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*Cover photograph: A soldier at Vichumbi poses with the remains of a human head, July 1996.*

# Zaire

## Lawlessness and insecurity in North and South-Kivu

### 1.Introduction

Most of Zaire's estimated 40 million inhabitants live in a state of lawlessness where the authorities encourage or turn a blind eye to widespread human rights violations by the security forces and government officials. All but the most privileged members of Zairian society, or those in positions of power and influence, are likely to suffer human rights violations on a daily basis. In North and South-Kivu, insecurity caused by armed conflict has been added to this lawlessness. The subsequent deployment of thousands of members the *Forces armées zairoises* (FAZ), Zairian Armed Forces, to these crisis regions has exacerbated human rights abuses because most soldiers are undisciplined and poorly paid.

Amnesty International has chosen to publish a report<sup>1</sup> about the appalling human rights situation in the North and South-Kivu regions to highlight the failure by the Zairian authorities to protect basic human rights and the authorities' role in encouraging or condoning these violations. The ongoing civil strife in the two regions is reminiscent of the civil war which wracked Zaire at the start of the 1960s, leading to the coming to power of President Mobutu Sese Seko in a military coup in 1965. The civil war in the 1960s was related to elections before Zaire's independence in 1960. There are many grounds to believe that the current political and ethnic conflict in Kivu is related to next year's elections, as political leaders position themselves for political advantages over their rivals. The Zairian authorities' neglect of lawlessness and insecurity in eastern Zaire contributes towards the disruption of the current political transition.

Amnesty International has been monitoring the human rights situation in these regions for many years. This report examines the human rights abuses and the role of the political, administrative and military authorities in North and South-Kivu over the last year. The organization has obtained detailed testimonies of abuses from victims, local and international organizations and other sources. Amnesty International is especially concerned by evidence of extrajudicial executions and torture by members of the FAZ, who act with near impunity. Other major concerns include arbitrary arrests and unlawful detentions and the detention of prisoners of conscience.

Amnesty International believes that the current situation needs to be addressed by the authorities as a matter of urgency before many more lives are lost in the two regions. The organization is appealing to the Zairian Government to take immediate steps to curb serious violations of human rights.

### 2.Context

Since April 1990, Zaire has been undergoing a troubled political transition from nearly 25 years of one-party rule to a multi-party political system. Mismanagement has caused the almost complete collapse of the economy, resulting in a breakdown of the country's infrastructure. For example, there are no trans-national roads in Zaire and the roads that do exist are in very poor condition. National telecommunications and postal service are erratic at best. Most local and national political and administrative authorities have resisted pressure from political opposition or human rights groups to implement change which could

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<sup>1</sup>This report describes human rights abuses in North and South-Kivu and covers the period up to the attacks on, and mass movement of, refugees in the area of the last few weeks.

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lead to a system of accountability and an end to patronage and impunity which they have enjoyed for several decades.

One consequence of the country's economic crisis is that civil servants are rarely paid their meagre salaries. A senior doctor at Goma Hospital in North-Kivu told Amnesty International he had received his salary for January 1996 in July. The 90,000 *Nouveaux Zaires* (NZ) he was paid could only buy a 50 kg bag of flour for his family for a month. The system of topping up a salary by demanding bribes for services to the public has thus become the norm for government employees all over Zaire, including the security forces, the judiciary and the prison service as well as teachers and medical staff. The tens of thousands of soldiers deployed in the Kivu regions similarly suffer from meagre and irregular pay. Soldiers say that when they receive their salary it is equal to around US\$ 6 a month. In order to avoid mutiny, military officers actively encourage soldiers to "*débrouillez-vous*" ("sort yourselves out"). They turn a blind eye when soldiers resort to armed robbery, or subject civilians to beatings and arbitrary arrests to extort money or "ransoms".

Soldiers sent from the capital, Kinshasa, were reportedly happy to be deployed in the two Kivu regions where the US dollar is used in the local economy, due to the high rate of inflation affecting the value of the national currency<sup>2</sup>. One soldier explained, "There are dollars in Kivu. A few months' service in this region guarantees a house and food for the family in Kinshasa".

## 2.1 Political conflict and ethnic tensions in North and South-Kivu

For many years ethnic tensions in eastern Zaire have been brewing because of a political and economic power struggle between the ethnic groups living in these areas. The conflict is principally between the Hutu and Tutsi populations (known as *Banyarwanda* in North-Kivu and *Banyamulenge* in South-Kivu<sup>3</sup>) and other ethnic groups over the right of *Banyarwanda* to Zairian nationality. The conflict has broken out in armed struggle on several occasions, the most serious being the ongoing conflict in North-Kivu which broke out in 1991 and has led to the displacement of over 300,000 people. Armed conflict has also broken out in Uvira and Fizi districts in South-Kivu.

The Zairian Government has persistently failed to bring together parties to the conflict in the Kivu regions in order to find a just and durable settlement. So far, the government's main intervention has been reactive, characterized by the deployment of large numbers of members of the security forces. These forces have themselves perpetrated human rights violations due to a lack of will or political guidance by the government.

The *Banyarwanda* constitute the richest and largest single group in both Kivu regions, but the non-*Banyarwanda* political elite have for many years sought to exclude *Banyarwanda* from the political process in Zaire. Successive legislators have sought to enact laws that would effectively disenfranchise

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2 When the NZ was introduced in 1993 it had a value of 3 NZ to one US dollar. By October 1995 the rate had plummeted to 8,000 NZ yet by July 1996 US \$1 had the value of 48,000 NZ.

3 *Banyarwanda* means "people of Rwanda", but refers in this case to Zairian Hutu and Tutsi living in North and South Kivu. Hutu and Tutsi peoples are the main ethnic groups in neighbouring Rwanda and Burundi. The *Banyamulenge* are Tutsi, many of whom claim to have lived in Zaire in the Mulenge forest of South-Kivu for generations. Although both this groups originate from Rwanda, most of them hold Zairian nationality. Amnesty International November 1996AI Index: AFR 62/14/96

*Banyarwanda* as non-Zairians or even legalise their expulsion from the country. The law most often quoted is the 1981 Nationality law (*Loi no. 81-002 du 29 juin 1981 sur la nationalité zaïroise*), but its Article 4 which defines Zairian nationality is ambiguous. It stipulates that a Zairian is:

“...according to Article 11 of the constitution of 30 June 1960, any person, whose ancestors are, or have been, members of one of the established tribes on the territory of the Republic of Zaire within its borders of 1 August 1885, or as modified by subsequent conventions.”<sup>4</sup>

In addition to the ambiguity, no impartial mechanism has been established to identify ways to determine Zairian nationality. Up-to-date birth registers are unlikely to be kept and arbitrary and unlawful measures, such as destroying identity cards, have been used by government and security officials to deny *Banyarwanda* their claims to Zairian nationality.

The nationality question was discussed by a National Conference in 1991 and 1992 but remained unresolved. Attempts were made to exclude *Banyarwanda* from the Conference, at the instigation of other ethnic groups from the region. Now ethnic groups in the two regions are resorting to violence to assert their claim to Zairian nationality or deprive others of it.

Until August 1993 Hutu and Tutsi appeared to be on the same side in the conflict. However, this changed after the ousting of the Hutu-dominated Rwandese Government by the Tutsi-dominated Rwandese Patriotic Front (RPF) in July 1994. Zairian Hutu accuse Zairian and other Tutsi of having assisted the RPF to take power and cause the flight of Hutu from Rwanda.

The nearly one million Rwandese refugees who fled to Zaire include many Hutu people who are believed to have been responsible for crimes against humanity in Rwanda in 1994. Tutsi and others in Rwanda and Zaire have accused Hutu who fled from Rwanda of “continuing the genocide” they committed in Rwanda in North-Kivu.

### 3. North-Kivu

The level of human rights abuse in North-Kivu has reached severe levels. Armed conflict and large numbers of undisciplined military personnel in the region have contributed to this. The areas most affected during 1996 were the Masisi and Rutshuru districts. Some international aid agencies and civilians in North-Kivu claim that the presence of some 800,000 Rwandese refugees in the area has exacerbated the conflict and human rights abuses, because of alleged collaboration between Zairian and Rwandese Hutu and the fact that the refugee presence has led to further deployment of troops to the region.

Although no national census has been carried out in Zaire since 1985, *Banyarwanda* are estimated to constitute 80 per cent of the population of North Kivu. Other ethnic groups in the region include Hunde, Nande, Tembo and Nyanga. The Hunde are the largest of these smaller groups, with greater economic power in Masisi district than other ethnic groups. Since 1991 conflict has been brewing in the Masisi district between the *Banyarwanda* on the one hand and the Hunde and Nyanga, who call themselves

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<sup>4</sup> “Est Zaïrois, aux termes de l’article 11 de la Constitution, à la date du 30 juin 1960, toute personne dont un des ascendants est ou a été membre d’une des tribus établies sur le territoire de la République du Zaïre dans ses limites du 1er août 1885, telles que modifiées par les conventions subséquentes.”

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“natives” (*autochtones*), on the other.

Armed conflict in the Masisi and Walikale districts, were brought under control in late 1993, following a mediation by local non-governmental organizations, including church groups, which brought ethnic leaders together to negotiate a peaceful settlement<sup>5</sup>. However, armed conflict broke out once again in Masisi district in late 1994 and in late 1995 an armed group known as the “*Bangilima*”<sup>6</sup> was also threatening *Banyarwanda* in northern Rutshuru district.

In North-Kivu, over 300,000 Hutu, Hunde and other ethnic groups live in camps for internally displaced people, which are almost constantly shifting locations because of the threat of attacks. Others are also trapped, or unable to leave conflict areas for other reasons. In both instances, there is a lack of protection or assistance from the authorities to escape attacks.

### **3.1 “The population is the enemy”: Widespread violations by government forces**

The Zairian authorities have tried a military response to quell the conflict in North-Kivu. Following the failure of previous military operations and a ministerial mission to the affected districts in early 1996, the government launched Operation *Kimia* (“silence” in Lingala) in February 1996, to disarm groups from all parties to the conflict. The number of members of the armed forces involved in Operation *Kimia* has not been made public. At least 1,000 troops drawn from the Gendarmerie, *paracommandos*, Paratroopers, *Garde Civile*, Civil Guard and *voltigers*, Armoured Vehicle Battalions are believed to have participated. The commander of Operation *Kimia* in Masisi town said that they lacked communications equipment and guidance from government and military authorities in Kinshasa. Troops complained of being under-equipped and often unpaid. Civilians in Masisi district were alarmed at the recent arrival of heavy weapons to Operation *Kimia*, including tanks and armoured cars, which had been used by Operation *Mbata* in northern Rutshuru district at a high cost to human life.

In April 1996, increasing attacks by *Bangilima* in Rutshuru district from April 1996 led the government to launch a second operation, named *Mbata* (“slap” in Lingala). This operation’s mission was to end rebel activity principally in northern Rutshuru. Operation *Mbata* comprised several hundred troops, mainly from paratrooper units who drove armed groups out of northern Rutshuru district at a very high cost to unarmed civilians. Government troops used heavy artillery and eyewitnesses from the area have reported large numbers of extrajudicial executions.

Amnesty International has learned that in July 1996 the commander of Operation *Mbata* was promoted to the rank of army Lieutenant-Colonel for his services in North-Kivu.

#### **3.1.1 Extrajudicial executions**

Dozen of villagers were extrajudicially executed by soldiers in Operation *Mbata* at Vichumbi, a small

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<sup>5</sup> See Amnesty International “*Zaire: Violence against Democracy*” published on 16 September 1993 (AI Index: AFR 61/11/63).

<sup>6</sup> There is no exact translation for the term *Bangilima* which is used to describe an armed group believed to be comprised of members of the Nande ethnic group and recruiting mercenaries from the region of Haut-Zaire and deserters of the FAZ.

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fishing village on Lake Edward, in May 1996. On 10 May, 18 armed men claiming to be *Bangilima* set up a base in the village. Around 150 military personnel based at Vichumbi, including the *Forces marines*, Marine Forces, *Service d'action et de renseignements militaires* (SARM), Military Action and Intelligence Service, *Garde Civile* and the Gendarmerie, fled the area leaving behind weapons and military uniforms. The group who claimed to be *Bangilima* spent nine days in the village, reportedly stealing villagers' property, raping women and threatening to kill the customary chief. Four *Banyarwanda* residents of the village were beaten and mutilated before other villagers, before being killed by this group. On 19 May, a Sunday, soldiers of Operation *Mbata* arrived early in the morning as villagers from Vichumbi were in church. On hearing shots being fired outside, the pastor of the *Communauté pentecôtiste de Kivu* (CBK), Pentecostal Community of Kivu, **Dieudonne Muhindo Mugumwa**, left the service apparently to alert the approaching soldiers to the presence of villagers at worship. He was instantly shot dead by the soldiers on the steps in front of the church.

According to villagers in Vichumbi, soldiers then ordered all the villagers into Vichumbi's three churches and held them there until the following Tuesday. In the meantime, the soldiers raided and burned houses and chased fleeing villagers into the surrounding bush. On 21 May the women were freed and the soldiers inspected young men for scarification (which are used by *Bangilima*, but also traditional Nande). Those found with scarification and suspected of being members of the *Bangilima* armed group were extrajudicially executed in front of the churches.

Thirty-seven people were buried after the killings at the three churches. Local authorities and church workers have informed Amnesty International that most of the victims were not *Bangilima* members. Survivors reported that many others, including women and children, were shot in the bush as they tried to escape. One shopkeeper said that he and his three friends fled to the bush on hearing shots and were later caught by soldiers. His three colleagues were shot dead, but he was allowed to escape because one of the soldiers knew him. After Operation *Mbata* left Vichumbi on 23 May, members of the security forces who had fled when the rebels arrived returned to the village. Villagers reported that they became more violent towards the population and extorted money from villagers entering and leaving the village<sup>7</sup>.

After the operation, soldiers stuck two human heads on sticks at a military roadblock at the entrance of the village. The soldiers claimed that the heads were of members of the *Bangilima* killed during the operation in May, and had been placed at the entrance of village to show that the rebels had been defeated. However, a local priest alleged that they were of unarmed villagers extrajudicially executed by Zairian soldiers.

In Kanyabayonga, a large village in northern Rutshuru district, members of Operation *Mbata* reportedly killed hundreds of civilians during an operation that lasted several weeks. A witness described a grisly picture of the operation's aftermath on the road to Kanyabayonga which passes through Virunga National Park. Human skulls, bones and pieces of clothing were visible on the road and near a military roadblock on the outskirts of the village; the witness experienced a strong odour of decomposing flesh.

As at Vichumbi, local authorities and security forces fled Kanyabayonga when members of the *Bangilima* armed group arrived on 17 March 1996 and stayed there for nearly three months. Operation *Mbata*

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<sup>7</sup> An independent non-Zairian source saw villagers paying 20,000 NZ (\$0.5) to soldiers at the barrier to enter and leave the village.

arrived in Kanyabayonga with heavy weapons on 6 June. Most of the village's inhabitants fled to the bush. Only about 5,000 villagers had returned by early August. Many were still in hiding. Eyewitness claim to have seen the bodies of hundreds of unarmed civilians and members of the *Bangilima* been killed by soldiers of Operation *Mbata*.

Witnesses, local government authorities and residents of the village claimed to have seen hundreds of bodies of unarmed civilians as well as alleged members of the *Bangilima* armed group lying in the streets of Kanyabayonga after the operation. Photographs of the area also show extensive destruction of Kanyabayonga and surrounding villages. Villagers claimed that the damage was caused by shells, rocket-propelled grenades and tanks used by the army to drive rebels out of houses.

Survivors appealed to the Governor of North-Kivu region for help and compensation. Some local authorities in the local customary court have been preparing information to identify people killed or "disappeared" after the operation. One elderly man lost 24 members of his extended family including his 22 year-old son, **Kambale Mutumu**, a cultivator, who was shot dead in daylight in Kanyabayonga by troops of Operation *Mbata*.

Although villagers were slowly returning from the bush to Kanyabayonga, after the departure of Operation *Mbata*, many were concerned by the return of the gendarmerie, including gendarmes newly deployed from Butembo. Villagers reported that the gendarmes had been threatening elderly villagers with arrest and accusing them of having "*Bangilima* sons". On 1 August, gendarmes reportedly extrajudicially executed and mutilated two young men on a road leading out of Kanyabayonga. The young men's hands were displayed to the public in the gendarmerie. One old woman asked, "Why do they always have to kill our children? At least if they arrested suspects they could have time to prove their innocence".

On Christmas day 1995, *paracommandos* allegedly opened fire on civilians in the Birere neighbourhood of Goma, killing at least 15 people, including children, apparently in revenge for the death of Colonel Makabe earlier the same day. Colonel Makabe had been the commander leading operations in Masisi town (see section 3.2 below) and was allegedly killed by a grenade following an altercation with a drunken *Garde Civile* in Birere. Colonel Makabe's units arrived and opened fire on the crowd that gathered around his body, as well as street children and nearby residents, who were victims of unrestrained lethal force and indiscipline amongst soldiers. No official inquiry has been held to establish responsibility for the killings of civilians.

When asked how the military identified *Bangilima*, a senior officer in operation *Kimia* said it was impossible to distinguish the innocent from the guilty and as far as he and his colleagues were concerned "the population is the enemy".

### 3.1.2 Torture

Amnesty International has been able to gain little information on the arrest of members of armed groups by operations *Kimia* or *Mbata*. The organization is concerned that many suspected rebels may have been extrajudicially executed by members of the armed forces. A judicial official in Goma informed Amnesty International that some suspected members of armed groups were being held in military custody under the supervision of the military prosecutor.

The organization is gravely concerned by reports of severe torture sometimes leading to death, and other forms of cruel, inhuman or degrading treatment, particularly of members of the Hunde ethnic group by members of the security forces in Masisi, Rutshuru and Goma during 1996.

On 28 January 1996 nine young men of Hunde origin were arrested at Mweso in Masisi district by soldiers outside the *paracommando* camp. Soldiers informed them that they were arrested because “Bahunde are killing soldiers”. They were held for two days by *paracommandos* at the local gendarmerie. On the first day, **Kahima Baluku**, a 20-year-old student, was reportedly shot dead, mutilated and thrown in the Mweso river. The others were burned with heated machetes and severely beaten. After two days they were transferred to the *Garde Civile* in Kibumba, where they were again beaten, whipped with stinging plants and had petrol poured into their ears. A day later they were transferred to the gendarmerie at Goma where they were beaten once again. Two of them, **Biamungu Baroke**, aged 25 years, and **Kamulete Ngabo**, aged 30 years, died several days later as a result of the beatings.

Two others, **Luanda Kibao** and **Muhindo Mahazo**, were transferred to Goma hospital where Luanda Kibao had his lower arm amputated as a result of a gangrene infection. Knife-shaped burn marks with extensive cuts and bruising on their bodies confirmed their allegations of burnings and beatings.

The remaining four detainees were transferred a further three times to military detention centres in Goma and tortured, before being provisionally released from Muzenze civilian prison on 3 May. The six survivors are partially deaf as a result of torture, and continue to experience nightmares in their sleep.

On 9 May 1996, a 41-year-old trader and mother of five children travelling by bus from Butembo to Goma was arrested by members of SARM at a roadblock at Makenga, near Kanyabayonga, after failing to produce her identity card. The soldiers ordered her off the bus and accused her of being a “*Bangilima* queen” because of traditional scarring on her face. She was stripped naked and stoned in front of the other passengers, before being taken to a nearby military camp. The following day she was transferred to the SARM camp in Goma, where the commander told her that her crime as a “*Bangilima* leader” was punishable by death. She was then reportedly tortured and gang-raped by soldiers who also inserted rifle butts and pieces of wood into her genitals. She subsequently lost consciousness. She was released without charge on 13 May and immediately transferred to hospital, after her children pleaded her innocence to the governor.

### 3.2 Abuses by armed groups assisted by Zairian authorities

When the armed conflict resumed in late 1994, various ethnic groups in Masisi and Rutshuru districts organized what they called “defence committees” to fight off attacks from their rivals. These committees, locally known as “*combattants*”, combatants, usually comprised youths from the predominant group in a village and carried out attacks on rival villages. The committees or armed groups were often led by local chiefs and government authorities or other political leaders. Hutu armed groups were commonly referred



to as “*interahamwe*”<sup>8</sup> and Hunde ones “*mai mai*”<sup>9</sup>.

In Masisi district and parts of Rutshuru, in particular Bwito county (*collectivité*), there is evidence of collaboration between political and military authorities and armed groups. In many cases this has led to mass killings, torture and other grave human rights abuses. Complicity between the authorities and armed groups is not restricted to one group. It appears to depend on material or financial inducements or bribes paid by members of a group to government or security officials.

On 18 December 1995, armed Hutu civilians led hundreds of *paracommandos* and *voltigers* on an attack on Masisi town. Several hundred unarmed civilians, mostly Hunde, were reportedly killed during this and subsequent attacks. Eyewitnesses described the killing of members of two families taking refuge in a schoolroom near the district headquarters in Masisi town. The witnesses alleged that the Commander of the *paracommandos* in Masisi town, ordered his troops to open fire on the room. Twenty-two people were reportedly killed, including **Pasteur Bushi**, a local orphanage worker, his wife and children. The sole survivors were Pasteur Bushi’s 10-year-old son, **Masomo**, and two young girls who were later found covered in blood under the bodies of their relatives. Troops from the *paracommandos* and *voltigers* pursued and extrajudicially executed other unarmed civilians in the town, surrounding villages and banana plantations. The victims were accused of being *mai mai*. On 3 February 1996 government troops fired a mortar shell on Masisi hospital, killing a woman and a man. Some 300 troops subsequently pillaged the hospital.

Whereas *paracommando* units were frequently accused of being “pro-*Banyarwanda*”, other military units were collaborating with Hunde combatants to attack the *Banyarwanda*. Thirty members of the *Division spéciale présidentielle* (DSP), Special Presidential Division, based since 1993 in Kitchanga town, have reportedly connived with Hunde armed groups to attack neighbouring Hutu villagers. For example, on 31 July 1996 Hunde armed groups accompanied by members of the DSP attacked five villages in Bishusha parish (*groupement*), Bwito county, in Rutshuru district. Survivors of the attack claimed that DSP took part in the attack in which several hundred civilians were killed and villages burned. Sources among the Hunde in Kitchanga confirmed that the DSP had supplied military equipment to Hunde armed groups, and may have provided them with military training.

### 3.3 Attacks against Tutsi in North-Kivu

Ever since the arrival of Rwandese refugees in 1994, many of whom are accused by the Rwandese authorities and other governments of being responsible for committing mass killings and other human rights violations in Rwanda, relations between the Rwandese and Zairian governments have been tense. On a local level in Zaire, the tension has manifested itself in hostility towards Tutsi. Local, regional and national authorities have actively encouraged growing resentment against Tutsi. As a result, tens of thousands of Zairian Tutsi have fled to Rwanda.

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<sup>8</sup> The term *interahamwe* (meaning “those who act together” in Kinyarwanda) was the name of a militia group believed to be largely responsible for carrying out genocide in Rwanda during 1994. The term is used very loosely in Zaire.

<sup>9</sup> *Mai mai* (water water) is a reference to the 1905-6 Maji Maji rebellion against the German colonialists in Tanzania. The rebels were reputed for believing that they had magical powers which rendered bullets harmless by turning them into water.

Following the forced repatriation of Rwandese refugees by the Zairian authorities in August 1995, a number of explosions caused by landmines affected Goma and the surrounding areas<sup>10</sup>. On 12 November 1995, the Zairian authorities claimed that “a Tutsi woman” had attempted to place an explosive device on a plane carrying the FAZ Chief of Staff, General Eluki Monga, before fleeing the country to Rwanda. A few days later, the security forces raided a cigarette factory in Goma town and arrested the owner, a well-known local Tutsi businessman, **Kalisa Baraka**, and at least three others accusing them of being responsible for laying mines for the Rwandese Government. However, the soldiers who carried out the arrest did not follow appropriate arrest procedures or produce evidence for the basis of their arrest. The detainees were reportedly transferred to Kinshasa for trial. Amnesty International is concerned that the arrest were arbitrary and that the detainees are possibly prisoners of conscience. At the time of the arrests at the cigarette factory, civilian members of other ethnic groups rounded up and beat Tutsi in the streets of Goma and drove them in vehicles to the border with Rwanda. The authorities made no attempt to protect Tutsi from expulsion from Zaire.

Amnesty International has received information on several cases of arbitrary arrest and illegal detention of Tutsi accused of being mine layers (*poseurs de mines*). In many cases, detainees were held in military lock-ups (*cachots*), where they were subjected to torture and other forms of cruel, inhuman or degrading treatment. A detainee at the SARM lock-up in November 1995 informed Amnesty International that he was held in a cell with four Tutsi women who were repeatedly raped by the guards, as well as by other prisoners for several weeks. Although the women are believed to have been released without charge, their whereabouts remain unknown.

Divisions between Zairian Hutu and Tutsi in some areas have been actively exploited by local authorities. For example, an attack in May 1996 on *Banyarwanda* seeking refuge at Mokoto monastery in Masisi district was blamed on “*interahamwe*” operating from Mugunga refugee camp<sup>11</sup>. Many of the victims were Tutsi, who later sought refuge in Kitchanga town, a Hunde stronghold just north of the monastery. The attack brought international media attention to Masisi. Members of the *Contingent zairois pour la sécurité aux camps* (CZSC), Zairian Contingent for Camp Security,<sup>12</sup> were sent to the area to protect vehicles transporting the Tutsi to Rwanda. The Masisi District Commissioner said that the Tutsi were “returning home”, but once in Rwanda the fleeing Tutsi sought refugee status. About 18,000 of them live in refugee camps close to the border with Zaire.

There have been incidents in which Hutu have attacked Tutsi. For example in Djomba parish (*groupement*) in Bwisha county, Rutshuru district, the Tutsi population was attacked by local Hutu following a cross-border attack on the village of Bunagana on 5 June 1996; 36 civilians were killed. Victims of the attack claimed that the perpetrators were members of the Uganda People’s Defence Forces (UPDF) acting in collaboration with the Tutsi-dominated Rwandese Patriotic Army (RPF). Although the motives for the attack are not clear, it appears that Tutsi living in Djomba parish (which includes the

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<sup>10</sup> Sources in Kivu suggested that members of the Zairian armed forces may have been responsible for laying the mines.

<sup>11</sup> Amnesty International spoke to survivors of the attack, which resulted in dozens of deaths, who claimed “*interahamwe*” involvement. However, Zairian Hutu claimed responsibility for the attack, explaining that the Tutsi were killed because they were not taking up arms against Hunde armed gangs.

<sup>12</sup> The CZSC is composed of members of the DSP, paid by the UNHCR to provide security in the refugee camps. AI Index: AFR 62/14/96 Amnesty International November 1996

village of Bunagana) were pursued and killed the following week by local Hutu armed with machetes and other farming implements, apparently in reprisal for the attack on Bunagana.

Amnesty International is concerned that members of the security forces at the border post failed to protect the citizens of Bunagana from the cross-border attack. Furthermore, local government authorities failed to protect Tutsi from the subsequent revenge attacks. The local security forces failed to prevent violence between the two communities; in some cases, it appears that soldiers beat Tutsi under the instigation of local Hutu leaders.

### **3.4 Attacks on refugees and international aid agency staff**

Tension between Zairians and Rwandese refugees has been increasing especially since late 1995. Refugees are blamed for environmental destruction, rising insecurity (because of the threat of attacks from Rwanda) and for bringing large numbers of arms into the region. Since early 1996, when the UNHCR began reducing food rations in refugee camps, complaints by Zairians of theft, cattle rustling and stealing crops became ever more common.

Sources in Masisi have alleged that Zairian soldiers have extrajudicially executed 21 Rwandese refugee detainees suspected of criminal activities. A group of 21 Rwandese refugees wearing military uniform were allegedly seen under guard in a military convoy, which included a privately owned lorry from Nyamitaba to Sake in Masisi district between 19 and 20 July 1996. Civilian passengers on the lorry reported that the detainees were beaten to near unconsciousness by soldiers of Operation *Kimia* during the journey. Nineteen of them were removed from the lorry at a remote spot near Kingi, a village on the edge of the National Park. Although no gunshots were heard, the passengers believed that the prisoners may have been killed as they were left behind by the soldiers. The two remaining detainees, who claimed they were Zairian, were removed from the lorry at Sake, where they were last seen being beaten by soldiers outside the gendarmerie office. The whereabouts and fate of the 21 refugees is unknown. Members of Operation *Kimia* confirmed that they had arrested Rwandese refugees on the orders of the District Commissioner, *Commissaire de zone* after Zairian Hutu from Mianja in Masisi district complained of cattle rustling.

Members of the international aid community working in North-Kivu region were subjected to arrests, threats and beatings in early July 1996. On 1 July a Spanish national was arrested by the CZSC in a village bordering Kibumba refugee camp. He was held for 24 hours, beaten and threatened with death in the presence of a CZSC commanding officer. Two other expatriates were arrested and held for a number of hours in subsequent days by the CZSC. One of them was threatened with a machete, another had a gun fired between his legs. Four members of the CZSC were arrested in connection with the attacks and transferred to Kinshasa. However, the commander of the CZSC unit responsible for these attacks was not removed and no investigation is known to have been ordered by the UNHCR or by the Zairian authorities in connection with the incident.

## **4. South-Kivu**

South-Kivu is on the brink of a human rights crisis, possibly on the same scale and magnitude as the one witnessed in North-Kivu. Now political conflict between Tutsi and the local authorities has erupted into violence; with unarmed civilians falling victim to abuses by the FAZ and armed Tutsi groups.

Killings on the scale of those documented by Amnesty International in North-Kivu, now threaten South-Kivu. There has been a country-wide breakdown of institutions such as the judiciary, that help in part to protect human rights. The armed forces, who have been deployed to the region in large numbers since the 1980s, have in many instances replaced such institutions as the judiciary and taken over civilian functions in areas that have been “Operational zones” for several years. Extrajudicial executions, arbitrary arrests and torture are commonplace in South-Kivu. Human rights defenders are more prominent in South-Kivu, following a long tradition of political opposition in the region. These activists are often at risk of human rights violations.

#### **4.1 Violence breaks out between the *Forces armées zairoises* and armed Tutsi groups**

Armed conflict in South-Kivu between FAZ and armed Tutsi was first reported in September 1996. Thousands of Tutsi, known as the *Banyamulenge*<sup>13</sup>, were fleeing into Rwanda from South-Kivu alleging widespread serious human rights violations being perpetrated by FAZ. Zairian government sources reported that armed groups of Tutsi were also responsible for human rights abuses against unarmed Zairian civilians and on Hutu refugees in camps near Uvira town.

Amnesty International was concerned by the call made by the Governor of South-Kivu, Lwasi Ngabo Lwabanji, on 8 October 1996 for “all *Banyamulenge* to leave Zaire within a week” and that “those remaining would be considered as rebels and treated as such”<sup>14</sup>. These statements are alarming in view of recent counter-insurgency operations such as *Mbata* in North-Kivu, which aimed to “drive out rebels”. Amnesty International received alarming reports from Tutsi civilians and other civilians suspected of being Tutsi, of being chased by crowds or arrested by soldiers in Bukavu after roadblocks were erected following the governor’s call.

The violence follows years of tension between the Tutsi community in South-Kivu and local political and military authorities. *Banyamulenge* or other individuals assumed to be Tutsi in South-Kivu are frequently subjected to harassment. For example, the authorities demand that the *Banyamulenge* identify themselves with passports instead of Zairian identity cards. There are reported cases of local authorities refusing to register newly-born Tutsi children.

The outbreak of attacks by armed Tutsi groups, alleged to be linked to the *Banyamulenge*, in September 1996 appears to be a response to those years of harassment. The conflict has already caused hundreds of Tutsi, mostly women and children, to flee to Rwanda. Other Zairian civilians are reported to have been displaced from areas of conflict in Uvira and Fizi Zones. The number of killings reported to have taken place are already in the hundreds.

#### **4.2 Operational Zones ready to explode**

South-Kivu has been hosting well above the regional average numbers of military personnel for many years. For example Fizi district has been a military operational zone since the late 1970s, when FAZ were

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<sup>13</sup> These are Tutsi, many of whom claim to have lived and worked in Zaire in the Mulenge forest of South-Kivu for generations. Although they originate from Rwanda, many of them hold Zairian nationality.

<sup>14</sup> Reuters, 9 October 1996.

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deployed to the region to fight members of an armed group known as the *Parti de la révolution populaire* (PRP), Popular Revolution Party<sup>15</sup>. Many armed units from the *Forces marines*, *Garde civile* and *Paracommandos*, as well as the gendarmerie deployed in this counter-insurgency operation are still present in large numbers throughout Fizi district, although armed conflict with opposition groups has long since ended. In Mwenga, a district known for gold mining, many military units are present in small rural communities. In Kamituga, the headquarters of the *Société minière de Kivu* (SOMINKI), Mining Society of Kivu, there exists a special military unit, the *Force minière*, Mining Force.

Since the arrival of refugees from Burundi in late 1993, more soldiers have been arriving mainly from Kinshasa to keep security in refugee camps and along the border areas. The recent armed conflict between armed Tutsi and the FAZ in South-Kivu has led to a further reinforcement of the armed forces in the region. Members of the existing units have developed a pattern of stealing money and goods from civilians in South-Kivu and collaborating with political and administrative authorities in suppressing freedom of expression.

#### 4.2.1 Extrajudicial executions and “disappearances”

Extrajudicial executions by members of the security forces are common in South-Kivu. The lack of discipline of security forces and general impunity for crimes committed create conditions for such human rights violations to be committed repeatedly. Attempted or actual killings of civilians occur when there is resistance to armed robberies by members of the armed forces. On 8 July 1996, **Pierre Bahaya**, a 38-year-old civil servant, was shot three times by a soldier attached to the military procuracy, *Auditorat militaire* after he resisted extortion and attempted arrest in the Kadutu neighbourhood in Bukavu.

Members of the security forces have carried out killings in collusion with government officials, including those with no legal powers to give orders to members of the armed forces. For example government soldiers killed at least 10 people in a dispute involving local government officials and a soldier in South-Kivu. On 1 February 1996, a group of local officials and gendarmes were drinking in a bar at Mishamba village, in the parish of Kalonge in Kalehe district. After a private dispute between the bar owner and the *Chef de poste d'encadrement administratif*<sup>16</sup>, over a debt accrued by the latter, a gendarme reportedly shot dead the bar owner's son, **Theophile Tibuga**, and gendarme **Sergeant Major Musambwe Kamwnya Luzombe**. The following day, 11 soldiers led by the commander of the gendarmerie arrived at Kalonge Parish, where they reportedly opened fire on Theophile Tibuga's family, which had gathered for his wake. Nine civilians (mostly from Tibuga's family) were killed and five others were wounded. No inquiry into the shootings or arrests of those responsible are known to have taken place.

Members of the armed forces use lethal force to suppress the rights to freedom of expression and association which are enshrined in the Zairian Constitution. On 11 April 1996 soldiers breaking up a peaceful student demonstration shot dead one student and wounded at least seven others in Bukavu. Students from the *Institut supérieur des techniques médicales* (ISTM), Higher Institute for Medical Studies, in Bukavu were demanding the immediate release of a student leader, **Bahati Chimba**, who had

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<sup>15</sup> For further information about violations perpetrated by FAZ during this counter-insurgency operation, see Amnesty International “*Zaire: Reports of torture and killings committed by the armed forces in Shaba region*” published March 1986 (AI Index: AFR 62/07/86).

<sup>16</sup> District Commissioner's Assistant  
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been arrested earlier that day. Early in the afternoon, a group of soldiers in a van arrived at the town hall and opened fire on the students, killing **Kavasiya Tembo**. Those wounded included **Zobella Mpenziala** and **Asha Zuberi**. The student leader had been arrested after ISTM students protested against members of the security forces for stealing money from members of the public.

Violence against members of the *Banyamulenge* community has led to extrajudicial executions and “disappearances” of Tutsi, particularly in Uvira district. On 25 July 1996, the District Commissioner of Uvira, Shweka Mutabazi, held a meeting with local military and administrative authorities, as well as with local non-*Banyamulenge* community representatives, where he allegedly called on those present to “fight the snakes” (*combattre les serpents*), referring to the *Banyamulenge*. Shortly afterwards a Zairian Tutsi man was allegedly extrajudicially executed by members of FAZ at Sange in Uvira district. On 8 September members of FAZ reportedly extrajudicially executed four *Banyamulenge* civilians in Uvira district in front of a crowd at Luberizi village.

*Banyamulenge* women arriving in Rwanda after fleeing from Zaire in September and October 1996, claimed that members of FAZ had been extrajudicially executing their menfolk in hundreds.

#### 4.2.2 Arbitrary arrest and unlawful detention

Many innocent civilians are threatened with arrest or actually detained when they resist extortion by civil and military authorities. Most of those arrested are not charged or presented before a magistrate within 48 hours, as required by Zairian law. The vast majority of arrests are carried out without a warrant by military authorities who do not have the legal authority to arrest.

Amnesty International is concerned about the usurping of responsibilities of the judicial and prison services in North and South-Kivu by the armed forces. Under Zairian law, only very few cases involving civilians should be brought before a Military Procuracy (*Auditorat militaire*)<sup>17</sup>. Members of FAZ carry out dozens of arbitrary arrests and detain civilians illegally in military detention centres all over North and South-Kivu every week. Very few of those arrested are subsequently transferred to the civilian Procuracy. Furthermore, the current state of military justice in South-Kivu is so under-resourced that there is only one trial judge sitting for eastern Zaire’s Manama, North and South-Kivu regions. The civilian Procuracy (*parquet*) which is also under-resourced can make applications for civilians detained by the Military Procuracy to be transferred to civilian prisons. However, it is alleged that magistrates are sometimes unwilling to demand the transfer because of threats from military personnel. Civilians may therefore spend months in military detention without being seen by a magistrate.

In Uvira town, a senior member of the judiciary claimed that over 80 per cent of those detained in Uvira district were civilians who had been arrested by soldiers and held in military detention centres, locally known as *amigos*<sup>18</sup>.

An inquiry carried out by a group of Zairian jurists on 1 July 1996 found a detainee held without charge or trial in Uvira since January 1995. **Mulalwe Karubandika** had not appeared before a magistrate since

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<sup>17</sup> For example when a civilian is implicated in a crime involving military personnel or when a civilian is in military combat against the armed forces.

<sup>18</sup> Typically they are anonymous buildings close to a gendarmerie post or in a military camp.  
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his arrest by soldiers for alleged theft. The jurists also found prisoners who had been acquitted by a military court some weeks earlier but the order for their release had not been communicated to the prison. Such detainees included three Rwandese refugees, **Felix Nsobaradunte**, **Cleophas Kayibunda** and **Pierre Niyonziba**. Other prisoners were not aware that they were serving sentences, after the Military Court had reportedly tried them in their absence.

On 9 January 1996, **Elodie Ruhimbika** and nine other *Banyamulenge* women were arrested in Uvira town, after they started clearing land on property belonging to a relative. They were arrested by gendarmes and held in a cell at the gendarmerie for three days. They were reportedly subjected to threats of rape, before being released on 12 January. Their arrest was allegedly ordered by the District Commissioner, who was reported to have said that *Banyamulenge* had no right to own land in Zaire.

On 20 August, five elderly members of the *Banyamulenge* community including two customary chiefs, **Kabande** and **Rugazura**, of the Lemera area and three local Protestant pastors were arrested by *paracommandos* and detained at the nearby military camp of Luberizi, where they were reportedly subjected to torture and ill-treatment. Sources in South-Kivu have claimed that they may have been tortured to death in detention, but Amnesty International has been unable to confirm these allegations. Dozens of other Tutsi were allegedly arrested by members of FAZ during military operations in September 1996. Many of those reported to have been arrested have since “disappeared”.

Many magistrates reportedly connive with members of the armed forces to arbitrarily arrest innocent civilians. For example, in Kamituga, Mwenga district, the procuracy frequently issues summons or arrest warrants against local inhabitants. Those arrested or summoned are held by the Procuracy until they pay money in exchange for their release. It is alleged that magistrates charge \$US 5 for “the paper” (stationery used for the warrant) and \$US 5-10 for “the feet” (delivery of the warrant). Some detainees have been held indefinitely in a cell at Kamituga, until they pay \$US 20 for their release.

#### **4.2.3 Torture and prison conditions amounting to cruel, inhuman or degrading treatment**

Beatings and other forms of torture and ill-treatment are routine for anyone arrested or refusing to surrender money demanded by military or other authorities in Zaire. It is so commonplace that both victims, civilian and military authorities appear surprised to learn that it is actually prohibited by Zairian law and the Constitution. Members of the security forces beat civilians openly in public places, or in the many illegal detention centres. Human rights groups and religious organizations delivering food to detention centres in Bukavu say that virtually every detainee is beaten while in custody. It is considered as “normal” to hear cries by victims and other sounds consistent with beatings that these groups do not bother to record cases or investigate them. However, beatings are rare in detention centres and prisons recognized by the Ministry of Justice.

Conditions in the many *amigos* in South-Kivu region, as elsewhere in Zaire are reported to be abysmal and often amount to cruel, inhuman or degrading treatment. There are at least 20 such *amigos* in Bukavu identified by local human rights groups. They are always small and overcrowded to the extent that death from suffocation has occurred. Both sexes are mixed in the same quarters often with minors. The sanitary conditions are appalling, with no separate toilet or water supply. Detainees complain of being forced to use the floor in the absence of a toilet or buckets. Many *amigos*, such as at Kamituga and Kalambi in Mwenga district, lack light. Detainees are exposed to cold, insects and vermin. Amnesty International

considers these conditions to amount to cruel, inhuman and degrading treatment. Detainees kept in *amigos* are often denied visits by doctors, lawyers or family members. Non-governmental organizations working in North and South-Kivu could not name a single detention centre that provided food to detainees. Church groups or family members supplying food to detainees often pay bribes to the soldiers acting as prison guards to ensure that the food is delivered.

#### 4.3 Persecution of human rights activists and members of opposition groups

South Kivu's capital, Bukavu, has been home to a flourishing civil society movement since 1990 when President Mobutu announced political reforms. Human rights and civic education organizations have mushroomed. Many of these groups are involved in educating the public about their civil and political rights which have been systematically violated by political, security and judicial authorities for decades. These activities have brought these organizations directly into conflict with the authorities who have exploited the ignorance of the population to violate human rights. Human rights activists have been subjected to threats, arrests and other attacks.

Although Zaire has officially recognised political parties opposed to the former ruling *Mouvement populaire de la révolution* (MPR), Popular Movement of the Revolution, since 1991, campaigning or other activities by these parties is restricted by the authorities. In some towns the local authorities have colluded with the security forces in threatening and prohibiting all political party activities. In Uvira the district commissioner, a well known *mouvancier*<sup>19</sup>, used local security forces to threaten and effectively close down all offices of political parties in the district in the last two to three years.

The District Commissioner in Uvira has also cracked down on *Banyamulenge* organizations, banning some of them during 1996, including *Groupe Milima*.

**Musimwa Bisharwa**, the president of a development organization in Bukavu known as *Pain pour les déshérités* (PLD), Bread for the Disinherited, was arrested and held for several hours, when PLD protested along with several other organizations at the killing of Kavasiya Tembo in April 1996 by soldiers (see 4.1.1 above). During his interrogation he was accused of being a member of the *Union pour la démocratie et le progrès social* (UDPS), Union for Democracy and Social Progress, and circulating illegal tracts.

On 17 July 1996, **Didi Mwati Bulambo**, the general coordinator of the *Collectif d'action pour le développement des droits de l'homme* (CADDHOM), Collective of Actions for Human Rights Development, a non-governmental organization in Kamituga, Mwenga district, was arrested following a series of articles he had written in CADDHOM's newsletter, *Mwangaza*, criticizing corruption in the Procuracy at Kamituga. During his detention he was subjected to whippings and denied access to a doctor after he became ill. Didi Mwati Bulambo was transferred from the cell at Kamituga to Bukavu under a military escort on 30 July. The following day, he was released on a bail of NZ 5 million (about \$US 120) ordered by the Procurator. He has been ordered not to leave Bukavu before his trial on charges including insulting a judicial official ("*outrage au magistrat*"), an offence that carries a maximum prison sentence of six months.

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<sup>19</sup> A term used for an individual supporting the *Mouvance présidentielle* (Presidential movement), a coalition of political parties backing President Mobutu Sese Seko.



Three other workers at CADDHOM were arrested on 21 August at Kamituga when they published *Mwangaza*, after defying an order prohibiting them from publishing or distributing it. They too were held in Kamituga where they were severely beaten, before being released on bail on 16 September. The office of CADDHOM has been closed down by members of the armed forces and the motorbike used by CADDHOM's workers has been impounded by the authorities. Amnesty International considers the CADDHOM workers as prisoners of conscience, held for exercising their right to freedom of expression.

On 21 June 1995, **Mawazo Kakumulanga**, a schoolteacher, women's rights activist and mother of six children from Kalambi in Mwenga district, was arrested by members of the gendarmerie after she told market traders that the "taxes" they were paying to soldiers and other local authorities were completely illegal. She was held for four days in an *amigo* in Kalambi, sharing a cell with male detainees and in harsh conditions. She was released without charge.

On 1 July 1996, **Serweja Mukiza**, a local community leader and activist for the rights of the *Banyamulenge*, was arrested and held incommunicado by members of the CZSZ for five days before being released without charge. The CZSZ, who are mandated to protect and police refugee camps in the border regions, claimed that Serweja Mukiza was harbouring "suspect people" in his house. In fact, Serweja Mukiza, was hosting guests for his daughter's wedding which was taking place on the day of his arrest.

Many other activists and groups work daily with threats from military and civilian authorities. *Héritiers de la justice* (HJ), Inheritors of Justice, a church-based human rights and conflict resolution group working throughout South-Kivu, has received several letters from local authorities, including one from the District Commissioner for Uvira, threatening them with arrest and imprisonment for denouncing cases of human rights violations. Members of HJ had also received several visits in the night from members of the armed forces and been summoned and threatened by the gendarmerie to stop publicizing cases of human rights violations on the local radio station.

## **5.The role of the Zairian authorities**

### **5.1The role of central government and parliament**

Zaire is in a state of political and economic turmoil. Civilian and military authorities in North and South-Kivu say they are unable to operate effectively because of the lack of political will at national level to properly resolve the conflict and crisis affecting the two regions.

The crisis in North-Kivu has been extensively debated by the transitional parliament known as the *Haut conseil de la République-Parlement de transition*, (HCR-PT), High Council of the Republic - Transitional Parliament, but it appears that political and ethnic conflict in North and South-Kivu is being exploited for political advantage. The independence and the impartiality of parliamentary commissions of inquiry sent to the region to establish ways of bringing an end to the conflicts in North and South-Kivu in August and September 1994 were questionable because members of the commissions were natives of the area. More crucially, the commissions are not known to have attempted to establish ways in which human rights for all could be protected.

Members of the HCR-PT have made statements and demanded government action that could only exacerbate human rights abuses, particularly against Tutsi. In April 1995, the HCR-PT decreed the application of the nationality law by expelling from parliament a number of *Banyarwanda* members from North and South-Kivu, accusing them of being Rwandese nationals. The decree also called for a review of the role of other *Banyarwanda* leaders including three parliamentarians, Rwakabuba, Kalegamire and Mutiri, and the Bishop of Uvira, Monseigneur Jérôme Gapangwa. The decree served to heighten anti-*Banyarwanda* sentiment at regional and national levels. Discrimination against *Banyarwanda* by civilian and military authorities led to increased human rights abuses in the two regions. In July 1996, Rwakabuba and Mutiri were barred by their colleagues from entering parliament.

### **5.2 The role of local political and administrative authorities**

Many government officials are reportedly allied to President Mobutu and thereby wield extensive powers. They are able to violate human rights with impunity. Others who are opposed to these violations have inadequate resources and receive threats of dismissal or transfer from their superiors.

Neither the former Governor of North-Kivu, Moto Mupenda nor any other officials have carried out an inquiry into human rights violations to establish the reasons behind large numbers of killings. The perpetrators of the violations described in this report are not known to have been identified or punished either by the local or national authorities in Zaire.

Following attacks by armed Tutsi groups in South-Kivu during September 1996, the deputy governor, Lwasi Ngabo Lwanbanji, called for all Tutsi to leave the region within a week. His declaration was apparently interpreted by other ethnic groups, as well as by members of the security forces in South-Kivu as an incitement to carry out arbitrary arrests and attacks on Tutsi. Although the official may have been suspended shortly after his declaration, no proper investigation is believed to have taken place.

Many local government authorities and traditional leaders openly support armed groups. In Nyabiondo, the county chief (who is also a traditional leader) was said to be “more than a soldier” (“*plus que militaire*”) and admits leading armed groups in his county. The District Commissioner of Masisi referred to members of the *mai mai* armed group as “our fighters” (“*nos combattants*”).

### **5.3 The role of military authorities**

Amnesty International is concerned at the apparent lack of control over large numbers of members of the armed forces operating in eastern Zaire by their commanders at local and national level, and by political leaders. The security forces deliberately violate human rights, in particular the right to life. Hundreds of civilians have been killed by government troops and many others have been subjected to torture and other forms of cruel, inhuman or degrading treatment.

In many areas, military units have been responsible for human rights violations in the two regions. Ordinary soldiers are unpaid, ill-equipped and lacking discipline. There is no apparent effective chain of command. Victims of human rights violations have no redress.

Furthermore, commanding officers, often independently from regional and national authorities, take the law into their own hands, condoning or committing violations with impunity. Commanders have colluded

with local government officials, who have limited or no authority over members of the armed forces.

The lack of coordination by units of FAZ appear to have aggravated human rights violations. Amnesty International is also concerned at the common practice of armed units in civilian clothes carrying weapons. This practice allows these units to commit human rights violations while subsequently denying any responsibility. It also means that members of the security forces can carry out human rights abuses alongside civilian armed groups with a reduced possibility of being identified.

The allegiance of FAZ units to certain political or ethnic causes has also led to human rights violations. For example, a corporal of CZSC in Uvira (which is composed of DSP troops) said “we are collaborating with our Hutu brothers”. A Hunde church official in Kitchanga said “the DSP is helping us defeat the enemy (Hutu)”.

#### **5.4 The role of intelligence services**

The state of Zaire has two intelligence services. The *Service d'action et de renseignements militaires* (SARM), Military Action and Information Service, is responsible for military intelligence while the *Service national d'intelligence et de protection* (SNIP), National Intelligence and Protection Service, is responsible for civilian intelligence. Both these services have powers of arrest and detention, principally for crimes of a political nature. The services are directly responsible to the President<sup>20</sup>. Amnesty International found agents of these services operating in many, often remote parts of the two regions where they were rarely involved in intelligence, but more often participating in civil litigation matters. Their mandate and competence seems to be misunderstood not only by the population but by the agents themselves<sup>21</sup>. In North-Kivu, members of SARM were arresting civilians and illegally detaining them for prolonged periods. On the other hand, SARM units did not appear to be identifying and arresting members of the armed forces responsible for human rights violations and other crimes.

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<sup>20</sup> Explanations on the role and mandate of the intelligence agencies SNIP and SARM can be found in Amnesty International “Zaire: Outside the Law, Security forces repress government opposition” published April 1990 (AI Index: AFR 62/10/90).

<sup>21</sup> One agent of SNIP could not even explain what the acronym stood for. Amnesty International November 1996 AI Index: AFR 62/14/96