

Arbitrary arrests and detention

Since the start of the conflict in eastern Zaire, the Zairian authorities have detained Zairians of Tutsi ethnic origin, refugees, and journalists and human rights activists who try to investigate abuses against Tutsi or speak out against government policies in the conflict zone. Many have been arbitrarily arrested and held incommunicado for far longer than the period allowed by law. Some appear to be prisoners of conscience. All are held in appalling conditions, and some have apparently been tortured.

In late December 1996, detainees in Kisangani were reported to be being held in *cachots* (detention centres) run by the *garde civile*, civil guard, in detention centres run by the SNIP and in Kisangani Central Prison. In detention centres run by the SNIP, more than 80 Rwandese and Burundian prisoners were being held "for their own safety". Among them were 12 members of the Kajuga family, 11 members of the Kabuyanga family, and Richard Bugingo. By mid-January these prisoners had reportedly been transferred to Kisangani central prison. There have been unconfirmed reports of detainees subsequently being transferred to the Osio detention centre, where conditions are appalling.

According to these reports, 20 to 30 prisoners were held in a dark cell in a detention centre run by the civil guard. They were Zairians of Rwandese origin who lived in Kisangani, and had been accused of possessing arms or documents supporting the rebellion. Some were reported to have been beaten shortly after their arrest. They included Andre Rwabihama, a medical assistant, his wife Marie Nyirakamana, and their school-aged son Fiston; Paul Dipilanga Diekere, a driver, and Willy Tragara, a student. Their arrests followed anti-Tutsi demonstrations by students from the university of Kisangani in early November.

In Kisangani central prison were seven or eight Rwandese refugees and a number of people whose identity papers were in question. In early December about 150 prisoners had escaped from the prison, apparently with the acquiescence of local soldiers. Conditions in the prison were reported to be harsh. Cells were grossly overcrowded - except for prisoners who could afford to bribe guards and buy better conditions for themselves. There were no beds or mattresses for prisoners, and no food apart from that brought by relatives or non-governmental organizations. Many prisoners were malnourished and in poor health. An ICRC representative described them as "skeletal". Medical care was virtually non-existent: after chickenpox and diarrhoea outbreaks in July and August 1996 prisoners on the point of death were taken to a former hospital and left to die without assistance. On 19 Sept 1996, a male prisoner named Zamundu died alone, several days after being taken in agony on a bicycle to the former hospital building. Numerous deaths of prisoners during 1996, some from gunshot wounds, others from unknown causes, were never investigated.

Journalists have been targeted for arrest in Kinshasa and elsewhere. Michel Luya, director of the opposition journal *Le Palmarès*, was taken in for questioning by SNIP members on 14 January 1997, then charged with *atteinte grave à la sûreté de l'Etat*, attacking the security of the state. His publication had published information about President Mobutu's hospitalization. On 20 January Emmanuel Katshunga, a journalist with the independent newspaper *La Tempête des tropiques*, was reportedly arrested in Kinshasa by members of the *Division spéciale présidentielle* (DSP), special

presidential division, after his paper accused the DSP of pillaging in Kasai. The newspaper's editor, Alexis Mutanda, had been interrogated by members of the DSP two days earlier.

Death penalty

On 28 January 1997 a court-martial (*conseil de guerre*) in Kisangani sentenced Dr Joseph Kanku Pinganay, a physician, to death. The tribunal found him guilty of espionage by revealing the positions of government forces to the AFDL. Dr Pinganay is a leader of a political party known as the *Mouvement pour le redressement national et la radiation du chômage* (MRNRC), Movement for National Recovery and Ending Unemployment. He owned a dispensary in Nia-Nia, a town to the northeast of Kisangani.

One week earlier, on 21 January 1997, a court-martial in Kisangani sentenced 14 soldiers to death. The tribunal found them guilty of cowardice and desertion during fighting in eastern Zaire between members of the Zairian armed forces and the AFDL. Among those sentenced to death were Captain Kange, First Sergeant-Major Malibizi and Corporal Ngoma.

Conclusion

Amnesty International is issuing this report at a critical moment, when the lives of hundreds of thousands of men, women and children in Zaire are in grave danger. The organization believes that the recent record of human rights violations by the Zairian security forces ought to alert the world's governments to the risks faced by unarmed civilians in Zaire, and prompt the international community to take urgent measures to ensure that fundamental human rights are protected. Amnesty International urges the international community to exert pressure on the Zairian Government to prevent further human rights violations by its security forces. Governments around the world should also prevent further transfers of light weapons and associated military equipment, as well as military personnel, to the government forces and armed groups in the region. Governments should address the issue of mercenaries. This is important for the protection of human rights, because mercenaries in various conflicts around the world have executed prisoners and committed other serious human rights abuses, operating outside the normal criminal justice system and on the fringes of military chains of command.

Amnesty International calls on the Zairian Government to ensure that its forces respect the human rights of the civilians - including the displaced and refugees - in the conflict zones and elsewhere. It also calls on the Zairian Government to commute the death sentences passed to a more humane punishment and to ensure that defendants convicted in future trials will not be sentenced to death or executed. Amnesty International has repeatedly urged the AFDL to abide by the principles of international humanitarian law, and reiterates that appeal. Amnesty International is also asking both the Zairian Government and the AFDL to allow full access to human rights activists and others investigating reports of human rights violations in Zaire.