

STOKING THE FIRES

Military Assistance and Arms Trafficking in Burundi

Human Rights Watch Arms Project

**Human Rights Watch
New York · Washington · London · Brussels**

Copyright © December 1997 by Human Rights Watch

All Rights Reserved
Printed in the United States of America

ISBN: 1-56432-177-0
Library of Congress Catalog Card Number: 97-80896

Human Rights Watch Arms Project

The Human Rights Watch Arms Project was established in 1992 to monitor and prevent arms transfers to governments or organizations that commit gross violations of internationally recognized human rights and the rules of war and promote freedom of information regarding arms transfers worldwide. Joost R. Hiltermann is the director; Stephen D. Goose is the program director; Loretta Bondi is the Advocacy Coordinator; Andrew Cooper, and Ernst Jan Hogendoorn are research assistants; Rebecca Bell is the associate; William M. Arkin, Kathi L. Austin, Dan Connell, Monica Schurtman, and Frank Smyth are consultants. Torsten N. Wiesel is the chair of the board and Nicole Ball and Vincent McGee are the vice-chairs.

Addresses for Human Rights Watch
485 Fifth Avenue, New York, NY 10017-6104
Tel: (212) 972-8400, Fax: (212) 972-0905, E-mail: hrwnyc@hrw.org

1522 K Street, N.W., #910, Washington, DC 20005-1202
Tel: (202) 371-6592, Fax: (202) 371-0124, E-mail: hrwdc@hrw.org

33 Islington High Street, N1 9LH London, UK
Tel: (171) 713-1995, Fax: (171) 713-1800, E-mail: hrwatchuk@gn.apc.org

15 Rue Van Campenhout, 1000 Brussels, Belgium
Tel: (2) 732-2009, Fax: (2) 732-0471, E-mail: hrwatcheu@gn.apc.org

Web Site Address: <http://www.hrw.org>

Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).

Human Rights Watch is dedicated to
protecting the human rights of people around the world.

We stand with victims and activists to prevent
discrimination, to uphold political freedom, to protect people from inhumane
conduct in wartime, and to bring offenders to justice.

We investigate and expose
human rights violations and hold abusers accountable.

We challenge governments and those who hold power to end abusive practices and
respect international human rights law.

We enlist the public and the international
community to support the cause of human rights for all.

HUMAN RIGHTS WATCH

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. Our reputation for timely, reliable disclosures has made us an essential source of information for those concerned with human rights. We address the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. Human Rights Watch defends freedom of thought and expression, due process and equal protection of the law, and a vigorous civil society; we document and denounce murders, disappearances, torture, arbitrary imprisonment, discrimination, and other abuses of internationally recognized human rights. Our goal is to hold governments accountable if they transgress the rights of their people.

Human Rights Watch began in 1978 with the founding of its Helsinki division. Today, it includes five divisions covering Africa, the Americas, Asia, the Middle East, as well as the signatories of the Helsinki accords. It also includes three collaborative projects on arms transfers, children's rights, and women's rights. It maintains offices in New York, Washington, Los Angeles, London, Brussels, Moscow, Dushanbe, Rio de Janeiro, and Hong Kong. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly.

The staff includes Kenneth Roth, executive director; Susan Osnos, associate director; Michele Alexander, development director; Cynthia Brown, program director; Barbara Guglielmo, finance and administration director; Patrick Minges, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Susan Osnos, communications director; Jemera Rone, counsel; Wilder Tayler, general counsel; and Joanna Weschler, United Nations representative.

The regional directors of Human Rights Watch are Peter Takirambudde, Africa; José Miguel Vivanco, Americas; Sidney Jones, Asia; Holly Cartner, Helsinki; and Hanny Megally, Middle East. The project directors are Joost R. Hiltermann, Arms Project; Lois Whitman, Children's Rights Project; and Dorothy Q. Thomas, Women's Rights Project.

The members of the board of directors are Robert L. Bernstein, chair; Adrian W. DeWind, vice chair; Lisa Anderson, William Carmichael, Dorothy Cullman, Gina Despres, Irene Diamond, Fiona Druckenmiller, Edith Everett, Jonathan Fanton, James C. Goodale, Jack Greenberg, Vartan Gregorian, Alice H. Henkin, Stephen L. Kass, Marina Pinto Kaufman, Bruce Klatsky, Harold Hongju Koh, Alexander MacGregor, Josh Mailman, Samuel K. Murumba, Andrew Nathan, Jane Olson, Peter Osnos, Kathleen Peratis, Bruce Rabb, Sigrid Rausing, Anita Roddick, Orville Schell, Sid Sheinberg, Gary G. Sick, Malcolm Smith, Domna Stanton, Maureen White, and Maya Wiley.

CONTENTS

ACKNOWLEDGMENTS	viii
ABBREVIATIONS.....	ix
GLOSSARY	xii
I. SUMMARY AND RECOMMENDATIONS	1
Stoking the Fires with Arms	2
Actions and Responsibilities	3
Burundi, Human Rights and the Law	6
The International Community, Sanctions, and Arms Transfers	7
Controlling the Flow of Arms.....	8
To States Neighboring Burundi	12
To the Government of Rwanda	13
To the Government of South Africa.....	13
To the Government of Tanzania	13
A Note on Methodology.....	14
II. BACKGROUND TO THE CONFLICT	15
Elections and Death.....	17
The All-Powerful Army.....	21
The Militarization of Society	23
The Army and the Tutsi Militias: An Increasing Osmosis	23
The Hutu Insurgency.....	25
The War and Abuses of International Human Rights and Humanitarian Law	27
III. THE FLOW OF ARMS TO BURUNDI	30
The Arms Providers	30
Evading Public Scrutiny.....	31
Politics and Profit.....	32
Procurement and Procurers	33
IV. THE WESTERN EUROPEAN HUB.....	35
The Belgian Role.....	36
Production and Export Policy	36
Traffickers and Transshipment.....	42
Procurers and Profiteers.....	44
The Government's Response.....	44

The Role of France.....	46
Military and Security Assistance.....	46
Assistance to the Unit for the Security of the Institutions	48
The Private Hand	50
Other Western European Arms Sources.....	52
Eastern Europe and the Commonwealth of Independent States	53
The Russian Federation.....	53
The Ukraine, Bulgaria, Turkmenistan, and Azerbaijan.....	55
V. THE EAST AND CENTRAL AFRICAN STATES.....	57
The Rwanda-Burundi Partnership	57
Zaire and the Exile Armies.....	60
An Entrepreneurial Spirit	61
Indifference to International Opprobrium	63
Angola's UNITA	64
The Ugandan Pipeline	66
Arming Burundi's Government Forces	66
A Link to Tutsi Militias.....	67
The Government's Response.....	68
The Tanzanian Pipeline	68
Arming both Sides	68
China's Port in Africa	69
Support for the Insurgents	71
The Role of Kenya	73
VI. SOUTHERN AFRICA'S ARMS HYPERMARKET	75
An Old Industry in a New Order	75
The Rule of Profit.....	78
Arms by Rail	79
Procurement	80
The Cameron Commission	81
Mozambique and Zimbabwe	83
VII. THE CHINESE CONNECTION	85
Arms at a Discount with Efficient Delivery.....	85
The Arms "White Paper"	86
Arms by the Shipload: Reviewing the Paper Trail	88
The Ships and their Cargoes: Recent Shipments	90
The <i>Shun Yi</i> Affair	94
The North Korean Role	98

VIII. THE UNITED STATES	99
IX. THE HUMANITARIAN DILEMMA	101
Cloaking Security Transfers as Humanitarian Aid	101
The World Food Programme.....	102

ACKNOWLEDGMENTS

This report was written by Kathi L. Austin, consultant to the Human Rights Watch Arms Project, and by Joost R. Hiltermann, the Arms Project's director, and was edited by Mr. Hiltermann, as well as by Loretta Bondi, the Arms Project's advocacy coordinator, and Michael McClintock, deputy program director of Human Rights Watch. It is based on research conducted by Ms. Austin in 1995-1997, including two field missions in Central Africa in 1996.

The Human Rights Watch Arms Project acknowledges with appreciation the support of the Rockefeller Foundation, NOVIB, the Compton Foundation, the Winston Foundation, and the Ruth Mott Fund. Human Rights Watch takes sole responsibility for the content of this report.

LIST OF ABBREVIATIONS

ADFL	Alliance of Democratic Forces For the Liberation of Congo-Zaire (Alliance des Forces Démocratiques pour la Libération du Congo-Zaire), a coalition of Banyamulenge (ethnic Zairian Tutsi) and anti-government Zairian rebels.
ANC	African National Congress, the South African ruling party.
CIS	Commonwealth of Independent States, the states of the former Soviet Union.
CNDD	National Council for the Defense of Democracy (Conseil National pour la Défense de la Démocratie), a Burundian Hutu armed group based on ethnic solidarity.
COG	Convention on Government, a five-year arrangement, negotiated in 1994, for governing Burundi until security was re-established and new elections could be held.
E.O.	Executive Outcomes, a South African private security firm.
E.U.	European Union.
FAB	Burundian Armed Forces (Forces Armées Burundaises).
FDD	Forces for the Defence of Democracy (Forces pour la Défense de la Démocratie), a Burundian Hutu armed group based on ethnic solidarity.
FRODEBU	Front for Democracy in Burundi (Front pour la Démocratie au Burundi), a largely Hutu political party.
FROLINA	National Liberation Front (Front de la Libération Nationale), a Burundian Hutu armed group based on ethnic solidarity.
GEDEBU	Democratic Generation of Burundi (Génération Démocratique du Burundi), an armed Hutu youth group affiliated with the FDD.

ICITAP	International Criminal Investigative Training and Assistance Program of the U.S. government.
IMET	International Military Education and Training, a U.S. government MILITARY TRAINING PROGRAM , designed to promote professionalism of foreign military forces and foster respect for human rights.
NCACC	National Conventional Arms Control Committee, a South Africa CABINET-LEVEL REVIEW BODY WITH THE MANDATE TO EXAMINE ALL MILITARY SALES FOR THE MINISTER OF DEFENSE'S APPROVAL.
NGO	NONGOVERNMENTAL ORGANIZATION.
OAU	Organization of African Unity.
PALIPEHUTU	Party for the Liberation of the Hutu People (Partie pour la Libération du Peuple Hutu), a Burundian Hutu armed group based on ethnic solidarity.
PARENA	National Recovery Party (Parti pour le Redressement National), a Tutsi group based on ethnic solidarity.
PRC	People's Republic of China.
RENAMO	Mozambique National Resistance (Resistência Nacional Moçambicana), the former rebel force in Mozambique.
SADC	Southern Africa Development Community.
SPLA	Sudanese People Liberation Army, a Sudanese rebel group.
U.N.	United Nations.
UNHCR	United Nations High Commissioner for Refugees.
UNICOI	United Nations International Commission of Inquiry (Rwanda).

UNITA	Union for the Total Independence of Angola (União Nacional para a Indendênci a Total de Angola), a rebel group in Angola.
UPRONA	Union for National Progress (Union pour le Progrès National), the Tutsi-dominated former single party in Burundi.
WFP	World Food Program.

GLOSSARY

Dual-use goods	Those goods that could have both civilian and military applications.
End-user certificate	A document, issued by authorities of the importer's country, attesting that weapon consignments will not be diverted to a third party or a third destination.
End-use certificate verification	A document, issued by the authorities of the country of the exporter, attesting that a consignment has arrived in a recipient country.
Extra-territoriality	Laws and norms that extend jurisdiction beyond the borders of a country.
Arms Trafficking	The illicit commerce of weapons between governments, groups and individuals.

I. SUMMARY AND RECOMMENDATIONS

For the past four years, a vicious war of ethnic slaughter has raged in Burundi. In October 1993 officers of the predominantly Tutsi army seized Melchior Ndadaye, the country's first Hutu president, and other senior officials of the government elected freely and fairly several months before. They murdered the president and much of his cabinet, but did not establish the military government that was widely expected. Faced with unanimous rejection by the international community, the soldiers backed down and restored a semblance of civilian control. But the coup had triggered violence across the country in which Hutu attacked Tutsi and in turn faced revenge attacks from the military; tens of thousands of civilians were slaughtered in the weeks following President Ndadaye's murder and hundreds of thousands fled to neighboring countries.

A transition government was formed in January 1994 in which Ndadaye's Front for Democracy in Burundi (Front pour la Démocratie au Burundi, FRODEBU) shared power with Tutsi-dominated parties, with President Cyprien Ntariyamira, a Hutu, at its head. (He was replaced by Sylvestre Ntibantunganya, also a Hutu, after his death in the plane crash in April 1994 that triggered the Rwandan genocide). This experiment in power sharing was wracked with increasing violence over the next two years, as the operations of armed groups dedicated to advancing ethnic causes, and the ethnic partisanship of the Tutsi-dominated army itself, overwhelmed the political process. Armed, predominantly Hutu movements, notably the Forces for the Defense of Democracy (Forces pour la Défense de la Démocratie, FDD), clashed with troops and attacked Tutsi civilians. The army and security services and the armed Tutsi political groups associated with them conducted a creeping war against the civilian Hutu population, largely driving the Hutu majority from the capital city, Bujumbura, through concerted campaigns of terror. In large sections of the countryside, the Hutu population was concentrated into militarized camps under army control, while Tutsi fled to the towns and to camps where ethnic militias were formed under army protection.

The army remained a Tutsi bastion that was disdainful of civilian authority, that openly trained and assisted Tutsi supremacist militias, and that increasingly appeared to tolerate the facade of civilian rule only for the advantages this gave in its relations with the international community. These advantages seemed to have evaporated by June 1996, when heads of state of neighboring states appeared prepared to send troops to Burundi to assist civilian authorities there. The result was predictable: Major Pierre Buyoya, who had taken power in a 1987 coup but

stepped down to permit Ndadaye's brief tenure as an elected leader, again seized power in a military coup, on July 24, 1996.

Stoking the Fires with Arms

The army had throughout the power-sharing period employed increasing violence against the Hutu population—purportedly to counter attacks by the Hutu insurgent groups and protect the Tutsi minority. The majority Hutu population, organized by several political groups, had waged a steadily growing insurgency, with significant links to the Rwandan exile armies in neighboring states. In this conflict, a seemingly unstoppable flow of arms to all sides has greatly contributed to the serious abuses of international human rights and humanitarian law that have taken place, of which the direct targeting of civilians has been characteristic. Major arms suppliers since 1993 have included China, France, North Korea, and the Russian Federation. Using these weapons, the Burundian armed forces and allied Tutsi civilian militias and gangs, and Hutu guerrilla groups have killed tens of thousands of unarmed civilians, often solely because of their ethnicity, and forced hundreds of thousands from their homes.

Following the disastrous consequences of inaction in the face of the Rwandan genocide, the international community has talked endlessly about how to avert a similar tragedy in Burundi. Although international attention measured by visits of international dignitaries has been high, effective action has been limited. Even as the United Nations Security Council, the Organization of African Unity (OAU), and a regional ad hoc coalition of states have taken half-hearted measures aimed at ending the conflict, certain members of the international community have continued blithely to supply arms or other forms of military assistance to the parties in the war, or have failed to take effective steps to interdict the flow of weapons destined for Burundi across their national territories.

Human Rights Watch has found evidence that a number of countries, including China, France, North Korea, the Russian Federation, Rwanda, Tanzania, Uganda, the United States, and Zaire have directly provided military support to abusive forces engaged in the fighting.¹ France and the United States have stated that their assistance ceased in 1996. Other states, most notably Angola, Kenya, Rwanda, Tanzania, Uganda, and Zaire have permitted the transshipment of weapons through their territories. Some have allowed insurgents to establish bases there.

¹ All references to Zaire in this report concern the Zaire of President Mobutu Sese Seko, and to the period prior to the collapse of the latter's rule in May 1997, when the country reverted to the name Democratic Republic of Congo.

Most commonly, private arms merchants have taken advantage of loose restrictions on arms transfers, poor controls at border points, and/or corrupt officials in South Africa and Europe to ship arms from former East Bloc countries to the Great Lakes region. Belgium and South Africa have been particularly viable transshipment countries and bases of activity for arms traders, who have operated with impunity.

Actions and Responsibilities

It is not by chance that weapons arrive in the hands of the Burundian military, Tutsi militias and Hutu insurgent groups: They are manufactured and offered, then ordered new or from existing stockpiles, procured, shipped, delivered and paid for, a process involving numerous actors operating invariably from more than a single country. In some cases, governments are directly responsible for providing military assistance to either side in the war, or they have permitted weapons sales by private or state-owned companies to take place, granting licenses for export. In many more cases, governments are responsible for failing to prevent their nationals from engaging in arms trafficking or mercenary activities, or for failing to interdict weapons cargos that are transshipped through their sea- or airports, or are ferried by train or truck across their territory. Sometimes, governments hide behind the cover of nominally private companies to advance their strategic or commercial interests in areas where their open involvement might lead to public embarrassment; such cover affords them plausible deniability, and thus an ability to operate with impunity.

There is currently no international arms embargo on Burundi (including Burundian insurgent forces based in neighboring countries), although discussions to impose one have taken place in the United Nations Security Council throughout 1996.² A number of countries have taken unilateral decisions not to provide

² For example, in January 1996 the Security Council declared that it would “consider the imposition of measures under the Charter of the United Nations, including a ban on the supply of all arms and related materiel to Burundi...” United Nations Security Council, Resolution 1040 (1996), S/RES/1040 (1996) of January 29, 1996. On August 30, 1996, the Security Council, *inter alia*, condemned the overthrow of the Burundian government and demanded that all parties initiate unconditional negotiations “with a view to reaching a comprehensive political settlement.” In the event of their failure to do so, the council said it would “consider the imposition of measures under the Charter of the United Nations...[which] may include, among others, a ban on the sale or supply of arms and related *materiel* of all types to the regime in Burundi and to all factions inside or outside Burundi...” United Nations Security Council, Resolution 1072 (1996), S/RES/1072 (1996) of August 30, 1996.

weapons to Burundian belligerent parties, either because they have a policy of not supplying weapons to a country in conflict or involved in serious abuses of human rights, or for other political reasons. Belgium, for example, has had a de facto arms embargo against Burundi since 1990 (see Chapter IV). France, which had provided military assistance to Burundi since 1974, announced in May 1996 that it was suspending its military cooperation with Burundi. The leaders of six countries in the Great Lakes region met in June 1996 to discuss the war in Burundi and took note of what the Tanzanian president, Benjamin Mkapa, referred to as “an almost frantic amassing of weapons of all kinds by each group.”³ Following the Buyoya coup in July 1996, these states imposed comprehensive regional sanctions on Burundi, including (although they were not explicitly mentioned) arms.⁴ These

³ Quoted in Peter Smerdon, “African Leaders Agree on Study as Burundi Arms.” Reuter, June 25, 1996.

⁴ On April 16, 1997, the Fourth Arusha Regional Summit of neighboring states decided to lift immediately the embargo on food, medicine, agricultural products, building and educational materials, and “declared its readiness to suspend all sanctions, *with the exception of the arms embargo*, once there is movement in the negotiations” between the opposing sides. (Emphasis added). The Summit also called on the international community to “exert full political, economic and diplomatic pressures on all the parties in Burundi to pursue a negotiated settlement to the conflict,” including an arms embargo, and particularly “stressed that no one should arm any of the protagonists.” Letter dated April 18, 1997 from the Permanent Representative of the United Republic of Tanzania to the United Nations, addressed to the President of the Security Council, S/1997/319. On May 30, 1997, the

sanctions did not extend to Burundian Hutu opposition groups based in some of these same countries.

Some of Burundi's neighbors have been subjected to international arms embargoes. The Security Council imposed an arms embargo on Rwanda in May 1994; it was suspended on August 16, 1995 and lifted on September 1, 1996, while it remains in force against forces of the former Rwandan government (ex-FAR) and allied militias. As this report shows, weapons provided to Rwandan rebels have found their way to Burundian rebels, especially in eastern Zaire. Zaire itself has been under a European Union (E.U.) arms embargo since April 1993. Yet Human Rights Watch is concerned that some weapons transferred to Zaire via E.U. member states, in possible violation of the E.U. embargo, may subsequently have been diverted to Hutu militias, be they of Rwandan or Burundian provenance, who were based in the eastern part of the country until their ouster from their bases there at the hands of Zairian rebels in late 1996.

Security Council issued a Presidential Statement in which it endorsed the regional efforts and declared that it would "remain seized of the matter." Statement by the President of the Security Council, S/PRST/1997/32, May 30, 1997.

Human Rights Watch believes that states, regardless of any legal injunctions stemming from international arms embargoes, have a moral responsibility not to provide arms and other forms of military assistance, directly or indirectly, to governments or insurgent forces that engage in a pattern of gross abuses of international human rights and humanitarian law. In such cases, the international community has an obligation to enact strict controls on the flow of arms, ammunition, and advisory or operational assistance—public or private—using an array of policy options, including the creation of voluntary arms registers and international arms embargoes under Chapter VII of the U.N. Charter.⁵ In addition, individual governments should take unilateral action to prevent their territories from being used as a conduit for arms shipments, and to stop their nationals from selling weapons or their military services as mercenaries to either side in a conflict marked by serious abuses, regardless of whether their nationals are operating at home or abroad. These governments also have a number of tools at their disposal: import and export licensing, end-user certification, end-use monitoring provisions, and other forms of control.⁶ They can, and should, take steps to enact legislation aimed at controlling and monitoring private arms networks, and parallel legislation that would restrict the activities of arms traffickers and mercenaries who provide services to forces that commit egregious abuses of human rights; if such legislation already exists, they should see to it that it is implemented and enforced.

⁵ For example, the Cameron Commission in South Africa proposed, in a 1995 report, that South Africa promote the establishment of a regional arms register in Southern Africa. Commission of Inquiry into Alleged Arms Transactions Between Armscor and One Eli Wazan and Other Related Matters, *Second Report: Comment and Proposals on Conventional Arms Trade Policy and Decision-Making in South Africa* (Cape Town, November 1995), p. 75. The International Commission of Inquiry (Rwanda) likewise proposed that when an international arms embargo is imposed, “neighboring states be encouraged to participate on a voluntary basis in maintaining a register or data bank of movements and acquisitions of small arms, ammunitions and matériel.” United Nations Security Council, *Report of the International Commission of Inquiry (Rwanda)*, S/1996/195 (March 14, 1996), par. 84.

⁶ The cases of South Africa and the United Kingdom are instructive here. In both countries, special commissions were established to investigate allegations of illegal arms trafficking, and both commissions made useful recommendations with respect to strengthening national controls on the arms trade. See especially, Commission of Inquiry into Alleged Arms Transactions, *Second Report*, and Sir Richard Scott, Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions (London: HMSO, 1996), Volume IV, Part 5.

Burundi, Human Rights and the Law

Churning on in the shadow of international neglect, the war in Burundi has seen horrendous abuses of human rights. Many of these have been documented by independent monitors over the past years, including, most notably, the United Nations Special Rapporteur on Human Rights in Burundi, Paulo Sérgio Pinheiro. This report does not seek to shed additional light on such abuses; it is clear from available information that both sides—government forces, including the military, the gendarmerie and the various security services, as well as Tutsi militias, on one side, and an array of Hutu rebel groups, on the other—bear responsibility for committing them.

As an internal armed conflict under international humanitarian law (also known as the laws of war), the conduct of government and insurgent forces is governed by Common Article 3 to the 1949 Geneva Conventions. Common Article 3 states, in part:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
 - (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are

recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

Common Article 3 is generally considered to constitute international customary law, applicable to all states regardless of whether they have ratified the Geneva Conventions. As Burundi became party to the Geneva Conventions in 1971 and acceded to Additional Protocols I and II on October 6, 1993, it is bound by their provisions. Moreover, Common Article 3 expressly binds all parties to the conflict, including paramilitary groups and insurgents, even though they do not have the legal capacity to sign the Geneva Conventions. In Burundi, therefore, Tutsi militias and Hutu rebel groups are bound by the provisions of Common Article 3.

In addition, United Nations General Assembly Resolution 2444, adopted by unanimous vote on December 19, 1968, expressly recognized the customary law principle of civilian immunity and its complementary principle requiring the warring parties to distinguish civilians from combatants at all times. Resolution 2444 affirms, *inter alia*, the following “principles for observance by all governmental and other authorities responsible for actions in armed conflicts”:

- (a) That the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited;
- (b) That it is prohibited to launch attacks against the civilian populations as such;
- (c) That distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible.

The International Community, Sanctions, and Arms Transfers

The parties to the Burundian war are duty-bound to observe the letter and the spirit of international humanitarian law. Yet they have done so solely in the breach. Both sides, government and insurgents, as well as unaffiliated militias, can and must be held accountable for the abuses they have committed.

The international community, while noting, almost as a matter of bureaucratic routine, that serious abuses have taken place and urging the two sides to find a peaceful resolution of their conflict, have taken preciously few steps to

bring real pressure to bear on them to do so. The United Nations has threatened wanly to impose an arms embargo on Burundi, and then failed to match its words with deeds. The most concrete and hard-hitting action was taken by an ad hoc coalition of neighboring states in the wake of the July 1996 military coup which brought to power, for the second time in a decade, Maj. Pierre Buyoya. On August 9, these states imposed comprehensive sanctions on Burundi, conditioning their lifting on a preparedness by both sides to negotiate a peaceful end to the war. These sanctions have also been observed largely in the breach, as anyone visiting the main border crossing between Rwanda and Burundi has been in a position to establish. Nor have these states imposed rigid controls on the armed opposition forces among the Burundian refugees in neighboring countries.

The problem with respect to international intervention aimed at accomplishing a nonviolent resolution of the conflict has been twofold: Not only have states that agreed to join an international or regional sanctions regime against Burundi failed to enforce such sanctions actively and systematically, but a number of states, including several that did join a sanctions regime, have been complicit in the abuses that have taken place by either providing arms or other forms of military assistance to either side in the war, or by closing an eye to the supply of weapons or military services to Burundi via their territory or involving their nationals. Human Rights Watch has also found, through interviews with western diplomats in Africa, that although governments are often well aware of illegal arms trafficking involving their country's nationals, only rarely are investigations carried out on the basis of that knowledge.

Controlling the Flow of Arms

The information presented in this report concerning the provision of arms and other forms of military assistance to both the government and rebel forces in Burundi constitutes only the tip of the iceberg. We have recorded here only examples of transfers which we are certain took place, or about which there is sufficient evidence to merit an official investigation by the governments in question. Since the completion of our field work in mid-October 1996, we have learned of additional arms transactions involving Burundi that we have been unable to verify but that, in light of the continuing abuses that are taking place in the country, give grave cause for concern. The patterns we have detected with regard to Burundi (the channels through which weapons are transported and the actors involved) are wholly consistent with information we have collected concerning the larger picture of arms flows in the Great Lakes region over the past four years.

We have published reports on the serious problem of small-arms proliferation in central Africa on two previous occasions. "Arming Rwanda" was

published in January 1994, three months before the genocide. "Rearming with Impunity," published in May 1995, highlighted the role of international actors in providing military assistance to the perpetrators of the genocide in Rwanda in 1994 and, later, in exile in eastern Zaire. In each report we made specific recommendations to the governments involved as well as to the international community, specifically the U.N. Security Council. Some of these recommendations found their way into Security Council Resolution 997 (June 9, 1995), especially the call on states in the region, in particular Zaire, to consider permitting the presence on their territories of international military observers to stanch the flow of small arms into conflict zones in the Great Lakes region. This notwithstanding, neither this nor the other recommendations of Human Rights Watch were ever implemented. Instead, the Security Council established an International Commission of Inquiry (Rwanda)—commonly known as UNICOI—in September 1995, which set out to investigate the allegations made in "Rearming with Impunity." The important, concrete, and specific recommendations made by the commission in the course of its work in 1996 were ignored by the Security Council which, moreover, until now has failed to release the commission's third report, completed in October 1996 (and leaked to the press shortly afterwards).⁷

What can be done to stem the tide of weapons flooding the war in Burundi? A number of measures and mechanisms have been proposed or already exist that, *if activated simultaneously*, might go significantly toward discouraging states as well as private traders from capitalizing on the misery of Burundi's civilian population. Such measures or mechanisms target either the recipients of the weapons or the states that sell them or permit their transshipment. In order to stem the flow of arms to Burundi and restore respect of human rights, Human Rights Watch calls on the international community and individual states to implement the following set of recommendations:

- Impose an international arms embargo on the sale or supply of arms and ammunition, as well as military materiel and services, against all sides in the war—as proposed by Human Rights Watch, the U.N. special rapporteur on human rights in Burundi, UNICOI, and the Fourth Arusha Regional

⁷ *Third Report of the International Commission of Inquiry (Rwanda)*, unpublished U.N. report, October 28, 1996.

Summit in the past. The embargo should continue until: gross human rights abuses have stopped; the army has completed trials of officers responsible for civilian massacres since the detention and murder of President Ndadaye; the army has enforced a system of identification of soldiers/police by unit so they can easily be recognized; and the army has acted to curb the illegal behavior of ethnically-based youth militias and other ethnically-based paramilitary forces.

As a first step, the Security Council should hold a serious debate regarding the imposition of an arms embargo, in line with its declared support of the recommendations issued by the Fourth Arusha Regional Summit in April 1997, which included an international arms embargo, and its own previous resolutions threatening an arms embargo if the parties to the war in Burundi failed to initiate negotiations aimed at reaching a comprehensive political settlement.

In all cases, two key conditions should obtain: First, an arms embargo should be applied equally to both sides. This means that neighboring states which have shown partisan leanings in the war must be encouraged to implement the embargo fully and show evidence that they have done so. Secondly, the embargo should be enforced actively and systematically by the international community, lest it become a sieve through which illicitly supplied weapons will flow in abundance.

- Deploy U.N. or Organization of African Unity (OAU) military observers at key border crossings and airstrips in the Great Lakes region, including, and especially, in Burundi, Rwanda, Uganda, Tanzania, Angola and Congo—as proposed by the Security Council on a number of occasions. Refusal of access or obstruction of the tasks of these military observers by any one of the governments in question should be reported publicly by the authority (U.N. or OAU) charged with carrying out this mandate.
- Reactivate the U.N.-established International Commission of Inquiry (Rwanda), known as UNICOI, and extend its mandate to include Burundi; and release immediately and publicly the commission's yet-unpublished final report dated October 29, 1996.
- Impose an OAU moratorium on arms sales to the Great Lakes region—as proposed by the U.N. special rapporteur on Burundi.

- Convene a regional conference on arms trafficking, security and human rights in the Great Lakes region.
- Establish a regional arms control agency, with representation from all states in the Great Lakes region, empowered to investigate members' compliance with the international arms embargo, the OAU moratorium, and other arms control mechanisms, and prepared to report its findings to the Security Council, the OAU and the ad hoc regional coalition of states. This agency could emerge from the regional security conference that the Security Council has called for.
- Implement all provisions of a Security Council resolution imposing an arms embargo on all sides in the war in Burundi.
- Cooperate fully with UNICOI as it resumes its activities in the region.
- Create national mechanisms to support an international arms embargo, including the establishment of offices by states neighboring Burundi whose tasks would be to monitor, implement and enforce the operation of the embargo on their own territory.
- Enact and implement domestic legislation enabling the prosecution of nationals who sell weapons, ammunition, military materiel (including dual-use equipment) or military services to the warring sides in Burundi, even if such nationals operate on the territory of other states.
- Create a voluntary register of movements and acquisitions of small arms, ammunition, and military materiel and personnel to which all states in the Great Lakes region would submit full information about their purchases and knowledge of transactions on an annual basis.
- Provide international funding for serious institutional attempts in the Great Lakes region to improve control of weapons transfers through stricter border controls and regular information exchanges between senior security and customs personnel of states in the region.

- Provide resources for a disarmament commission to study the feasibility of demobilization and ethnic integration of Burundi's security forces, and of possible weapons destruction and buy-back programs.
- Actively enforce measures to prevent armed organizations with a record of gross abuses from operating from the territories of states in the region.
- Impose national or regional arms embargoes, pending the establishment of a comprehensive U.N. arms embargo, on the sale or supply of arms and ammunition, as well as military materiel and services, to all sides in the conflict until the latter desist from committing gross violations of internationally-recognized human rights and international law, and until they bring the perpetrators of human rights and humanitarian law violations to justice.
- Make public all information on arms transfers to Burundi since 1993, including types and quantities of weapons, ammunition, military materiel (including dual-use equipment), and military services.
- Strictly enforce existing export controls on weapons (especially light weapons and small arms) and military services.
- Create a voluntary U.N. register of light weapons and small arms that would complement the existing U.N. conventional arms register.
- Adopt a code of conduct on arms transfers by regional entities like the European Union, the Organization of African Unity, the South African Development Community, and others.
- Support new initiatives aimed at curbing the flow of arms into conflict-ridden zones, such as the new European Union program to combat the illicit trafficking in conventional arms.

To States Neighboring Burundi, in addition to the above measures:

- Comply fully with the regional sanctions imposed on Burundi, and extend their scope to Burundian armed opposition groups operating within or outside Burundi.

- Refrain from issuing false end-user certificates for weapons destined in reality for Burundian government or rebel forces, and prevent Burundian nationals acting on behalf of the Burundian government or rebel forces from procuring, importing, or transshipping weapons in the name of your government.

To the Government of Rwanda, in addition to the above measures:

- Refrain from forcibly repatriating refugees to Burundi, and afford refugees the full protection of international law.
- Exert pressure on the Burundian government to desist from committing gross violations of international human rights and humanitarian law. Such pressure should be sustained until the perpetrators of abuses are brought to justice.

To the Government of South Africa, in addition to the above measures:

- Enact and enforce strict customs procedures to ensure that commercial cargo loaded onto trains in South Africa, particularly Spoornet trains, destined for neighboring countries does not contain contraband weapons.
- Establish a dedicated body of police, intelligence and customs officials with sufficient resources and authority to monitor arms trafficking to and from South Africa, investigate allegations of unlawful arms transfers, and make recommendations to Cabinet on tightening border controls.
- Make public any information the government has on South African weapons captured by the Rwandan government on Iwawa Island in 1995.
- Prosecute fully breaches of South Africa's arms control laws.

To the Government of Tanzania, in addition to the above measures:

- Prevent Burundian rebel forces from carrying out military activities on and from Tanzanian territory until these forces desist from committing gross violations of international human rights and humanitarian law, and until they bring the perpetrators of human rights abuses to justice.

Human Rights Watch calls on the international community and individual member states to implement the above measures. It also calls on states named in this report to investigate the allegations made here, and prosecute persons found to

have violated these states' own national laws or international laws binding on these states.

A Note on Methodology

This report is based on a series of investigations in the Great Lakes region in 1995 and 1996, including in Burundi, Tanzania, Kenya, Rwanda, and Uganda. Additional research was conducted in Belgium, South Africa, the United Kingdom, and the United States. As part of this research, Human Rights Watch interviewed a large number of persons about their direct knowledge concerning the activities described here. They included arms traffickers, cargo industry personnel, government officials, military officers, rebel officials, politicians, diplomats, U.N. officials, members of the clergy, international aid workers, and refugees. Our research also drew on confidential documents, such as shipping records, as well as correspondence with governments, and press reports.

In most cases, the names of the sources cited in this report are withheld. In many cases, this is necessary in order to protect the safety of these sources and others associated with them. In addition, some embassy and other government officials, aid workers, and U.N. and other international governmental sources agreed to speak to Human Rights Watch only on the grounds that they not be identified. Human Rights Watch has also withheld the names of many of the persons and companies it found were implicated in arms trafficking or mercenary activity relating to Burundi. In line with previous practice, this was done to avoid interference with ongoing and pending national and international investigations into arms trafficking and mercenary activity.

II. BACKGROUND TO THE CONFLICT

The modern political history of Burundi has been punctuated by periodic campaigns of extraordinary violence in which large numbers of people were targeted for murder solely by reason of their ethnic identity. The antagonists are the Tutsi, some 15 percent of the population, who have dominated political, military, and economic life both before and since independence, and the Hutu, who have not exercised similar power, although they form some 85 per cent of the population. Since independence in 1962, Hutu have tried by coup, electoral politics and, more recently, by guerrilla violence, to gain power, only to be repulsed by a Tutsi elite determined to maintain its preeminence. With the escalation of attacks by Hutu guerrillas and reprisals by the Burundian army, Hutu and Tutsi civilians alike have come to live in fear of slaughter.

At the end of the nineteenth century, the people of Burundi shared a single culture, spoke one language, and were governed by a royal lineage that was considered neither Hutu nor Tutsi.⁸ The terms Hutu and Tutsi may have referred originally to differences in wealth or in occupation: Hutu were cultivators, Tutsi were herders in a system where wealth was counted in cattle. Although Tutsi constituted an elite, Hutu also had access to political and economic power and persons from one group could move into the other or marry in the other.

With the establishment of colonial administration at the turn of the century, first the Germans, and, after World War I, the Belgians sought to rule through the existing political elites. But they changed the existing system substantially, facilitating more central control and greater repressiveness by the elite over the

⁸ This summary is drawn from Commission Internationale d'Enquête sur les Violations des Droits de l'Homme au Burundi Depuis le 21 Octobre 1993, *Rapport Final* (Human Rights Watch, Fédération Internationale des Ligues des Droits de l'Homme, and five other international nongovernmental organizations, July 1994), p. 6.

ordinary people. At the same time, influenced by their own racist ideas about a hierarchy among peoples, the Europeans decided that Tutsi were superior to Hutu, in part because the stereotypical Tutsi (tall, slender, with narrow lips and nose) looked more European. They designated Tutsi as the rulers and excluded most Hutu both from positions of authority and from access to higher education which was meant to prepare for such posts.

With independence from Belgium in 1962, the king managed a brief period of stability, balancing the interests of Tutsi, who wanted to retain their dominance, and Hutu who were increasingly demanding to share power. In 1965, however, the Hutu prime minister was assassinated and several months later, the king refused to name a Hutu prime minister after predominantly Hutu parties won a two-thirds majority in the National Assembly.⁹ Hutu soldiers launched an abortive coup in October 1965 and Hutu assailants killed several hundred Tutsi. The army, predominantly Tutsi, and Tutsi civilian “self-defense” groups killed between 2,500 and 5,000 Hutu in reprisal.¹⁰ Tutsi officers overthrew the king, established a republic, and purged Hutu from the army, making it virtually monoethnic.

Hutu rebels attacked Tutsi in April 1972, killing some 2,000. The attack triggered the organized military slaughter of Hutu on an enormous scale. Using helicopter attacks as well as the mobilization of civilian bands, the military killed an estimated 100,000 Hutu, including virtually all who had received any significant education or who enjoyed prestige by virtue of government employment or success in business.¹¹ Some 300,000 Hutu fled the country, some of whom later established guerrilla movements on Burundi’s periphery.

⁹ Rene Lemarchand, “Burundi: The Politics of Ethnic Amnesia,” in Helen Fein, ed., *Genocide Watch* (New Haven: Yale University Press, 1992), p. 76.

¹⁰ Commission Internationale d’Enquête, p. 7. Lemarchand adds that eighty-six leading Hutu politicians and officers were immediately rounded up and shot, p.77.

¹¹ Commission Internationale d’Enquête, p. 7.

In 1988, Hutu murdered several thousand Tutsi in the two northern provinces of Ngozi and Kirundo. The army took reprisals that cost the lives of up to 20,000 persons. Major Pierre Buyoya, who had taken power in a coup the year before, rejected calls for an independent inquiry into the massacres.

In late 1991, the insurgent Party for the Liberation of the Hutu People (Parti pour la Libération du Peuple Hutu, PALIPEHUTU) attacked targets in the northwestern provinces of Bubanza, Cibitoke and Bujumbura. Perhaps in reaction to criticism of military excesses in 1988, Major Buyoya kept tighter control over his troops as they suppressed these attacks at the end of 1991 and in early 1992. They still killed scores of civilians and caused some 40,000 Hutu to flee to Rwanda and Zaire.

Past violence, which has left virtually no family untouched, exacerbates fears of new slaughter, a situation understood and exploited by politicians on both sides. For Hutu, the massacres of 1972 shape their assumptions and actions. For Tutsi, the recollection of past killings within Burundi is underscored by knowledge of the genocide carried out against Tutsi in neighboring Rwanda, which is demographically and culturally much like Burundi. Each side has charged the other with planning a genocide, one which Tutsi anticipate would be carried out in one ghastly burst of killing and which Hutu expect to be implemented in stages over a period of months or years.

Elections and Death

Following the 1992 violence, partly in response to international pressure, partly in response to domestic demands, Buyoya initiated political reforms. Multiple political parties were permitted for the first time since 1981 and the government organized elections in June 1993. Widely acknowledged to have been free and fair, the elections resulted in a parliamentary majority for the Front for Democracy in Burundi (Front pour la Démocratie au Burundi, FRODEBU), a largely Hutu political party, and a loss for the former single party, the Union for National Progress (Union pour le Progrès National, UPRONA). In the presidential contest, Buyoya was defeated by Melchior Ndadaye, the first Hutu ever elected to the post.¹² Tutsi students took to the streets to protest the election results and army officers attempted a coup that failed days before Ndadaye was inaugurated. Once installed as president, Ndadaye sought to build confidence in his new government by naming a diverse cabinet in which both Tutsi and UPRONA members were well-represented. He chose a Tutsi woman from UPRONA as his prime minister.

¹² Ibid., p. 9.

Ndadaye moved quickly to establish control over the administration, but initially he did not challenge Tutsi dominance in the army. After several months in power, he proposed separating the army and the gendarmerie (the national police force), and establishing a better ethnic and regional balance among military personnel. Exploiting resentment at the suggested changes, a small group of military officers organized a grab for power on October 21, 1993. They seized and later summarily executed Ndadaye and tracked down and murdered other high-ranking civilian officials, including the two who would have succeeded Ndadaye in accord with constitutional provisions. Faced with firm and unanimous international condemnation of the coup, Col. Jean Bikomagu, chief of staff of the army, ordered his soldiers back to the barracks and declared that the military supported a resumption of civilian control.

As news spread of the attempted coup and the killing of Ndadaye and others, Hutu government officials and other local leaders directed attacks on Tutsi civilians. Anticipating military attack, Hutu blockaded roads in the northern, central and eastern parts of the country. The army responded with attacks on Hutu without distinction, indiscriminately targeting both communities where Tutsi had been killed and those where no previous violence had occurred. Some 30,000 to 50,000 persons were slain in the weeks just after the attempted coup, roughly an equal number from each ethnic group. Hundreds of thousands of others fled their homes, some of them hiding in swamps and forests in Burundi, others crossing into Tanzania, Rwanda or Zaire.¹³

An International Commission of Inquiry of nongovernmental organizations (NGOs), including Human Rights Watch, found evidence that a number of high-ranking Tutsi military officers had participated in the coup, the killings of Ndadaye and other political leaders, and subsequent massacres of civilians.¹⁴ The commission also implicated Hutu administrators and local political leaders in conducting, facilitating or permitting massacres of Tutsi civilians. A subsequent commission, established by the U.N. Security Council, reached many of the same conclusions.¹⁵ Firmin Sinzoyiheba, the minister of defense, told Human Rights

¹³ Human Rights Watch, *Human Rights Watch World Report 1995* (New York: Human Rights Watch, 1994), p. 13.

¹⁴ For a detailed analysis of the 1993 coup, see Commission Internationale d'Enquête, pp. 14-32.

¹⁵ The U.N. Commission was established in August 1995 to investigate the killing of President Ndadaye and other officials and the subsequent massacres. Its report was submitted to the U.N. Security Council on August 22, 1996 as document S/1996/682.

Watch that the army wanted “those in the military who did this to be charged so that the civilian population doesn’t blame all of the army.”¹⁶ The government of Burundi has tried, condemned to death and executed six civilians in connection with the 1993 killings and has brought to trial several dozen military officers. To date, none of the soldiers has been found guilty.

¹⁶ Human Rights Watch interview, Bujumbura, March 6, 1996.

Following lengthy negotiations by political party leaders, Cyprien Ntaryamira of FRODEBU was designated president; but members of UPRONA and several smaller Tutsi supremacist parties soon paralyzed the state by a combination of political maneuvers within the government and street violence carried out by youth militias.¹⁷ Ntaryamira died in the same plane crash that killed the president of Rwanda, Juvénal Habyarimana, on April 6, 1994. After more negotiations, Sylvestre Ntibantunganya, also of FRODEBU, was named to succeed him. In an effort to resolve continuing crises within the government, the political parties negotiated a Convention of Government (COG), a five-year arrangement for governing Burundi until security was reestablished and new elections could be held.

By establishing a powerful National Security Council, the COG weakened the president and parliament and gave members of the military establishment, UPRONA, and the smaller Tutsi parties de facto veto power over government decisions. The government failed to assert control over the armed forces and defense spending. With assistance from the increasingly powerful paramilitary youth groups, the Tutsi supremacist parties forced the dismissal of the president of the National Assembly and the prime minister at the end of 1994 and in early 1995. Through such tactics, they also secured cabinet posts for members of Tutsi parties that represented a numerically insignificant part of the population.

After 1995 increasing numbers of Hutu grew disillusioned with the apparent weakness of Ntibantunganya and FRODEBU and with their inability to protect the Hutu population. Many Hutu turned to armed groups based on ethnic solidarity—the Forces for the Defense of Democracy (Forces pour la Défense de la Démocratie, FDD) and its political counterpart, the National Council for the Defense of Democracy (Conseil National pour la Défense de la Démocratie, CNDD), led by former minister Léonard Nyangoma (see below); a smaller group also called the FDD; the National Liberation Front (Front de la Libération Nationale, FROLINA); and PALIPEHUTU.

As violence escalated, Tutsi fled to cities and camps where they received military protection, while Hutu were driven from urban areas, particularly from Bujumbura, and took refuge in bush areas in the countryside or beyond national

¹⁷ We use the term “supremacist” to designate those persons and organizations in Burundi that believe in the superiority of their ethnic group over other ethnic groups in the country.

borders. Some 600,000 civilians, mostly Hutu, left Burundi and some 500,000, including 300-350,000 Tutsi, became internally displaced.

The army, backed by civilian gangs and militias, went beyond fighting insurgents to killings and other abuses against the civilian population as a whole. In 1995, the government initiated a "pacification" campaign in which the military sought to take control of key municipalities and deny local support to insurgents. In March of that year, Prime Minister Antoine Nduwayo commanded the armed forces for "doing a remarkable job of protecting all citizens without exception" and launched a "disarmament campaign" to confiscate weapons from gangs and disperse them.¹⁸ The campaign became a pretext for forcing Hutu from Bujumbura through the use of terror and for permitting the military to occupy such suburbs of the capital as Kamenge, Kinama, and Cibitoke. Although the National Assembly protested abuses by the military in the course of this campaign and asked for the campaign's suspension, the National Security Council ruled that the effort would continue. The minister of defense justified the Bosnia-style "ethnic cleansing" of the Hutu from these neighborhoods by saying:

As a military we couldn't accept that there is a headquarters of a rebellion just near town. And the people were saying that the army was chasing innocent people, but we only wanted to kill those who were fighting.¹⁹

With the government established by the COG essentially powerless, UPRONA and other Tutsi parties effectively controlled the country with the backing of the military and militias. FRODEBU leaders were dead, victims of the 1993 killings or subsequent assassinations; in exile; or, if they still remained in official positions, largely ineffective. On July 25, 1996, the army formalized its control and that of its civilian Tutsi allies through a coup that put Maj. Buyoya back in power. At a meeting in Arusha, Tanzania, regional leaders condemned the coup and imposed sanctions on Burundi, sealing its borders to all traffic effective August 9.

Buyoya's rule was emboldened both by the larger international community's lack of response to the coup and by developments in neighboring Zaire. In late 1996, a coalition of Banyamulenge (Zairian ethnic Tutsi) and other anti-government Zairian rebels, apparently backed by the governments of Uganda, Rwanda, Burundi, Angola and Eritrea, launched a successful military campaign in

¹⁸ "Outline of Recent Political Events in Burundi," informal U.S. government chronology, U.S. Embassy, Bujumbura, 1995.

¹⁹ Human Rights Watch interview, Bujumbura, March 6, 1996.

eastern Zaire where Hutu militias from both Rwanda and Burundi had established rebel bases, especially in and around the towns of Goma, Bukavu and Uvira. The coalition, known as the Alliance of Democratic Forces for the Liberation of Congo-Zaire (Alliance des Forces Démocratiques pour la Libération du Congo-Zaire, ADFL), ultimately succeeded in ousting President Mobutu Sese Seko in May 1997, and gave impetus to a regional system of alliances that includes Tutsi-led Rwanda and Burundi.

In the regional order that was taking shape, the Burundian Hutu stood to be among the losers. They already had a taste of things to come during the ADFL campaign, when many Hutu refugees living in eastern Zaire, particularly in the Uvira and Bukavu areas, were forced to abandon their refugee camps at gunpoint. Some fled further into Zaire's interior, where they became inaccessible to humanitarian relief organizations. According to the U.N. special rapporteur for Zaire and NGOs such as Médecins sans Frontières, both Burundian and Rwandan Hutu refugees have been massacred and continued to be targeted by the ADLF and its associated militias as recently as September 1997.²⁰ Other refugees were forced

²⁰ Roberto Garretón, "Report of the Mission carried out at the request of the High Commissioner for Human Rights between 25 and 29 March 1997 to the area occupied by rebels in eastern Zaire," E/CN.4/1997/6/Add.2, April 2, 1997; Médecins sans Frontières, "Forced Flight: A Brutal Strategy of Elimination in Eastern Zaire" (New York: May 16, 1997); and Human Rights Watch interviews in Congo, Nairobi and New York, September 1997. See also, Human Rights Watch/Africa and Fédération Internationale des Ligues des Droits de l'Homme, "Forced to Flee: Violence Against the Tutsis in Zaire," vol. 8, no. 2(A)

to return to Burundi, often en route to refugee camps in western Tanzania. While the fate of many of these returning refugees is unknown, there were reports of massacres by the Burundian military at that time.²¹

The All-Powerful Army

(New York: July 1996), Human Rights Watch/Africa and Fédération Internationale des Ligues des Droits de l'Homme, "Attacked by All Sides: Civilians and the War in Eastern Zaire," vol. 9, no. 1(A) (New York: March 1997), and Human Rights Watch/Africa, "Zaire: Transition, War and Human Rights," vol. 9, no. 2(A) (New York: April 1997).

²¹ "Switzerland: UNCHR Asks Tanzania to Separate Refugee Leaders," Reuter, December 13, 1996; and "Kenya: Refugees Are Pawns, Prize in Great Lakes Conflict," Reuter, December 16, 1996. Human Rights Watch also learned of incidents of killings during a field investigation in Burundi in June 1997.

As exemplified by Buyoya's return to power, interventions by the military in the affairs of the nation have served repeatedly to control and repress the Hutu majority. The Tutsi-dominated Burundian Armed Forces (Forces Armées Burundaises, FAB) includes the Army, Navy, Air Force and the Gendarmerie (the national police), a total force of about 40,000 troops of which the Army is the largest component, divided over five military regions.²² The Navy is very small. During the war, it has been responsible for patrolling Lake Tanganyika, which Burundi shares with Tanzania and Zaire, in an effort to restrict cross-border rebel activity, including the transport of insurgents and arms across the lake. The Air Force has under 200 personnel.

In the absence of an indigenous arms industry, the FAB has depended on imports for all of its military hardware. Much of its equipment is of French origin, provided by France under a series of formal cooperation agreements, with more recent influxes of ammunition, small arms, and communication and transport equipment from a variety of other foreign sources. In addition to large quantities of small arms, the FAB's inventory reportedly includes French light-armored cars (Panhard AML-60 and AML-90); armored personnel carriers of French (Panhard M-3), Egyptian (Walid), and Russian (BTR-40) origin; U.S., Russian, Chinese, North Korean, and French artillery, mortars, recoilless rifles, and air-defense guns; U.S. and Italian fixed-wing aircraft; and German and French helicopters, some reportedly equipped with machine guns.²³

²² Following the July 1996 coup, a massive recruitment drive brought thousands of fresh troops into the Army. Diplomatic sources in Bujumbura provided the figure of total FAB forces of 40,000 in 1997. Human Rights Watch interviews, Bujumbura, June 6 and 10, 1997. One estimate put the total number of FAB forces between 35,000 and 65,000. Human Rights Watch interview with Alex Laskaris, Burundi desk officer, U.S. Department of State, Washington, D.C., March 31, 1997. The *New York Times* has also put the total estimate at nearly 40,000. James C. McKinley, "In the Wars of Central Africa, an Ethnic Hot Zone," August 8, 1997. One disturbing factor in the acceleration of the post-coup recruitment drive is that more and more of the recruits are under-age teenagers. More and more women have also been brought into the army. Prior to July 1996, only four non-commissioned women officer cadets and four women officer cadets had undergone training in the army. Human Rights Watch interview with Lt.-Col. Eluid-Gedeon Karibwami of the FAB, Bujumbura, March 5, 1996. The same officer also told Human Rights Watch that the recruitment age for the military was between 16 and 25. During its field mission in Bujumbura in October 1996, almost three months after the coup, Human Rights Watch observed large numbers of women and youth under the age of 12 in military training along adult men at an open training ground.

²³ According to *Africa Confidential*, the only "airworthy" military aircraft are two Gazelle

helicopters and a small Italian reconnaissance plane. "The balance of forces," *Africa Confidential*, vol. 37, no. 22 (November 1, 1996), p. 4, and Human Rights Watch interview with a European military observer, Bujumbura, October 6, 1996. According to an embassy official, at least one regional embassy was approached by an arms procurer representing the Burundian government with a request to provide spare parts for its military aircraft. Human Rights Watch interview, Kampala, September 19, 1996.

Other official forces operate in conjunction with the military. The most prominent among these is the gendarmerie, which consisted of just 2,000 personnel prior to the massive recruitment drive of 1996.²⁴ It is part of the FAB's administrative and logistical structure, and supplements the FAB's activities, participating in joint patrols, military operations, and, as Human Rights Watch was in a position to witness, cross-border incursions into Tanzania. Some of the military assistance that has been provided to the gendarmerie, including military vehicles, dual-use equipment²⁵ and communications systems, ended up in the hands of the military.

The Militarization of Society²⁶

The Army and the Tutsi Militias: An Increasing Osmosis

The interventionist role of the Burundian army in the running of the nation has driven a progressive militarization of society. The last years have also witnessed a proliferation of armed Tutsi militias.

²⁴ This figure represents the estimate of the International Institute for Strategic Studies, *The Military Balance 1995-1996* (London: Oxford University Press, 1995). Lt. Col. Longin Minani, a Burundian military officer, told Human Rights Watch that the gendarmerie forces totaled 5,000. Human Rights Watch interview, Bujumbura, March 18, 1996.

²⁵ The "dual-use" definition pertains to equipment that has both military and civilian applications.

²⁶ This section is based on Human Rights Watch interviews with government officials, parliamentarians, military officers, diplomats and others during its investigation in Burundi in 1995 and 1996.

The Tutsi militias, which vary in their formation, purpose and activities, are referred to as the *Sans Échec* (the "Infallibles") and the *Sans Défaite* (the "Undefeated"). Most commonly, they find their recruits mainly among high school, technical school and university students, the urban unemployed, and internally displaced Tutsi in camps in the countryside. They are known to have threatened young Tutsi men unwilling to join their ranks. Many of these militias have been trained by military personnel, have joined the FAB in counter-insurgency operations, anti-Hutu pogroms, and reprisal attacks, and have received weapons, primarily grenades and light firearms, from the military, Tutsi political parties, and politicians. Protected by the army, their members rarely face arrest for the violence they commit. In 1996, these Tutsi militias had become increasingly factionalized, their loyalty committed no longer to the FAB as a whole, but to a particular military faction, commander, political party, politician, or local authority. Steps were taken in 1997 to integrate them formally into the military in order to, as the official argument goes, make the militias more disciplined.²⁷ According to some of these youths, following their conscription they received three months training and then were given guns and sent to guard the very Hutu civilians they had formerly terrorized.²⁸

The osmosis between the regular armed forces and the Tutsi militias is a fact of life in Burundi, as are the weapons procurement activities of FAB factions for the militias they patronize. In April 1996, Prime Minister Nduwayo moved a step forward in the official recognition of the nominally private militias by publicly calling for a "self-defense" policy. This led to the formation of Tutsi security committees with the mandate "to defend themselves" against a perceived rising threat from Hutu armed groups. After the July 1996 coup, the military regime introduced compulsory military service for secondary and technical school pupils and university students as part of its new "solidarity civil self-defense" program. Meanwhile, Hutu civilians were forced to escort the Burundian security forces on joint patrols, providing them with human shields, which often resulted in the death of the Hutu civilians. Civilians were placed in front of troops and were not armed to defend themselves.²⁹

²⁷ Human Rights Watch interview with Col. Isaie Nibizi, the spokesman for the armed forces, Bujumbura, June 27, 1997.

²⁸ Human Rights Watch interviews, Bujumbura, June 1997.

²⁹ Human Rights Watch interview with Burundian military officers, Cibitoke, March 14 and 17, 1996. One of these officers told Human Rights Watch that Hutu civilians are forced

The Tutsi militias also include more loosely structured gangs of Tutsi youths, especially in Bujumbura and other urban areas. Prior to the 1993 crisis, gangs existed that were ethnically mixed. They were largely composed of unemployed youth whose main activity consisted of robbery and petty theft. They became increasingly divided along ethnic lines in the wake of the 1993 crisis as Tutsi politicians began to recruit them for political ends, deploying them in demonstrations and using them for the enforcement of city shutdowns (*villes mortes*, or "dead cities") in Bujumbura. The gangs were also unleashed on occasion by the military to harass the population of ethnically-mixed suburbs of Bujumbura in the pogroms that eventually rid them of most of their Hutu residents. In the process, they have received a limited amount of arms. In general, gangs have to resort to the open market to find weapons and do so with money obtained from theft.

The expansion of paramilitary forces attached to the FAB or operating autonomously, underway since 1994, increased the demand for weapons. In the early 1990s, the FAB procured most of the weapons it needed through established government mechanisms. As the military fractionalized with the advent of democratic government in 1993, some of the contenders began to look for alternative ways to acquire weapons. They turned for assistance to former government arms procurers, retired military officers with strong political backing private entrepreneurs, and politicians allied to Tutsi supremacist groups. In part, they were motivated by a desire to shore up their positions of power vis-à-vis other factions in the military. This, in turn, served to increase intra-ethnic rivalry among the Tutsi, and could pose a threat to the Buyoya regime. One of the most vocal Tutsi supremacist groups, the National Recovery Party (Parti pour le Redressement National, PARENA) has openly challenged Buyoya's rule. PARENA's leader, Jean-Baptiste Bagaza, a former military officer, was placed under house arrest in January 1997.

The Hutu Insurgency

to participate in joint patrols in order to gain a "psychological advantage" over the enemy in case of attack. Human Rights Watch interview, Cibitoke, March 14, 1996.

The Hutu community has not been a passive victim of systematic Tutsi repression and exclusion. Hutu armed groups' own brand of attacks and cycles of violence since independence escalated after the 1993 crisis to approximate in their toll of civilian lives that of the Tutsi-dominated military and its allies. It was then that surviving leaders of FRODEBU, holed up in the Club de Vacances for several months, decided to form an armed movement by recruiting youth and unifying pre-existing armed Hutu groups.³⁰ This movement emerged as the FDD and included an armed youth wing, known as Democratic Generation of Burundi (Génération Démocratique du Burundi, GEDEBU). Later, in response to the establishment of an interim government under the COG, some FRODEBU members led by Léonard Nyangoma broke with the party, claiming that FRODEBU had betrayed the decisions taken at the Club de Vacances, and created their own political organization, the CNDD. The CNDD's aim was to give new impetus to Hutu fighting forces, and to unify the armed struggle of preexisting groups, including PALIPEHUTU, FROLINA and the FDD, under the FDD banner. By April 1994, Nyangoma had established the CNDD's headquarters in Uvira, Zaire and actively solicited external financial and military support for CNDD military campaigns.

Since the early days of the 1993 crisis, the insurgency had received tacit and open support from a number of Hutu parliamentarians and government officials. In the following years this support grew as fighters accumulated successes on the battlefield. Soon, however, personal rivalries and disagreements on strategy and leadership of the rebellion prevailed over calls for unity, and the Hutu groups became as factionalized as their Tutsi rivals. At the beginning of 1996, FRODEBU members, for example, remained deeply divided over support for the CNDD, as many of them resisted the escalation of conflict into all-out civil war. Even these "mainstream" officials, however, continued to provide financial support and a limited supply of arms to Hutu rebels and gangs with the aim of creating their own

³⁰ Human Rights Watch interview with a former Burundian ambassador and FRODEBU member, Bujumbura, March 4, 1996. This person also told Human Rights Watch that French military officers were present at the discussions. The French presence at the Club de Vacances was also mentioned by Innocent Ndukimana, a CNDD representative, in an interview with Human Rights Watch, Nairobi, July 22, 1997.

loyal forces while maintaining the pressure on the opposition. The July 1996 coup, however, served to overcome the reluctance of many Hutu politicians to openly embrace the armed struggle. More representatives of FRODEBU and officials of the ousted government publicly proclaimed their support for, if not their membership in, the CNDD. This united front was short-lived. But the political rivalry among exiled FRODEBU and CNDD representatives did not dissipate even in the coup's traumatic aftermath, although support for the insurgency against the government remained widespread. Around this time, the various Hutu factions started recruiting large numbers of Hutu youth to the insurgency.

By late 1996, the rebels numbered in the thousands, with bases in refugee camps in western Tanzania and, until the end of 1996, eastern Zaire. They carried out raids across the Tanzanian and Zairian borders and Lake Tanganyika. The rebels' arsenal included 80mm mortars, 60mm mortars, RPG-7s, antipersonnel mines, hand grenades and AKM (Kalashnikov) automatic rifles.³¹ Since 1994, insurgents have carried out raids from across the border and have organized attacks within Burundi on military, economic and civilian targets. Most of the civilians targeted are Tutsi, but insurgents sometimes also attack Hutu who refuse to support their cause or who back rival groups. As the insurgent forces grew in numbers, resources and experience, they expanded attacks successfully, particularly in the northeast, northwest and the southernmost provinces.

³¹ "The balance of forces," *Africa Confidential*, vol. 37, no. 22 (November 1, 1996), p. 3. In March 1996, Human Rights Watch was shown weapons which the Burundian military claimed to have captured from the rebels. These weapons, kept in Bujumbura, included a number of AKM assault rifles, some fifty German G-3 rifles, a number of well-maintained South African R-4 assault rifles, different makes of Chinese stick grenades, grenade launchers, six Egyptian anti-personnel mines, four anti-tank mines, four 82mm mortars, electric detonators, approximately fifty anti-armor rockets, ammunition mainly for R-4 and AKM assault rifles, explosives, tear gas and TNT.

Domestic and international sources have provided military and financial support for various Hutu armed groups.³² Hutu politicians and officials have been able to channel funds to the armed opposition from the budgets of state agencies and ministries, such as the Transportation Ministry. Some officials have waited to receive travel or project monies, only to leave their positions (and, more often, the country) with these funds. The CNDD has also obtained significant funding for the insurgency outside of Burundi and has been able to rely on its alliance with Rwandan Hutu rebels to obtain weapons.

The War and Abuses of International Human Rights and Humanitarian Law

The course of Burundi's civil war has dramatically changed since the fall of 1994, when Human Rights Watch first visited the country to investigate arms trafficking. At the time, the Burundian Hutu rebel forces in eastern Zaire, the FDD and PALIPEHUTU, had just begun to consolidate their older fighting forces and to outfit and train new recruits. Rivalry and fighting among their military leaders has led to the deaths of refugees, Burundian civilians living among the local Zairian population, and both Hutu civilians and armed combatants inside Burundi. In contrast, and until the beginning of 1996, the Burundian rebel forces based in western Tanzania, while a more established military force mainly affiliated with PALIPEHUTU and FROLINA, were less involved in cross-border attacks than their colleagues in Zaire.

In early 1995, the rebels, mainly those in eastern Zaire, intensified their cross-border attacks into Burundi, drawing a more sustained army response. During that year the two main Hutu-populated suburbs of Bujumbura, Kamenge and Kinama, were the scene of major army operations, which led to wide-scale destruction and the flight of their Hutu residents—before the eyes of the international community. In the course of a return visit in the spring of 1996, Human Rights Watch found that many of the communities visited in an earlier mission in late 1994 and early 1995, particularly in Bujumbura, Cibitoke, Bubanza,

³² Nyangoma said in an interview in 1995, referring to Hutu rebels and elements of the defeated Rwandan army in eastern Zaire: "We do buy weapons from them, but apart from that, each one fights for his own cause." Stephen Smith, "Hutu Leader Condemns French Military Aid," *Libération*, April 19, 1995, in FBIS-AFR-95-076 (April 20, 1995), p. 1.

Muramvya and Kayanza, no longer existed; houses had been destroyed and inhabitants had been killed, or had fled.

Between 1995 and 1996, a number of prominent citizens with leadership potential, members of the political elites, and both provincial and local administrators were slain in reprisals, made targets of political violence campaigns, or murdered for just having witnessed such events.³³ The violence did not spare the expatriate community. Individual foreigners had previously been killed in targeted ambushes and slayings,³⁴ but by the end of 1995—and for the first time—international organizations such as the United Nations High Commissioner

³³ Notable examples of those killed, including both Hutu and Tutsi, were: Ernest Kabushemeye, the minister for Mines and Energy, March 1995; Lt. Col. Lucien Sakubu, former mayor of Bujumbura and retired army officer, March 1995; Alexis Hatungimana, chef de cabinet at the Ministry of Health, May 1995; Professor Stanislas Ruzenza, director of research at the University of Burundi, June 1995; Father Michel Sinankwa, a Roman Catholic priest, August 1995; and Innocent Ndikumana, a member of FRODEBU and National Assembly member, December 1995.

³⁴ Examples of these killings: the slaying of a UNHCR field worker, Jose Lopez Herrera, in August 1994; the ambush and murder of three Belgians, including a four-year-old girl, in March 1995; the assassination of Dimitri Lascaris, a Greek employee of Catholic Relief Services in May 1995; the September 1995 murder of three Italian priests; and the ambush in which two members of the Organization for African Unity's Mission Internationale d'Observation au Burundi (International Observer Mission in Burundi, MIOB) were killed on June 14, 1995.

for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), Oxfam, Action Internationale Contre la Faim (AICF), and the World Food Program (WFP), had become the focus of coordinated grenade attacks by Tutsi militias and gangs.

This continued into 1996. In June, three international staff members of the ICRC were murdered in an ambush. Because humanitarian and human rights organizations were being targeted by both sides in the conflict or restricted in their operations by the Burundian security forces, they have not been able either to adequately provide relief aid, food or medical assistance to the internally displaced and vulnerable populations, or to effectively monitor human rights abuses. Many were forced to scale back their operations or even terminate entire programs. Meanwhile, throughout 1995 and 1996, population displacement and casualty figures rose significantly and steadily as both Tutsi militias and Hutu rebel forces strategically used violence, anarchy and fear in the countryside and urban population centers.

By the end of 1996, thirteen out of Burundi's fifteen provinces were engulfed in the conflict.³⁵ With insurgency and counterinsurgency tactics amplified, both sides increasingly targeted civilian populations. Moreover, factional fighting among the Hutu forces also began to claim an increasing number of lives as the rebels became less discriminating in their attacks on local communities. Hutu civilians were used by rebels as shields, thereby leaving the Hutu at the mercy of both sides in the war.

Monitoring of abuses has been minimal. Only a few nongovernmental and church organizations have served a small witness role, while a number of Burundians who had witnessed and testified about abusive military operations in their areas were slain or "disappeared."³⁶ U.N. human rights monitors themselves have largely been confined to Bujumbura, and have been limited in their movement on the infrequent occasions when they have been able to leave the capital to investigate alleged abuses in the countryside.

³⁵ In the summer of 1997, the conflict appeared to be limited to the provinces of Cibitoke, Bubanza, Bururi, Makamba and rural Bujumbura, although it has flared up occasionally in other parts of the country.

³⁶ For example, in January 1995, Fidele Muhizi, the Hutu governor of Muyinga province and a member of the UPRONA party, was assassinated after he attempted to quell attacks by armed gangs. The governor of Ngozi, Bede Nzobonimpa, was killed on December 21, 1995 after he had reported the massacres of at least 250 Hutu in Tangara district, in October 1995, during a military campaign. Following his assassination, a Tutsi officer was appointed as military governor of the province.

The current crisis in Burundi is the longest in its turbulent modern history. With society increasingly polarized, armed leaders of the different parties are seen as the only ones capable of providing any form of protection to local communities. The military option has become a goal in and of itself.

III. THE FLOW OF ARMS TO BURUNDI

In 1991, Burundi was a society without arms. No one had arms outside of the military. And it had always been this way, more or less . . . One of the most dramatic changes for me now is the presence of weapons. —U.S. official with extensive experience in Central Africa, interviewed in 1996.³⁷

The Arms Providers

³⁷ Human Rights Watch interview with David Dunn, Deputy Chief of Mission, U.S. Embassy, Dar es Salaam, September 6, 1996.

Vast networks control the trade of small arms, light weapons, explosives, and ammunition that has fueled the conflict in Burundi. These networks, which deliver weapons from the production line to the front line, include financiers, procurers, suppliers, the middlemen who make the deals and may arrange for the transportation, transporters, those facilitating the transshipment on national territories, and those who purchase the weapons.³⁸ In its field investigation in central Africa, Human Rights Watch has documented a growing proliferation of arms to all Burundian belligerent parties, including not only the government and military on one side and the Hutu rebels on the other, but also politicians, youth gangs organized along ethnic lines, community notables, and business leaders. During the entire course of the arms procurement and delivery process, international and domestic laws, regional embargoes, as well as government policies pertaining to import/export controls, arms transfers licensing and customs in the countries of origin and transshipment, may be violated. Human Rights Watch has uncovered specific cases of arms transfers to various Burundian clients—the Burundian security forces as well as rebel groups—and has identified networks responsible for such transfers—in Burundi and abroad.

³⁸ The proliferation of weapons in Burundi concerns mainly small arms and light weapons, as well as explosives, like landmines. The U.N. Panel of Governmental Experts on Small Arms has defined small arms and light weapons as follows: "Broadly speaking, small arms are those weapons designed for personal use, and light weapons are those designed for use by several persons serving as a crew." They fall "just below those [weapons] covered by the United Nations Register of Conventional Arms, for example, mortars below the caliber of 100mm." They are used for "self-protection or self-defense, close or short-range combat, direct or indirect fire, and against tanks or aircraft at relatively short distances." The panel included the following in the category of small arms: revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. It included the following in the category of light weapons: heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns, recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibers less than 100mm. And it included the following in the category of ammunition and explosives: cartridges (rounds) for small arms; shells and missiles for light weapons; mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems; anti-personnel and anti-tank hand grenades; land mines; and explosives. The report of the Panel of Governmental Experts on Small Arms was submitted to the General Assembly by the U.N. secretary-general as an annex to his note, "General and Complete Disarmament: Small Arms, Note by the Secretary-General," A/52/298, August 27, 1997.

Evading Public Scrutiny

Since both the private arms networks and the government-sponsored procurers are aware that in the process of supplying rebel and/or government forces they may be violating domestic and international laws, they have constructed elaborate covert operations to escape public scrutiny, including the transshipment of arms through foreign territories and the use of false bills of lading, flight plans and end-user certificates. Transshipment often involves complicity on the part of the government or nationals of the country whose territory is being used as a conduit for the military goods.

A tried and true technique of the arms dealers is the falsification of documents. End-user certificates or cargo manifests often indicate recipients who, in fact, turn out not to be the final beneficiary. For example, the cargo manifests in various shipments of Chinese arms, discussed in Chapter VII, that reached the Burundian military via Tanzania in some cases listed Uganda and Rwanda, rather than Burundi, as the recipients. In other cases, involving weapons transfers from sources in eastern Europe and the former Soviet Union, shipments have been manifested to Zaire (now the Democratic Republic of the Congo), but were ultimately transported to non-Zairian rebel groups with bases inside Zaire.³⁹ In order to hide the final destination of arms deliveries or the sensitive nature of a weapons cargo, traders have filed false flight plans, disguised arms as humanitarian cargo, and exploited loopholes in customs controls of the supplying or transit countries. One particular arms shipment from China listed the cargo as "farm implements" (see Chapter VII).

Politics and Profit

³⁹ Most of the references to Zaire/Congo in this report concern events prior to the overthrow of President Mobutu Sese Seko in May 1997 and the change in the name of the country from Zaire to the Democratic Republic of the Congo.

The networks that supply weapons to the various armed parties to Burundi's conflict overlap with wider networks that cater to the demand for weapons in Africa as well as other continents and whose clients can often be found on *both* sides of a conflict. For example, Human Rights Watch has found that Chinese and North Korean networks that ship weapons to Burundi via Uganda or Tanzania also use the same routes to supply arms to the Rwandan government and to Sudanese rebels in southern Sudan. Meanwhile, China has also helped to replenish the arsenal of the Sudanese government, which has been fighting insurgents in the south, and is reported to have delivered MiG fighter jets to the Mobutu regime in Zaire early in 1997. In that period the Zairian military was trying to stop the offensive by the ADLF which was backed by the government of Rwanda.⁴⁰ Similarly, networks operating out of Belgium are alleged to have transferred weapons from the former Soviet Union and eastern Europe to Burundi. These networks also supply other clients in central and southern Africa, such as the Zairian military, Hutu rebel forces based in eastern Zaire (at least until the end of 1996), and rebels of the National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola, UNITA) in Angola. The activities of the Belgium-based suppliers stretch as far as Afghanistan, where they have found clients in different military factions in the civil war.⁴¹

⁴⁰ North Korea was also alleged by U.S. officials of having supplied a large shipment of weapons to Zaire in early 1997. Human Rights Watch discussion with U.S. government officials, Washington, D.C., April 10, 1997. See also, Colum Lynch, "China sells jet fighters, arms to Mobutu," *Boston Globe*, April 10, 1997.

⁴¹ Human Rights Watch interview with an arms trafficker who showed photos and written documentation pertaining to an operation in Afghanistan, Brussels, August 2, 1996.

Some of the principal networks that provide weapons to the armed parties in Burundi also serve as important suppliers to those armed groups in Africa that enjoy the support of Western governments. For instance, some of the networks serving Burundi also reportedly operate on behalf of the Sudanese rebels and the Rwandan government, and are tolerated by the U.S. government, among others. In some cases, members of the embassies' staff have protected the networks' operations. For example, diplomats in the region have cited U.S. pressure on representatives from allied states not to expose arms networks catering to both Rwandan and Burundian Hutu rebels in Kenya, as these same networks also serve U.S.-supported Sudanese rebels, like the Sudanese People Liberation Army (SPLA).⁴² In another instance, the U.S. refused to provide information to the International Commission of Inquiry for arms trafficking in the Great Lakes region (UNICOI) about a Kinshasa-based U.S. national allegedly involved in arms trafficking to Hutu rebels, among others. The person in question previously was part of the U.S. government covert support of UNITA, operating from Kinshasa.⁴³

Moreover, arms traffickers have themselves acknowledged that these networks may be simultaneously serving different agendas. In some cases, there may be political motives behind the supply of weapons and military materiel. This has been true, for example, in the case of France and, to some extent, China in Burundi, or the U.S. with regard to Angola in the past and southern Sudan today. In other cases, the networks serve the purpose of a regional political alliance, such as

⁴² Human Rights Watch interviews with U.S. and U.N. officials involved in the investigation of these networks, Nairobi, August 12 and 18, 1996.

⁴³ UNICOI repeatedly and unsuccessfully asked U.S. embassies in the region for assistance regarding this U.S. national. A U.S. official involved in the same investigation encountered similar obstacles. Human Rights Watch interviews with a U.N. official, Nairobi, January 25, 1996; with U.N. officials, Nairobi, February 22, 1996; and with a U.S. official, Nairobi, February 27, 1996.

that among Yoweri Museveni's Uganda, Paul Kagame's Rwanda and Laurent Kabila's Congo. Finally, and most commonly, private networks operate for profit, as in the case of Belgian traffickers supplying weapons to Burundian Hutu rebel forces based in Tanzania and, until the end of 1996, eastern Zaire.

Procurement and Procurers

Crucial to the entire arms trafficking network is the procurement process. Although Human Rights Watch was able to establish the names of many of the individuals involved in the procurement process, most have been withheld from this report in order to ensure the safety of sources. Key Burundian arms procurers and middlemen reportedly operated from within Burundi and other African countries, including Uganda, Zaire, Rwanda, Côte d'Ivoire, Mozambique, and Egypt. Some of these procurers, many of whom are active or retired Burundian military officers, have acted under diplomatic guise or as "businessmen."⁴⁴ In other cases, expatriate arms dealers have procured weapons on behalf of Burundian clients both from their national territories and from other countries. For example, French, Belgian and Pakistani nationals negotiated arms deals for Burundi in Belgium, and a South African national arranged deals for Burundi from Uganda, Kenya and Tanzania, according to air cargo workers interviewed by Human Rights Watch. While certain procurers and middlemen have been open about their operations, and some have been openly monitored by governments, none of these arms traffickers are known to have faced criminal charges for their activities either by their own governments or by the governments in whose territories they do business.

The origin of the arms and equipment trafficked through various pipelines to Burundian government and exile forces included large stocks available in eastern Europe and the Commonwealth of Independent States (CIS), as well as some western European producers. The particular roles of Belgium and France in the arms traffic and supply to Central Africa are discussed in Chapter IV, as is the evidence of supplies and procurement activity elsewhere in western Europe. Arms suppliers and supply lines from eastern Europe and the CIS are discussed in brief further in Chapter IV. The role of African states in the arms pipelines as well as specific cases of arms flows to all Burundian belligerent parties, and the special role of China as a major supplier of arms to these pipelines, are the subject of the

⁴⁴ Human Rights Watch interview with a government official, Bujumbura, October 3, 1996; with a Western diplomat, Kampala, September 19, 1996; and with senior U.N. officials and Burundian businessmen, Bujumbura, March-April and September-October 1996.

following chapters. Most typically, the Burundian security forces and Tutsi militias and gangs received weapons overland via Tanzania or Rwanda, by air into Bujumbura from central and southern African states, including South Africa and Zaire, and across the lake from Zambia and Zaire. The Hutu insurgents were supplied in their bases in Tanzania and, at least until the end of 1996, in eastern Zaire, usually via Angola, South Africa, Zambia, and Zaire.

In correspondence and discussions with some of the principal governments and organizations named in this report, Human Rights Watch has solicited responses on issues of concern, allowing two months for a reply. Timely replies have been included in the relevant sections of the report.

IV. THE WESTERN EUROPEAN HUB

Arms networks serving armed parties to the civil war in Burundi have overlapped with preexisting and newly operating networks that function largely out of Europe and the former Soviet Union. Since some of these pipelines are well established, the opportunity for acquiring weapons by Burundians has been greatly enhanced. Private networks were also able to fill the vacuum left by government-to-government military support to Burundi as the regime became increasingly stigmatized and, in time, faced regional sanctions that included an arms embargo. Although before 1997 most of the weapons were flown first to Zaire, they often involved further flights to Angola or South Africa for transshipment on smaller aircraft to either Burundian government forces in Bujumbura or to Burundian rebels based in eastern Zaire.⁴⁵

Human Rights Watch has been able to identify several companies registered or based in European countries that are owned or operated by expatriate European nationals who are involved in arms trafficking in, at least, central and southern Africa. Some of these arms dealers hold an additional citizenship from an African country and conduct at least some of their business from offices in Zaire, South Africa or Angola.⁴⁶

⁴⁵ While it may seem confusing that arms would be flown to Zaire only to be redirected to Angola and South Africa before finding their way back to eastern Zaire, it should be noted that private supplier networks often compete with one another and depend on secure channels and delineated "turfs" for their activities. They often operate within specified parameters which include designated air corridors and the availability of rogue officials to facilitate illegal transactions.

⁴⁶ Human Rights Watch has previously identified many of the companies operating through Zaire and active in arms trafficking to Burundian belligerent parties. See Human Rights Watch/Africa, "Between War and Peace," *A Human Rights Watch Short Report*, vol.

8, no. 1 (A), February 1996, pp. 15-16; and Chapter V of this report.

Arms trade sources in Belgium, previously based in the Great Lakes region, who had assisted Human Rights Watch with the preparation of its May 1995 report on international support for the perpetrators of the Rwandan genocide, claimed that a number of arms traffickers had shifted their company bases and air transport operations from Zaire to the port city of Ostend, Belgium in 1996.⁴⁷ The main reasons, they said, were growing insecurity in Zaire and the proximity of Europe to major sources of weapons supplies, primarily in former Warsaw Pact countries.⁴⁸ One arms transporter told Human Rights Watch: "Arms trafficking is more prolific from Ostend now than when I was in Kinshasa."⁴⁹

Cargo industry sources in Belgium and Uganda involved in the procurement and delivery of weapons to Burundi told Human Rights Watch that during the first half of 1996 the Burundian government and military had been receiving arms shipments originating in Europe through Angola, South Africa or Zaire.⁵⁰ They also said that, on a weekly basis, weapons were picked up by

⁴⁷ Oostende luchthaven, the Ostend airport, is described as the "fastest growing all-cargo airport in Europe" on the airport's web page, www.ostendairport.be/pages/algin_n.htm.

⁴⁸ Human Rights Watch interviews with arms middlemen and transporters, Brussels, July-August 1996.

⁴⁹ Human Rights Watch interview, Brussels, August 2, 1996.

⁵⁰ Human Rights Watch interviews, Brussels, July 24-25 and August 2, 1996, and Kampala, September 18-19, 1996.

Belgium-based pilots from airports in Bulgaria (Burgas), Turkmenistan and Azerbaijan. According to these same sources, the collection of arms sometimes took place in other countries in eastern Europe and the former Soviet Union. These weapons were then flown via European airports to Kinshasa or other destinations in Zaire, including Kisangani, Gbadolite, Mbandaka and Kamina.⁵¹ Cairo frequently served as a refueling stop for these flights. Prior to November 1996, when Hutu rebels were driven from bases in eastern Zaire, weapons arriving in Angola for transshipment were placed on smaller transport planes and flown to towns in eastern Zaire, including Bukavu, Goma, Bunia and Uvira, as well as Lubumbashi.

The Belgian Role
Production and Export Policy

⁵¹ The airstrip at Kamina, in Shaba province, was partially built by the U.S. government to provide covert logistical support to UNITA rebels during the Angolan war. Gbadolite was the home residence of President Mobutu until his ouster from power and departure in May 1997.

The Belgian government is on record as claiming that, while it has no official arms embargo against Burundi, it has issued no export licenses for arms to Burundi since 1990, and that this amounts to a de facto embargo.⁵² The Belgian government is also on record as supporting the regional sanctions imposed on Burundi in the wake of the July 1996 coup.⁵³

While reports in the Belgian press have suggested that the Burundian government approached Belgian companies with orders for weapons on at least two occasions in 1994, Human Rights Watch has no evidence that these transactions went forward.⁵⁴ Human Rights Watch also has no evidence of official Belgian military assistance to Burundian clients. Hutu rebel leaders, however, have told Human Rights Watch that certain Belgian government officials had encouraged them to seek financial support for their rebellion from organizations inside Belgium, through which the government might then funnel assistance.⁵⁵ A Belgian senator

⁵² Human Rights Watch interview with officials at the Foreign Ministry, Brussels, June 20, 1997. See also Jan van Dorsselaer, Rik de Gendt and Gunther Vanpraet, "Burundi niet op zwarte lijst," *De Standaard / Het Nieuwsblad* (Brussels), January 5, 1997.

⁵³ Human Rights Watch interview with Belgian officials, Brussels, August 1, 1996.

⁵⁴ Jan van Dorsselaer *et al.*, "Burundi niet op zwarte lijst," January 5, 1997.

⁵⁵ Human Rights Watch interviews with a FROLINA official, Dar es Salaam, September 4, 1996, and a CNDD official, Dar es Salaam, September 12, 1996.

and a government official with experience in Africa have claimed that the Belgian finance minister (who is also the minister of foreign trade) approved weapons transfers to the Burundian government and other Tutsi clients in the Great Lakes region in mid-1996.⁵⁶ In response to a query by Human Rights Watch, the Belgian government maintained that "no transfers of weapons to the Burundian government have been approved since the mid-1990's."⁵⁷

⁵⁶ Human Rights Watch interviews, Brussels, July 1996.

⁵⁷ Letter from Johan Verbeke, Deputy Chief of Mission, Embassy of Belgium, Washington, D.C., to Human Rights Watch, September 10, 1997.

In some confirmed cases, the Belgian government acted to block transshipment of arms and military equipment en route to Burundian forces through Belgian ports. A shipment of engines, gearboxes and other parts of Russian BRDM-2 armored vehicles from the German company Fahrzeugwerke Neubrandenburg was seized by Belgian customs authorities at Zaventem airport in Brussels in early December 1996. The Belgian authorities apparently acted after German authorities warned them to be on the lookout. Previously, Fahrzeugwerke Neubrandenburg had reportedly requested the equipment to be flown from Germany to Bujumbura, but a license request was turned down in October 1996. The company was said to be under investigation for this particular transaction.⁵⁸

In December 1996, a French company's attempt to ship military trucks to Kisangani was thwarted when Belgian customs officials intercepted the shipment at Ostend Airport. An investigation by Belgian authorities concluded that the trucks had been disguised by the French company as exports for "humanitarian organizations." Hutu rebel forces, which had been mobilized to support President Mobutu in combating the ADLF rebel alliance in Kisangani, were potential beneficiaries of the transfer. Human Rights Watch subsequently learned that these

⁵⁸ "Douane onderschept illegaal wapentransport voor Burundi," *De Tijd* (Brussels), January 4-5, 1997; "German firm suspected of exporting arms to Burundi," Agence France Press, January 6, 1997; and "Embargo Burundi lek als een zeef," *De Standaard*, January 7, 1997. The cargo was reportedly being sent from Germany via Zaventem to the Ostend-based cargo company Transami Air Cargo (TAC). Roger Huysman, "Gerechtelijk onderzoek wapenhandel Oostende," *Het Belang van Limburg* (Hasselt, Belgium), August 16, 1997.

trucks may have been shipped by road from Belgium to the port of Marseilles in southern France, and from there by air to Zaire in January 1997.⁵⁹

In 1997, the Belgian press reported that a company called Occidental Airlines that has offices in Ostend tried to ship military helmets, raincoats, tents and sleeping bags from France to Bujumbura via Ostend. A request for an export license was turned down by the Belgian authorities, and the goods were subsequently intercepted by customs officials in Ostend.⁶⁰

⁵⁹ Human Rights Watch/Africa, "Zaire: Transition, War and Human Rights," *A Human Rights Watch Short Report*, vol. 9, no. 2 (A), April 1997; "La douane bloque des véhicules militaires pour le Zaire," *Le Soir* (Brussels), December 31, 1996; and "Zaire Government Is Arming Hutu, Making Human Shields of Refugees," *New York Times*, February 19, 1997.

⁶⁰ Roger Huysman, "Gerechtelijk onderzoek wapenhandel Oostende," *Het Belang van Limburg* (Hasselt, Belgium), August 16, 1997.

A controversy concerning the role of Belgium in contributing to the further destabilization of the situation in central and east Africa broke out in March 1996.⁶¹ The Belgian public subsequently learned through exchanges between members of parliament and government officials that in 1988, the largest arms manufacturer in Belgium, the Fabrique Nationale d'Armes de Guerre (commonly known as FN-Herstal), had begun construction on an ammunition factory in the town of Eldoret in western Kenya in partnership with the Kenyan government. FN-Herstal is a subsidiary of the Groupe Herstal, based in Liège. France's GIAT Industries Groupe has a majority interest of 92 percent and the Walloon Territorial Council has an 8 percent minority share in the company. The controversy was further fueled in late 1996 by allegations that some of the ammunition produced at the factory had ended up in the Great Lakes region, including in the hands of Burundian Hutu rebels, in possible violation, indirectly, of Belgium's own stated policy of opposing weapons transfers to Burundi.⁶²

⁶¹ Oral Question by Member of Parliament Geert Bourgeois to Philippe Maystadt, Minister of Foreign Trade, Belgian Senate, Plenary Session, March 28, 1996.

⁶² A development worker in Nairobi told the Brussels news daily *De Morgen* in November 1996 that the factory had already produced five million bullets, and that most of the production had been bought by Hutu militias: "Weapons transports leave Nairobi on an almost weekly basis. The weapons are financed with the income from the sale of stolen relief goods." Quoted in *De Morgen*, November 9, 1996 (translated from Dutch by Human Rights Watch). Human Rights Watch was unable to verify this information independently. Belgian parliamentarian Lode Vanoost referred to the same information in questions to the Belgian foreign minister before the Foreign Affairs Committee, Public Meeting of November 26, 1996, Chamber of People's Representatives of Belgium, 49th Session, 1995-1996, in GZ

According to Philippe Maystadt, Belgium's minister of foreign trade, FN-Herstal had signed its original construction contract, worth 2.4 billion Belgian francs (about U.S.\$80 million), with the Kenyan government in 1988 to build the Eldoret facility, which was expected to reach an output of eighteen million small-caliber bullets per year. When construction was completed in late 1995, FN-Herstal also supplied machinery to the Eldoret facility to manufacture ammunition, a transaction for which the Belgian government provided an export license. In January 1996, according to Maystadt, the government issued an additional export license to FN-Herstal for building materials valued at 273 million Belgian francs (about U.S.\$9 million), purportedly required for an annex to the factory.⁶³ By the end of the year, however, the Eldoret factory had drawn further protest of members of the Belgian parliament in the wake of allegations that the factory had supplied ammunition to Hutu militias in eastern Zaire.

In the wake of the growing scandal, on November 14, 1996, the government suspended the issuance of export licenses for weapons transactions to Kenya, Uganda and Tanzania for sixty days.⁶⁴ Then, on February 27, 1997, the government announced that construction at the factory would be halted until further notice, pending receipt of formal guarantees from the government of Kenya that it would not sell ammunition to Rwanda, Burundi or Zaire.⁶⁵ Shortly thereafter, though, on March 8, the Belgian government reportedly agreed to the resumption of work at the factory—a decision which did not come to light until two months later. It did so after receiving written guarantees from the government of Kenya that bullets produced at the Eldoret facility would not be exported to countries in the Great Lakes region.⁶⁶

⁶³ Statements by Philippe Maystadt, Minister of Foreign Trade, Belgian Senate, Plenary Session, Oral Questions, March 28, 1996.

⁶⁴ Statements by Philippe Maystadt, Minister of Foreign Trade, Belgian Senate, Plenary Session, Oral Questions, November 21, 1996.

⁶⁵ United Nations, Department of Humanitarian Affairs, Integrated Regional Information Network, "Great Lakes: IRIN Update 115," March 4, 1997.

⁶⁶ Human Rights Watch interview with officials at the Foreign Ministry, Brussels, June 20, 1997. These officials asserted that the factory's production during its first year would be strictly for the domestic Kenyan market, and that the Kenyan government had provided the written guarantees requested by the Belgians. See also, "Belgium Lifts Suspension on Bullet Factory Permit," *The East African* (Nairobi), May 19-25, 1997. In later correspondence, the Belgian government declared: "The Government of Kenya has given written assurances that,

Human Rights Watch remains concerned about the operations of this factory because diplomatic sources and press reports have suggested that ammunition produced there may have been supplied to Hutu militias based in eastern Zaire until their ouster from the area in late 1996, and may continue to be transferred to Burundian rebels if proper safeguards are not installed. Moreover, it remains unclear whether the Belgian government is in a position to verify compliance with any guarantees provided by the government of Kenya concerning the plant.

if the amount of the ammunition produced at the Eldoret factory would exceed the domestic demand, no export to belligerent parties in the region will be approved. The letter of the Government of Kenya cannot, however, be divulged." Letter from Johan Verbeke, Deputy Chief of Mission, Embassy of Belgium, Washington, D.C., to Human Rights Watch, September 10, 1997.

Another operation by FN-Herstal became controversial when, in July 1996, the Belgian press exposed the arms company's role as a go-between for the transfer of 15,000 AKM (Kalashnikov) rifles and an unspecified amount of ammunition from Romania and China to Saudi Arabia.⁶⁷ The deal was made possible by an export license issued by the Belgian government. When Human Rights Watch found out about the case in early 1996, a U.N. official who was in contact with the Belgian embassy in Kigali, told us that "the Belgians are going to go after this [case]."⁶⁸ The head of FN-Herstal, Claude Elsen, was fired shortly after the scandal broke in the media, reportedly as a punishment by the French owners for his refusal to go along with the scam.⁶⁹ Intriguingly, at least one of the weapons thus supplied to Saudi Arabia ended up in a cache of arms captured by the Rwandan government from Rwandan Hutu rebels on Iwawa Island in Lake Kivu in 1995, leading the International Commission of Inquiry (UNICOI) to launch an investigation into the weapons' origins.⁷⁰ A Belgian embassy official in Kigali confirmed to Human Rights Watch that one of the two Belgian rifles found on the island had been traced "from Belgium to Saudi Arabia, through the former Yugoslavia to here [i.e., the Great Lakes region]."⁷¹ The Belgian government later explained that the rifle had been sold to Saudi Arabia and shipped there on October 28, 1991 on the basis of an export license and a Saudi end-user certificate, and that the Belgian government had asked the Saudi government for further information about the matter.⁷²

⁶⁷ Frans de Smet, "FN beschuldigd van wapensmokkel naar Saudi-Arabië," *De Standaard* (Brussels), July 10, 1996.

⁶⁸ Human Rights Watch interview, Kigali, 31 January 1996.

⁶⁹ "Topman Groep Herstal uitgeschakeld," *De Morgen* (Brussels), July 11, 1996.

⁷⁰ *Third Report of the International Commission of Inquiry (Rwanda)*, unpublished U.N. report (October 28, 1996), par. 38.

⁷¹ Human Rights Watch interview, Kigali, 31 January 1996.

⁷² Statement by Eric Derycke, Minister of Foreign Affairs, before the Foreign Affairs Committee, Public Meeting of November 26, 1996, Chamber of People's Representatives of Belgium, 49th Session, 1995-1996, in *GZ - Handelingen - COM 27.11.1996*, pp. 11-15. What particularly irked the Belgian media and political opposition was that Belgium had been used as a go-between for weapons that Saudi Arabia could not, by its own regulations, itself purchase from a communist country like China. Moreover, it turned out that Saudi Arabia was unlikely to have bought the weapons for its own use, as its arsenal consists

predominantly of NATO-standard weaponry. In the event, at least one of the weapons was later found in the hands of the Rwandan Hutu forces responsible for the genocide. Reportedly, FN Herstal had engaged in additional similar transactions with Saudi Arabia, including the delivery of French tanks, under a general contract known under the code name "Dahlia." Roland Planchar, L'affaire des contrats "Dahlia," *Le Vif/L'Express* (Brussels), July 12, 1996.

Traffickers and Transshipment

While Belgium may have a de facto embargo on military assistance to Burundi, the government has not effectively enforced a similar ban on private arms transfers to the parties to the Burundian civil war. Belgium has served as a hub for international arms trafficking to Burundian forces since at least 1993. Weapons transfers and other forms of military support for Burundian clients are facilitated and transacted in Belgium, and weapons are transshipped through Belgian territory by Belgians, Burundians and other nationals. The port city of Ostend has been at the center of arms trafficking, with weapons arriving from (especially) eastern Europe and departing for a number of destinations in Africa, including Angola, Burundi, Rwanda and Zaire. Moreover, many pilots working for cargo companies that fly weapons around the world are based in Ostend. Even if they do not transship weapons through that airport, they use Ostend as a home base where they and their families live and where they have facilities for the maintenance of their equipment.

Belgium-based or -registered companies and Belgian-operated cargo companies have received some public exposure for their involvement in the arms trade to Burundi and neighboring states. Others have been identified in the course of the Human Rights Watch inquiry. The companies in question, some of them registered both in Belgium and second countries, or in other countries alone—notably Liberia and Zaire—have operated between Ostend, the initial destination of many known shipments from suppliers in eastern Europe, and transshipment points in South Africa, Zaire, and Angola. From there, they ship the arms by land or small aircraft to either the Hutu rebel forces on Burundi's borders or to government forces or Tutsi militias in Bujumbura.

Documents obtained by Human Rights Watch illustrate how such transfers by Belgium-based companies to Burundi were actively negotiated and pursued in 1994, just when the civil war was gathering momentum. One of these deals involved an estimate for tender requested of the Belgium-based company International Marketing Agency Exportation (Intermag) by the Burundian government. The request concerned 400,000 rounds of 7.62mm ammunition for Kalashnikov assault rifles.⁷³ The second document is an invoice of the Belgian

⁷³ The document is a letter to Intermag from the Burundian Ministry of Interior, signed by the director of public security, Sylvestre Kibeceri, and dated May 27, 1994.

company COGIMEX to the Burundian Ministry of Defense for U.S.\$153,575 worth of spare parts for Russian-built BRDM-2 armored vehicles in May 1994.⁷⁴

Despite having blocked some shipments from French and German exporters, the Belgian government has done little to effectively stem the traffic of weapons from Belgian hubs. As a result, weapons have been flown to Burundi via Belgium and by Belgian nationals, and arms traffickers servicing parties to the war have operated with impunity on Belgian territory. This considerable movement of arms and materiel through Belgium has continued to dominate the resupply efforts of the contending parties in Burundi.⁷⁵

The Belgian-operated company Malta Forrest, a joint Belgian-Zairian venture based in Zaire, is an example of a cargo company that is involved at the end of the supply pipeline. In October 1996, Human Rights Watch witnessed the arrival in Bujumbura of a small plane from Lubumbashi carrying weapons (and smuggled minerals) for Burundian government forces while regional sanctions were in place. Malta Forrest, which owned the plane, was then ostensibly engaged in construction

⁷⁴ Invoice of COGIMEX S.P.R.L. in Brussels to the Ministère de la Défense Nationale, Direction Générale de l'Administration et du Budget in Bujumbura, dated May 27, 1994.

⁷⁵ According to Paul Waterlot, Ostend airport's managing director, the 1996 total air freight passing through Ostend was 91,768,350 kg. Given that this is a relatively small volume of cargo (compared, for example, with cargo passing through Brussels airport: 451,000,000 kg in 1996), the Belgian government ought to be able to improve its inspection of goods transshipped through Ostend.

work in Burundi and flew the weapons in under the cover of a regular business flight.⁷⁶

Procurers and Profiteers

⁷⁶ Information about the actual cargo on the plane was obtained by Human Rights Watch through interviews with airport personnel and a Burundian military official, Bujumbura, October 9 and 10, 1996. Entreprise Malta Forrest is part of George Forrest International, based in Brussels, which has contracts in the mining business in Congo and elsewhere.

Some of the principal procurers of arms for Burundi are reportedly long-time residents or naturalized citizens of Belgium or France who operate principally from these countries. One of the primary arms procurers for the Burundian government and military, as well as for Tutsi paramilitary forces, is believed to be a Belgian entrepreneur of Burundian origin who has had a number of other clients in Africa, including the late President Mobutu of Zaire and UNITA's leader Jonas Savimbi. According to U.N. and Belgian Foreign Ministry officials, this businessman has a long history of arms trafficking in the region, and was also an arms procurer for the first Buyoya regime (1987-93).⁷⁷ Belgian officials have told Human Rights Watch that while they have been aware of this individual's role in arms trafficking, they have been unable to go after him because he appears to be conducting his weapons-related business in France rather than Belgium.⁷⁸

Human Rights Watch was also present when an arms middleman, a French national, was arranging arms deals on behalf of the Burundian military in Brussels in July 1996. The man told Human Rights Watch that he was about to travel to France to finalize the transaction. He added that, as a representative of a company registered in South Africa, he had conducted air surveillance for the Burundian military. Through this French national, Human Rights Watch was able to make contact with a Pakistani expatriate in Belgium who, in addition to his non-weapons-related business, stated that he was involved in arms procurement on behalf of clients in Burundi. This Pakistani expatriate told Human Rights Watch that South Africa was a key country for the transshipment of weapons to Burundian buyers (see Chapter VI).⁷⁹

⁷⁷ Human Rights Watch interviews with a Belgian official, Brussels, August 1, 1996, and with a U.N. official, Nairobi, August 10, 1996.

⁷⁸ Human Rights Watch interviews with Belgian officials in Brussels, August 1, 1996, and Dar es Salaam, September 13, 1996.

⁷⁹ Human Rights Watch interviews, Brussels, July 25, 1996.

The Government's Response

In meetings with Belgian government officials, Human Rights Watch has expressed its concern about evidence of arms flows to the Great Lakes region involving Belgian territory or Belgian nationals. Following the release of the May 1995 report, "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide,"⁸⁰ Human Rights Watch drew the attention of the Belgian government to a particular arms transfer operation based out of Ostend, urging the government to act on the information since the trafficking was possibly in violation of the international arms embargo on Rwanda.⁸¹ Belgian officials assured Human Rights Watch that their government was already carrying out an investigation on the basis of its own information concerning a Belgium-based aircraft registered in Liberia under the call name "ELAJO." This investigation notwithstanding, it was the same plane that won headlines for being caught concealing a cargo of military uniforms in a load of humanitarian relief goods in August 1996. (See Chapter IX). Following this incident, the company continued to operate in the Great Lakes region.

During a subsequent meeting with officials at the Belgian Foreign Ministry in August 1996, Human Rights Watch also provided information describing how arms traffickers operate out of Belgium, and voiced its concern that once certain operations fell under government suspicion, the gun runners would quickly change their business license or registration, as well as the name of their company and the

⁸⁰ Human Rights Watch Arms Project, "Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide," a Human Rights Watch Short Report, vol. 7, no. 4 (New York: May 1995).

⁸¹ Human Rights Watch interviews with Belgian officials, Washington, D.C., April 26, 1996.

individuals working there. One of the officials expressed awareness of this phenomenon, telling Human Rights Watch:

The Belgian government is trying to look into arms dealers and stop these sorts of practices. But it is not easy. Since we only have one arms factory, control [over that factory] is easy. But we can't control easily weapons going through Belgium. We know that these companies change their name, or a part of their name, as well as their shareholders regularly. They do this to stay ahead of the game.⁸²

⁸² Human Rights Watch interview with an official at the Belgian Foreign Ministry, Brussels, August 1, 1996.

Interviews with Belgian officials and arms traffickers based in Belgium have led to the conclusion that at least until 1997, effectively very little was done by the government to stop the arms trafficking through Belgium, particularly Ostend airport.⁸³ In 1997, after a number of arms trade controversies highlighting Ostend's pivotal role broke in the Belgian media (see above), the government moved to establish an inter-agency committee, chaired by the Chefs de Cabinet of the Ministry of Foreign Affairs and the Ministry of Foreign Trade. The committee was invested with the responsibility to investigate accusations of illegal weapons transfers involving Belgian territory. Human Rights Watch understands that this committee has launched an investigation into the role of Ostend in illegal arms trafficking. Brussels has also opened an official inquiry on illegal arms trafficking to Burundi.⁸⁴

The Role of France
Military and Security Assistance

⁸³ Human Rights Watch interview with officials at the Belgian Foreign Ministry, Brussels, August 1, 1996; and with a pilot, Brussels, August 2, 1996.

⁸⁴ Human Rights Watch interview with Koen Verheyen, a Foreign Ministry official, Brussels, June 20, 1997; letter from Johan Verbeke, Deputy Chief of Mission, Embassy of Belgium, Washington, D.C., to Human Rights Watch, September 10, 1997; and letter from Reginald Moreels, State Secretary for Development Cooperation, Brussels, to Human Rights Watch, April 15, 1997.

The French government provided military technical assistance to Burundi until mid-1996 under a May 1974 aid agreement. Between 1992 and 1994, France supplied the equivalent of U.S.\$10 million in military transfers to Burundi.⁸⁵ Over the years, military equipment has included helicopters mounted with guns, spare parts for fixed-wing aircraft and armored vehicles, as well as weapons and communications equipment.⁸⁶ France also provided maintenance for military vehicles and aircraft. In 1995, the volume of direct military transfers to Burundi amounted to 11.41 million French francs, or about U.S.\$2 million. In the same year, France provided the Burundian gendarmerie—the military police—with FF19.3 million, or about U.S.\$3 million, in military equipment.⁸⁷ On May 28, 1996, the government announced that it was suspending all military assistance and training to Burundi. The decision appeared based on concerns that the Tutsi-led army was increasingly involved in massacres of Hutu civilians.⁸⁸

A Burundian military officer told Human Rights Watch that most of Burundi's foreign assistance, including the training of its officers in the military and gendarmerie, had come from France.⁸⁹ As of April 1996, French military cooperation on aviation and instruction was described by another Burundian officer as follows:

⁸⁵ U.S. Arms Control and Disarmament Agency, "World Military Expenditures and Arms Transfers 1995" (Washington, D.C.: ACDA, 1996), p. 153.

⁸⁶ Human Rights Watch interviews with senior Burundian military officials, Bujumbura, February 26, 1995, March 18 and April 12, 1996; with a senior U.N. official, Bujumbura, March 20, 1996; with a U.S. embassy official, Bujumbura, October 1, 1996; with a military attaché of a Western embassy, Bujumbura, October 6, 1996; and with an Organization of African Unity (OAU) official, Bujumbura, April 10, 1996.

⁸⁷ "Avis au nom de la commission de la défense nationale et des forces armées ou le projet de loi de finances pour 1996," Volume II, *Affaires étrangères, coopération*, Michel Voisin député, October 12, 1995. This document is a report by Member of Parliament Voisin to the Assemblée Nationale. See also Patrice Bouveret and Belkacem Elomari, editors, *Ventes d'armes de la France* (Lyon: Observatoire des transferts d'armements, 1996), pp. 97-98.

⁸⁸ James Tomlins, "France cuts military ties with embattled Burundi." Star Foreign Service, June 6, 1996.

⁸⁹ Human Rights Watch interview, Bujumbura, March 5, 1996. See also U.S. Arms Control and Disarmament Agency, p. 153, which lists France as Burundi's sole supplier of direct military transfers.

There are three people helping out in aviation—one helicopter pilot training the military, and two helicopter maintenance people. There are a few French military officers training the military to be more professional. Cooperation consists mostly of training because we buy our own military materiel, although there are a few things that the Ministry of Cooperation gives us at the level of direct assistance. In addition to the formal cooperation agreement with France, we have [ad hoc] agreements with others like Greece, Belgium (we are starting), Germany (though not at this very moment), the U.S. (just a little), and North Korea . . . but with this crisis [in the spring of 1996], many countries are thinking of stopping their assistance.⁹⁰

⁹⁰ Human Rights Watch interview, Bujumbura, April 12, 1996.

This direct military assistance clearly included some hardware (see Chapter II). In April 1996, an OAU official in Bujumbura told Human Rights Watch that the French government had "recently delivered six vehicles and one Alouette helicopter, which could be fitted with machine guns."⁹¹

France also provided training and advisory assistance to the Burundian army and training for the gendarmerie and the military police. French cooperation since the 1993 coup attempt has included the training of Burundian officers in France and the training by French military advisors of Burundian forces in Burundi. In 1995, this program provided training for seventy-nine military officers and specialists and fourteen gendarmerie officers in France.⁹² While the number of enlisted men and security personnel trained have not been made public, France assigned twenty-four military advisors to work with the army and seven with the gendarmerie in 1995.⁹³ In May 1996, the government of France declared it was suspending all military assistance and training to Burundi, apparently on human rights grounds. At that time, it acknowledged the presence of "23 army instructors," who it said would be withdrawn by June 9 "for security reasons."⁹⁴

⁹¹ Human Rights Watch interview, Bujumbura, April 10, 1996. The vehicles, as well as communications equipment, are also mentioned in Voisin, p. 45.

⁹² Voisin, pp. 41-45; and "Avis présenté au nom de la commission des Affaires étrangères, de la défense et des forces armées sur le projet de la loi de finance pour 1996", n. 80, Sénat, présentée par Paulette Brisepierre, sénateur, October 21, 1995, Vol. III, Coopération, p. 47.

⁹³ Bouveret and Elomari, pp. 97-98.

⁹⁴ Tomlins, "France cuts military ties with embattled Burundi."

Assistance to the Unit for the Security of the Institutions

The French assistance program also helped in the creation of the Unit for the Security of the Institutions (Unité pour la Sécurité des Institutions, USI) in the aftermath of the 1993 murders of Burundi's head of state and others by the army. French soldiers reportedly trained up to 500 troops of this new unit,⁹⁵ a state institution under the command of a military officer established to protect both Tutsi and Hutu dignitaries. FAB Lt. Col. Eluid-Gedeon Karibwami explained to Human Rights Watch that the USI "comes from other factions of the military and gendarmerie [than those trained under their respective chiefs]. It gets special training in Bujumbura from the French Cooperation [representatives]."⁹⁶ According to Filip Reyntjens, a professor of law and politics and the chairman of the Center for

⁹⁵ Stephen Smith, *Libération* (Paris), April 19, 1995 in FBIS-AFR-95-076 (April 20, 1995), p. 1. Several sources said training took place on the grounds of a compound owned and provided by a foreign wealthy supporter of the Hutu rebel cause, although the precise time at which this allegedly occurred is not clear. Human Rights Watch interviews with a senior FRODEBU official, Bujumbura, March 4, 1996; with a FROLINA official, Dar es Salaam, September 4, 1996; with an expatriate businessman, Bujumbura, October 5, 1996; and with a Burundian journalist, Bujumbura, October 4, 1996.

⁹⁶ Human Rights Watch interview, Bujumbura, March 5, 1996. Another FAB officer, Lt. Col. Longin Minani added that "The USI is under the Minister of Defense officially, but not in reality. The French have a separate agreement with the USI [which includes] many people from FDD and FRODEBU." Human Rights Watch interview, Bujumbura, March 18, 1996.

the Study of the Great Lakes region of Africa at the University of Antwerp, the creation of the USI “may well have been inspired by the French, who had a team present and could be used to train this unit in skills of ‘protection rapprochée’.” The USI was largely Hutu because, as Reyntjens puts it: “Hutu officials needed to trust it. Otherwise, with the recent past in mind, they would be faced with the dilemma of ‘who will protect us from our protectors?’”⁹⁷ France provided military assistance, supplies and training to the new unit in a special program that apparently generated considerable friction with the French advisory mission then working with the army and gendarmerie. The friction increased as the USI, in time, became to be viewed by critics as a Hutu chauvinist force aligned with violent Hutu opposition movements.

⁹⁷ Letter from Filip Reyntjens to Human Rights Watch, August 2, 1997.

According to a French officer interviewed by Human Rights Watch in Burundi, the apparently contradictory French support of both the Burundian military and the largely Hutu USI, reflected conflicts between and within the Ministry of Cooperation and the Ministry of Foreign Affairs, as well as the Elysée.⁹⁸ A French businessman in Bujumbura told Human Rights Watch that the Elysée, generally supportive of the Tutsi-dominated establishment, tried to put an end to French support of Hutu forces in the USI. The USI program was allegedly championed by embassy officials representing the Ministry of Cooperation, including the military attaché, and provided for under a separate military cooperation agreement.⁹⁹ This polarization within the French military mission apparently increased after USI forces clashed in the Bujumbura suburbs with Tutsi militias and army forces supporting them. One of these clashes took place in the Bujumbura suburb of Mutanga North and was described to Human Rights Watch by a senior FRODEBU parliamentarian. According to this official, the military used the pretext of a purported Hutu attack in the area to target FRODEBU representatives and USI forces. USI guards were killed during the fight and the USI commander had to go to the police to inquire about his missing guards. The FRODEBU parliamentarian added that similar clashes had occurred in other parts of town and concluded: "We know that this special unit cannot protect us . . . The USI is not enough. While there was a request to add more to the program, it was up to the minister of defense to decide."¹⁰⁰ While the USI may have acted appropriately, at times, in protecting Hutu and Tutsi dignitaries from joint army and militias attacks, the Unit had itself come to be seen as a partisan Hutu force. The disintegration of the Tutsi-Hutu accommodation in government was accompanied by an erosion of the middle ground that had allowed the USI to be created in the first place. A senior FRODEBU parliamentarian with responsibility for security affairs told Human Rights Watch that after these clashes the USI and its French trainers had

⁹⁸ Human Rights Watch interview with a French military officer, Bujumbura, March 23, 1996.

⁹⁹ This source also alleged its aim had been the creation of a parallel military force in the country. Human Rights Watch interview with a French businessman, Bujumbura, October 5, 1996. A Burundian military officer claimed, furthermore, that French officers have been training FDD and FRODEBU members among the USI forces in Bangui, Central African Republic. Human Rights Watch interview, Bujumbura, March 18, 1996.

¹⁰⁰ Human Rights Watch interview, Bujumbura, March 4, 1996.

increasingly come into conflict with the Burundian military and its supporters in the French government.¹⁰¹

The Private Hand

¹⁰¹ Human Rights Watch interview, Bujumbura, March 4, 1996.

French expatriates have also been involved, apparently in a private capacity, in military assistance to Burundian government forces. They have acted as middlemen in arms transfers to the Burundian government, and at least one of them, a pilot based in Bujumbura, has provided air surveillance, assisting the military directly in counterinsurgency operations mainly in the north and the center of the country. He did this under the cover of humanitarian deliveries from Bujumbura to various airstrips in northern Burundi from early 1996 until just after the July 1996 coup.¹⁰² Human Rights Watch also discovered that a group of French citizens residing in Burundi asked the French government for permission to sponsor a delivery of humanitarian supplies. The "humanitarian supplies" included spare parts for military transport to the Burundian government after the regional sanctions were imposed in August 1996.¹⁰³ Human Rights Watch has no information to indicate that the request was approved. The interception in December 1996 of a French company's shipment of military vehicles by Belgian authorities at Ostend Airport, en route to Kisangani, is discussed above.

Other French nationals exploited their former affiliation with the French military to carry out mercenary activities on behalf of the Burundian military. One French national, Christophe Boutonnier, who described himself as a mercenary, said he was a former French soldier who had originally been assigned to train the Burundian military. In 1995, he took part in the training mission working with the USI, and later became a security officer for the United Nations High Commissioner for Refugees (UNHCR) in Bujumbura.¹⁰⁴

¹⁰² Human Rights Watch interviews with this aviator, Bujumbura, March-April 1996, and Brussels, July 25, 1996.

¹⁰³ Human Rights Watch interview with expatriate entrepreneurs, Bujumbura, October 4 and 5, 1996.

¹⁰⁴ Human Rights Watch interviews, Bujumbura, March 15, 1995.

Human Rights Watch is also concerned about reports that France may have resumed covert bilateral military assistance to Zaire in April 1996, and extended credit for arms purchases from, among other sources, eastern Europe, in apparent violation of both the European Union (E.U.) arms embargo on Zaire and an agreement between France, the U.S. and Belgium not to provide military assistance to the government of President Mobutu. U.N. officials told Human Rights Watch that they were aware of French bilateral military aid valued at U.S.\$26 million or more, and expressed concerns that at least part of the aid package, including weapons, was indirectly destined to Rwandan Hutu forces in eastern Zaire.¹⁰⁵ Human Rights Watch is concerned that, taking into account Mobutu's support for Rwandan and Burundian Hutu rebel forces, Zaire may have partially redirected French military assistance to Hutu rebels in eastern Zaire in 1996 and 1997. Burundian rebels are known to have acquired weapons from Rwandan Hutu forces in eastern Zaire and arms supplied to Rwandan rebels may therefore have ended up in the hands of insurgents from Burundi.

Other Western European Arms Sources

Germany, which maintains an embassy in Bujumbura, has been a key player in the Great Lakes region by actively supporting diplomatic efforts to curb arms flows into the area through UNICOI.¹⁰⁶ In mid-1996, German authorities intervened to prohibit the delivery by a private German company of approximately one hundred trucks to the Burundian military.¹⁰⁷ The government reportedly also refused to issue an export license to a company that wanted to send parts for Russian armored vehicles to Bujumbura in 1996. It then informed the government

¹⁰⁵ Human Rights Watch interviews, Nairobi, August 10, 1996, and Kampala, September 18, 1996; see also Raymond Bonner, "France Linked to Defense of Mobutu," *New York Times*, May 2, 1997. In its May 1995 report, "Rearming with Impunity," Human Rights Watch highlighted specific French arms shipments to the government of Rwanda at the height of the genocide in May and June 1994, in direct violation of the international arms embargo on Rwanda.

¹⁰⁶ As one German official put it: "We thought that there was a need to monitor arms flows, that it was *the* big problem. So we put our hopes into the Arms Commission." Human Rights Watch interview with an official at the German embassy, Bujumbura, October 1, 1996.

¹⁰⁷ Human Rights Watch interview with a German embassy official, Bujumbura, October 1, 1996.

of Belgium when the same company attempted to circumvent the export prohibition by carrying out the deal through Belgian ports (see above). Burundian military officers told Human Rights Watch in 1996 that Germany, in the past, had provided Burundi with military assistance, including training, but that at the moment, no German aid was available.¹⁰⁸

¹⁰⁸ Human Rights Watch interviews, Bujumbura, March 5 and April 12, 1996.

Despite Germany's diplomatic actions to counter the militarization of central Africa, some weapons of apparent German manufacture continued to circulate in the region after the U.N. embargo against Rwanda. Three Heckler & Koch G-3 assault rifles with nearly consecutive serial numbers, for example, were identified among the weapons captured by the Rwandan government in 1995 from Hutu militias active on Iwawa Island in eastern Zaire. These arms, according to U.N. officials and a Germany embassy official in Bujumbura, may be linked to a German businessman who operated from Bukavu and facilitated weapons procurement for both the Burundian and Rwandan Hutu militias based there.¹⁰⁹

The German government is in a position to have reliable information on eastern Zaire because of its longtime presence in the area and the work of its honorary consul stationed in Bukavu. Bernhard Abels, a German embassy official in Kigali, Rwanda, has claimed that neither the Rwandan government nor UNICOI had approached the embassy with a request to trace the serial numbers of the rifles found on Iwawa Island. The same official indicated it was possible that the weapons had reached the region through German military training programs before the Rwandan civil war, but that it was more likely the weapons came from the free market; the G-3 is a standard NATO weapon that is also produced in Asia and Latin America.¹¹⁰

Western diplomatic sources and Hutu rebel leaders alleged that German nationals were involved in the procurement of weapons for Hutu rebel groups. Rebel leaders told Human Rights Watch that those providing this private assistance

¹⁰⁹ Human Rights Watch interviews with a U.N. official, Kigali, January 26, 1996; with U.N. officials, Nairobi, August 10, 1996; and with an official at the German embassy, Bujumbura, October 1, 1996.

¹¹⁰ Human Rights Watch interview, Kigali, January 31, 1996.

for “their cause” included high-ranking German government officials and parliamentarians.¹¹¹

Eastern Europe and the Commonwealth of Independent States
The Russian Federation

¹¹¹ Human Rights Watch interviews with Western diplomats, Dar es Salaam, September 13 and 17, 1996; and with CNDD and FRODEBU officials, Dar es Salaam, August 29, 1996, and September 17, 1996.

Several countries in Eastern Europe and the Commonwealth of Independent States (CIS) have been identified as having been the source of weapons shipments, or to have facilitated shipments to Burundi. ~~Russia has a long history of supplying military equipment, including tanks and mortars, as well as training, to Burundian security forces through a series of military cooperation agreements.~~¹¹² During the Human Rights Watch field investigation in 1996, Russian technicians were reportedly training the Burundian government and military in air traffic control and radar systems operations.¹¹³ A Burundian military official told Human Rights Watch that these activities constituted official support of the Burundian government by the Russian Federation.¹¹⁴ Moreover, according to both an arms trafficker and a European diplomat in the region, Russian cargo planes flown by Russian pilots delivered weapons and other military equipment to Bujumbura in mid-1996.¹¹⁵ A movement of similar deliveries was reported to Human Rights Watch during its June 1997 field mission in Burundi. At that time, Human Rights Watch learned from several diplomatic sources that four Aeroflot flights had been landing in Bujumbura each week for several months, unloading arms, ammunition and armored vehicles.¹¹⁶

¹¹² Human Rights Watch interviews with a FRODEBU representative to the Arusha talks, Nairobi, August 14, 1996; with Burundian military officers, Bujumbura, March 5 and 18, 1996; and with a pilot and cargo industry personnel, Kampala, September 18, 1996.

¹¹³ Human Rights Watch interview with a U.S. embassy official, Bujumbura, October 1, 1996.

¹¹⁴ Human Rights Watch interview with Lt. Colonel Eluid-Gedeon Karibwami, Bujumbura, March 5, 1996.

¹¹⁵ Human Rights Watch interviews with a European embassy official accredited to Burundi, Dar es Salaam, September 13, 1996, and with an arms trafficker, Brussels, August 2, 1996. Human Rights Watch is not in a position to confirm that the pilots referred to as "Russian" were, in fact, citizens of the Russian Federation.

¹¹⁶ Some of these deliveries were said to have come from Kazakhstan and other states of the former Soviet Union. Human Rights Watch interviews, June 1997. In talks with Human Rights Watch, Valeri Bobounov, senior counselor at the Russian Federation's embassy in Washington, D.C., clarified that the state airline of the Soviet Union, Aeroflot, had been partially privatized after the disintegration of the U.S.S.R., with the Russian government retaining a 40 percent minority stake. Although domestic Aeroflot flights have fallen under the control of individual states of the former Soviet Union, the international passengers and cargo sections of Aeroflot, he said, have remained fully under the government's control and

are headquartered in the Russian Federation. Washington, D.C., October 20, 1997. A research assistant at the International Finance Corporation's resident mission in Moscow informed Human Rights Watch, to the contrary, that the federal government owns 51 percent of the company, a stake reserved for government ownership until 1999. Another 34 percent belong to the employees. There are about 3 percent outstanding shares, and the remaining 12 percent belong to outside private investors. Electronic mail communication from the IFC's Andrei Tomilin to Human Rights Watch, October 29, 1997.

The Ukraine, Bulgaria, Turkmenistan, and Azerbaijan

A Ukrainian company, Viercom, was reportedly involved in a sale of arms to Rwandan Hutu rebels in eastern Zaire in July 1995, shipping the arms via Bulgaria and Kenya (see below), in apparent violation of the international arms embargo on Rwanda. Given the close association of Rwandan and Burundian Hutu groups in eastern Zaire, the weapons may have been ~~DIVERTED TO BURUNDIAN REBELS~~. According to a Prague-based arms trader and Kenyatta International Airport personnel in Nairobi, the July 1995 shipment had been negotiated by nationals from Guinea and Rwanda representing the Kiev-based company. The cargo of weapons, the nature of which is unknown to Human Rights Watch, was reportedly loaded onto a plane in Sofia, Bulgaria, on or about July 7, 1995, and then shipped to Kenya. After arriving in Kenya, the weapons were reportedly transported to Goma for onward shipment to Hutu rebel forces.¹¹⁷

A U.N. official and a Belgium-based pilot told Human Rights Watch that the airport of Burgas in the Bulgarian free-trade area on the Black Sea was one of the major collection points for weapons flown by Belgium-based pilots to Burundian clients on both sides of the conflict via Zaire, South Africa and Angola.¹¹⁸ In 1996, Bulgaria came under investigation by UNICOI for supplying weapons from its state-controlled company, Kintex, to Rwandan Hutu forces based

¹¹⁷ Human Rights Watch interview with Kenyan and expatriate airport personnel, Nairobi, February 27 and August 19, 1996; and interviews with an arms trader who said he was involved in the deal, Kampala, September 18 and 19, 1996, and by phone in Prague, December 1995-January 1996.

¹¹⁸ Human Rights Watch interview with a U.N. official, Nairobi, 18 August, 1996; and with a pilot, Brussels, August 2, 1996.

in eastern Zaire in violation of the international arms embargo.¹¹⁹ Given the cooperation between Rwandan and Burundian Hutu forces, the possibility that weapons provided by Bulgarian state-owned companies to Rwandan Hutu may have ended up in the hands of Burundian Hutu forces cannot be discounted.

¹¹⁹ "Third Report of the International Commission of Inquiry (Rwanda)," an unpublished report submitted to the Security Council and dated October 28, 1996, pars. 39-42.

AS NOTED ABOVE, WITH RESPECT TO THE MOVEMENT OF ARMS THROUGH BELGIUM, AN ARMS TRAFFICKER IN BELGIUM TOLD HUMAN RIGHTS WATCH THAT WEAPONS HAVE COME FROM TURKMENISTAN AND AZERBAIJAN TO BOTH BURUNDIAN HUTU REBELS AND BURUNDIAN GOVERNMENT FORCES. THE WEAPONS WERE REPORTEDLY FERRIED BY BELGIUM-BASED COMPANIES AND TRANSSHIPPED VIA ZAIRE.¹²⁰

¹²⁰ Human Rights Watch interview, Brussels, August 2, 1996.

V. THE EAST AND CENTRAL AFRICAN STATES

Governments and arms traffickers through much of the region have often supported or supplied both Hutu and Tutsi in Burundi at the same time. There are, however, instances in which states have clearly taken sides. The Mobutu government's support for the Hutu rebel forces in eastern Zaire and elsewhere in the region extended both to hosting these forces and facilitating their resupply, even as some of those sharing profits within Mobutu's circle at times were offering supplies to the Burundian government. Uganda and Rwanda appear to have served as conduits primarily to Burundian government forces and associated Tutsi militias. Uganda, however, has also been a theater for recruitment efforts and arms and assistance deals carried out by and on behalf of Burundian rebels. Arms flows through Kenya, Tanzania, South Africa, Mozambique and on direct flights from European suppliers tended to be less partisan. While the Tutsi-dominated government in Burundi as well as the Hutu rebels each had procurers operating in Europe and in east and southern Africa, some arms suppliers appear to have catered to either side without distinction, depending solely on the payment of their price.

The Rwanda-Burundi Partnership

Throughout its field investigation in Central Africa in 1995 and 1996, Human Rights Watch observed a growing alliance between the military-dominated governments of Rwanda and Burundi. Although the Rwandan Patriotic Front established relations with the Burundian military shortly after it came to power following the 1994 genocide in Rwanda, the early months of the relationship were rocky. The Rwandans tried to distance themselves publicly when the tide of international opinion began to turn against the Burundian military for its forced depopulation of Hutu neighborhoods in Bujumbura and its role in massacres of Hutu civilians in the countryside in 1994 and early 1995. According to both Rwandan and U.S. officials, Rwandan Vice-President Paul Kagame, in early 1995, delivered a stern message to the Burundian defense minister, Firmin Sinzoyiheba, warning him that the Burundian military was harming the image of other Tutsi forces in the region.¹²¹ The Rwandan government also reproached the Burundian military for allowing Rwandan army deserters to join Tutsi militias allied to supremacist elements within the Burundian military.¹²²

¹²¹ Human Rights Watch interviews with U.S. embassy officials and with a Rwandan government official, Kigali, March 28 and 29, 1995.

¹²² Human Rights Watch interviews with a Rwandan government official, Kigali, March

By the beginning of 1996, the relationship between the two African governments began to warm up substantially. Three factors accounted for this improvement: the growing threat against Rwanda, the persecution of Zairian Tutsi in the Masisi area and of the Tutsi known as Banyamulenge in the Uvira area in eastern Zaire, and the increased cooperation between Rwandan and Burundian Hutu insurgents in eastern Zaire. Joint military campaigns by Rwandan and Burundian rebels in northern Burundi (primarily in Cibitoke and Bubanza provinces) also prompted closer collaboration between the military forces of the two states. By early 1996, the Rwandan military had started to provide direct assistance to its Burundian counterparts.

23, 1995; with a Burundian military officer, Bujumbura, March 18, 1996; with U.N. officials, Nairobi, October 11, 1996; and with a senior U.N. official, Bujumbura, March 20, 1996.

Several instances of clear collaboration between the two countries' military forces have been documented. Throughout most of 1996, Rwandan government forces joined with the Burundian military in counterinsurgency operations in northern Burundi. Burundian soldiers undertook searches in the countryside, and then reportedly forced Hutu civilians suspected of being involved with or supporting directly Hutu insurgents out of the country and into areas in Rwanda where Rwandan government forces were waiting.¹²³ A number of civilian refugees were killed during these operations.¹²⁴ In late 1996, Rwandan government forces supporting the Banyamulenge-led offensive in the Uvira area of eastern Zaire trucked troops and military equipment through Burundi before crossing the Burundian border into Zaire. As the fighting between the Banyamulenge forces and

¹²³ Human Rights Watch interview with a Western military attaché, Bujumbura, October 1, 1996. Humanitarian aid workers have reported that Rwandan soldiers were patrolling the Rwandan refugee camps along with Burundian soldiers, who also played a role in selecting and guarding refugees who were taken from the camps and incarcerated as "intimidators." Human Rights Watch interviews with humanitarian aid workers, Bujumbura, March 6 and October 7, 1996.

¹²⁴ Human Rights Watch interviews with UNCHR officials, Kigali, February 2, 1996 and Bujumbura, April 12, 1996.

the combined troops of the Hutu insurgents and Zairian troops spread through the region, military intelligence gathered by Rwandan and Burundian agents in Zaire was shared.¹²⁵ Around the same time, Human Rights Watch was also able to learn how Rwanda permitted "sanctions-busting" across its border with Burundi. In particular, we observed the off-loading in Bujumbura of what appeared to be three Zairian-licensed fuel tankers, which had acquired fuel from a Kenyan refinery and delivered their cargo across the Rwandan border into Burundi.¹²⁶ Burundian military personnel also used the Rwandan border area for transportation in and out of Burundi.¹²⁷

¹²⁵ Human Rights Watch interviews with Burundian military officials, Bujumbura, October 1996.

¹²⁶ Human Rights Watch observations and interviews with the drivers of the tankers, Bujumbura, October 5, 1997.

¹²⁷ Human Rights Watch interviews with the relatives of military officers, Nairobi, August 1996.

Human Rights Watch has also been in a position to observe and document collaboration between former Rwandan government forces, including the ex-FAR and allied militias, and Burundian Hutu rebel forces, including the CNDD, FDD, and PALIPEHUTU, in both Tanzania and Zaire. In late 1994, Human Rights Watch observed joint training exercises and cross-border operations by these forces from their shared bases in refugee camps in the Uvira region in eastern Zaire.¹²⁸ According to press and diplomatic reports, Rwandan and Burundian rebel forces continued their alliance in 1995-96, and in some instances melded together in Zaire, especially following the destruction of their bases in late 1996.¹²⁹ Human Rights Watch also documented weapons transfers between Rwandan and Burundian rebel forces, and joint use of sources of supplies and arms pipelines in both Zaire and Tanzania.¹³⁰ The shared nature of weapons supplies and pipelines has produced methodological difficulties in determining whether particular shipments were destined for either Rwandan, Burundian or both Hutu rebel groups.

Zaire and the Exile Armies

A principal role in arms supplies to Rwandan and Burundian Hutu rebel forces was played by the Mobutu government, as well as Zaire-based enterprises that were ostensibly private. Zaire was the destination of many of the shipments to Hutu forces, in consonance with Mobutu's support for these forces, as they were marshaled to the east on the borders of Rwanda and Burundi. Zaire was also the route through which some arms shipments appear to have reached the Burundian

¹²⁸ Human Rights Watch Arms Project, "Rearming with Impunity," p. 16.

¹²⁹ See, for example, James C. McKinley, "Mystery Rebel Force Brings Stability, of a Kind, to Eastern Zaire," *New York Times*, November 27, 1996; and United Nations Security Council, *Report of the Secretary-General on the Situation in Burundi*, S/1997/547, July 15, 1997.

¹³⁰ Human Rights Watch Arms Project, "Rearming with Impunity"; and Human Rights Watch interviews with OAU officials in Kigali, March 29, 1995, and Bujumbura, April 10, 1996. Human Rights Watch also witnessed military training within two kilometers of Kamanyola camp in the area of Uvira in eastern Zaire on February 23 and 24, 1995. The training involved ex-FAR elements and Burundian Hutu militias. Our guides for the training session were eight members of the senior command of the FDD. On the way back from the training, Human Rights Watch ran into a company consisting of both Burundian rebels and Rwandan soldiers who had just returned from a cross-border incursion. This company consisted of some twelve men, all of whom were carrying small arms.

government in Bujumbura. The latter trade, whether driven by politics or profit or both is not out of the ordinary: Zaire's longstanding role as the epicenter of the covert arms trade to much of central and southern Africa has allowed the mushrooming of a plethora of murky cargo companies with the experience and opportunity to seek a profit from both sides of any conflict.

The government of President Mobutu directly assisted rebel activities of both Rwandan and Burundian Hutu groups in eastern Zaire after the fall of the former Rwandan government in 1994. This continued after their ouster from bases in the area at the hands of the ADFL in late 1996 until Mobutu himself was forced out of power.¹³¹ Prior to the outbreak of the conflict between the ADFL and Zairian government forces—~~JOINED BY HUTU MILITIAS IN EASTERN ZAIRE~~—weapons were provided to the rebels by private traders operating via Zairian territory or directly by the Zairian government. The insurgents were able to use their bases in eastern Zaire for training purposes and as launching pads for cross-border raids into Rwanda and Burundi. The Burundian consulate in Bukavu was given over to representatives of the CNDD, which used it as an operational base for their insurgency.¹³² Human Rights Watch learned that the governor of South Kivu provided the CNDD with communications equipment, including a transmitter, which enabled the rebel organization to operate a radio station. The station produced inflammatory broadcasts inciting the Hutu population in Burundi to violence.¹³³

Zaire also provided protection and administrative support to Burundian rebels based in refugee camps and towns in eastern Zaire, especially in and around Uvira and Bukavu. ~~MOREOVER, HUMAN RIGHTS WATCH DIRECTLY OBSERVED TRANSFERS OF ARMS AND OTHER FORMS OF MILITARY ASSISTANCE BY THE RWANDAN FAR AND ALLIED HUTU MILITIAS TO THE BURUNDIAN HUTU REBEL FORCES IN EASTERN ZAIRE (BEFORE THE END OF 1996). THE TRANSFERS TOOK PLACE NOT ONLY WITHOUT INTERFERENCE BY ZAIRIAN SECURITY FORCES IN CHARGE OF THE AREA, BUT WITH THEIR ACTIVE COOPERATION AND PROTECTION.~~¹³⁴ ~~THE HUTU WERE SUPPORTED BY LOCAL ZAIRIAN SOLDIERS~~

¹³¹ In early 1997, the Zairian military armed Hutu refugees and former militia forces, and enlisted them for its (failed) campaign to stop the advance of the ADFL in Kisangani. Human Rights Watch/Africa, "Zaire: Transition, War and Human Rights," *A Human Rights Watch Short Report*, vol. 9, no. 2 (A), April 1997.

¹³² Human Rights Watch interview with the Burundian minister of defense, Firmin Sinzoyiheba, Bujumbura, March 6, 1996.

¹³³ Human Rights Watch telephone conversation with Brian Rich, former director of Studio Ijambo, a radio program in Burundi, Boston, September 18, 1996.

¹³⁴ Human Rights Watch observations, and interviews with two Zairian refugee camp

and administrators who maintained a supervisory role while benefiting financially, from the sale of relief goods, and politically, from a military alliance that enabled them to prey on Zairian Tutsi groups in the areas. In this case, Zairian civilian and military authorities directly aided Burundian rebel training with logistics and sentinels and, until late 1996, allowed the insurgents to launch cross-border raids into Burundi from Zairian territory.

An Entrepreneurial Spirit

ADMINISTRATORS, UVIRA, FEBRUARY 24, 1995. The Burundian insurgents have not publicly denied their link to the Rwandan Hutu groups (see Chapter II).

The sale of arms and other military materiel to the Burundian rebels in eastern Zaire through Zairian territory involved the participation of both Zairian officials and security forces, as well as local and expatriate entrepreneurs. A major arms procurement role in Zaire appears to have been played by Aziza Gulimali, who until November 1996 was based in Kinshasa and Bukavu, Zaire, and who is also known to have personal and business connections in Tanzania.¹³⁵ ~~Gulimali apparently served as an intermediary for the trafficking of weapons to rebels based in South Kivu, eastern Zaire, before November 1996, and was a business partner of two of Mobutu's relatives. Diplomatic sources have linked the financier and the two Mobutu cronies to two separate arms deals. One of those deals concerned an attempted delivery of arms to Burundian rebel forces based in Uvira in January 1996. A Zairian officer involved in this particular transaction was wounded on the road between Bukavu and Uvira by other Zairian soldiers apparently unaware of his activities.~~¹³⁶

¹³⁵ *Africa Confidential* has reported that Gulimali had brought weapons into Zaire via Goma airport; a consignment of twenty-one tons was reported to have arrived in late September 1996, for example. "The balance of forces," *Africa Confidential*, vol. 37, no. 22 (November 1, 1996), p. 3. Gulimali has also reportedly funded some of CNDD leader Léonard Nyangoma's trips abroad. Human Rights Watch interview with a senior CNDD official, who is also an official attached to the Embassy of Burundi, Dar es Salaam, September 13, 1996. The Burundian Embassy in Tanzania was in the hands of the Hutu-dominated opposition at the time of the Human Rights Watch interview. Human Rights Watch has found differences in the spelling of the name "Gulimali," depending on the language or nationality of sources interviewed for this report. For example, Italian journalist Roberto Cavalieri identifies Gulimali as "Aziz [sic] Kulsum, a.k.a. Madame Goulamali" and describes her as "a prominent member of Zairian mafias" (Human Rights Watch translation), *Balcani d'Africa* (Torino: Edizioni Gruppo Abele, 1997), p. 101.

¹³⁶ Human Rights Watch interviews with an OAU force commander, Bujumbura, April 10, 1995, and with a senior Burundian military officer, Bujumbura, March 11, 1996. According to a report in a local newspaper in Bukavu, the Zairian officer was a Lt. Col. Loosa Ekili of the Bukavu Garde Civil. *Jua* (Bukavu), February 10, 1996.

Most of the movement of arms and other forms of assistance to Hutu rebel forces in Zaire appears to have been politically motivated, but Human Rights Watch confirmed that at least one weapons shipment transited Zaire's southern city of Lubumbashi en route to the military in Bujumbura in October 1996. This was a flight by the Belgian-Zairian firm Malta Forrest that is described in Chapter IV.

Indifference to International Opprobrium

Public rebuke had no visible impact on Zairian government policies. Following the publication of the Human Rights Watch Arms Project report, "Rearming with Impunity," in May 1995, the United Nations Security Council called on states in the region, and especially Zaire, to consider permitting the presence on their territories of international military observers to stanch the flow of small arms into conflict zones in the Great Lakes region.¹³⁷ Facing strong resistance to this idea, especially by the governments of Tanzania and Zaire,¹³⁸ the Security Council resorted to a lesser but still very useful measure: the establishment of UNICOI, whose mandate was to investigate allegations that former Rwandan government forces had been receiving arms in violation of the international arms embargo on Rwanda.¹³⁹ Though established in part at the urging of the Zairian government, the commission was stymied in its inquiry in Zaire by the same government. The U.N. body's interim report in January 1996 contains strong references to "the obstructionist attitude of the Zairian authorities."¹⁴⁰ The commission's second report, released in April 1996, presented information indicating Zairian involvement in a direct violation of the Rwanda arms embargo.

¹³⁷ United Nations Security Council, Resolution 997 (1995), S/RES/997 (1995) of June 9, 1995.

¹³⁸ United Nations Security Council, *Report of the Secretary-General on the Implementation of Paragraph 6 of Security Council Resolution 997 (1995) of 9 June 1995*, S/1995/552, July 9, 1995; and United Nations Security Council, *Note Verbale Dated 10 August 1995 from the Permanent Mission of Zaire to the United Nations Addressed to the President of the Security Council*, S/1995/683, August 11, 1995.

¹³⁹ United Nations Security Council, Resolution 1013 (1995), S/RES/1013 (1995) of September 7, 1995.

¹⁴⁰ United Nations Security Council, *Interim Report of the International Commission of Inquiry to Investigate Reports of the Sale or Supply of Arms to Former Rwandan Government Forces in Violation of the Security Council Arms Embargo and Allegations that Those Forces are Receiving Training to Destabilize Rwanda*, S/1996/67 (January 17, 1996), par. 37. Ironically, it was the Zairian government itself that had proposed establishing such a commission of inquiry. *Ibid.*, par. 27.

The Security Council responded to ~~THE REPORT~~ by reiterating its call on states neighboring Rwanda to consider permitting the deployment of military observers at airfields and border crossing points, and by urging them to cooperate with the commission—a clear reference to Zaire especially.¹⁴¹ By the time Mobutu was ousted, Zaire had not extended full cooperation to the commission, and the U.N. had not considered other measures aimed at curbing the flow of arms in the region.

Angola's UNITA

A secondary role in the arms pipeline also appears to have been played by Angola's UNITA, a longtime associate of Zaire's President Mobutu. UNITA's forces were hosted for many years inside Zaire in rear areas bordering Angola. This partnership with Mobutu's regime guaranteed the covert and uninterrupted movement of arms to the Angolan rebels. When Mobutu's disintegrating army sought support from Rwandan and Burundian Hutu forces sheltered in eastern Zaire in early 1997, it also found support from UNITA. According to some sources, the longtime supply of arms to UNITA via Zaire was reciprocated in 1996 and 1997 as UNITA provided arms and training to Mobutu's Rwandan and Burundian allies. FDD officials told Human Rights Watch that their group had been receiving weapons from UNITA since the early 1990s.¹⁴² Cargo operators and diplomatic sources confirmed that Hutu rebels based in eastern Zaire obtained arms and training from UNITA until ousted from those bases in late 1996.¹⁴³

¹⁴¹ United Nations Security Council, Resolution 1053 (1996), S/RES/1053 (1996) of April 23, 1996.

¹⁴² Human Rights Watch interviews, Uvira, February 23-24, 1995. The FDD continued to receive weapons from Angola at least up to the conclusion of the Human Rights Watch field investigation in October 1996.

¹⁴³ Human Rights Watch interviews with a U.S. embassy official, Bujumbura, October 1, 1996, and with cargo company personnel, Brussels, August 2, 1996.

A connection to UNITA also arose with respect to Zairian nationals Aziza Gulimali (see above), General Kpama Baramoto, and Jean Bemba Saolona, who have been under scrutiny by several Western embassies in the region for having provided arms, including Heckler & Koch G-3 rifles and 7.62 caliber ammunition to FDD rebels via Angola in the summer of 1996. A European diplomat told Human Rights Watch that the three "run guns from South Africa to Zaire . . . Baromoto's men have been having skirmishes with local Zairian troops over the supply line." The same source said this operation involved the smuggling of gold and diamonds from UNITA-held territory in Angola to Antwerp, Belgium, via Bujumbura.¹⁴⁴ A U.S. official confirmed this two-way traffic of diamonds going out, through Bujumbura, to Antwerp in exchange for arms, elucidating the traffickers' motives in employing such tortuous methods as follows: "They want it to come via Bujumbura rather than Kinshasa, which would involve a wholly different pay system."¹⁴⁵

¹⁴⁴ Human Rights Watch interview with a European diplomat, October 6, 1996. See also, James Rupert, "Zaire Reportedly Selling Arms to Angolan Ex-Rebels," *Washington Post*, March 21, 1997. General Baramoto served as the head of Mobutu's Garde Civil until he fled to Gabon in April 1996. Saolona is a wealthy businessman and a relative of the late Zairian president.

¹⁴⁵ Human Rights Watch interview with a U.S. Embassy official, Bujumbura, October 1, 1996.

The mutual support of UNITA and Mobutu, in turn, may have catalyzed Angolan government support for the Zairian movement that would ultimately overthrow Mobutu in May 1997. According to a Belgium-based arms trafficker, a number of ostensibly private enterprises and cargo companies based in Zaire, South Africa and western European countries, with long associations with both UNITA and the Angolan government, ferried weapons to both the Burundian government and Burundian rebels via Angola in 1995 and 1996.¹⁴⁶ Some of these companies had already been identified by Human Rights Watch in the course of a field investigation in Angola in 1996.¹⁴⁷ Several routes have been identified through which arms were delivered to UNITA during this period. Arms flights were tracked through Lobito and Kaffufo in Angola, as well as Ndola airstrip in Zambia, although no direct evidence of their diversion to Burundian clients emerged.

Diplomats, businessmen and weapons traffickers told Human Rights Watch that in 1995, weapons from UNITA-held areas in Angola were transported across the Zairian border at Luau-Dilolo and loaded onto trains which took them via Kolwezi to Lubumbashi and Kamina. From there, the weapons were either flown directly to Goma and Bukavu or transported by rail to Kalemie on Lake Tanganyika on a track recently revitalized and operated by Spoornet, the South African national railways. The weapons were then ferried by boat to Burundian Hutu rebels in Tanzania and eastern Zaire. Similarly, weapons arriving in Angola for the Burundian government were reportedly also transported by rail to Lubumbashi before being delivered to Kalemie. From Kalemie they were ferried across Lake Tanganyika to Bujumbura.¹⁴⁸ According to arms dealers, these transactions

¹⁴⁶ Human Rights Watch interview, Brussels, August 2, 1996.

¹⁴⁷ They are: ATO, Trans-Service Airlift, Trans-Air Cargo, Guila Air, Express City Cargo, Skydeck, Fil Air, and Walt Air. Human Rights Watch Arms Project and Human Rights Watch/Africa, "Between War and Peace: Arms Trade and Human Rights Abuses since the Lusaka Protocol," *A Human Rights Watch Short Report*, vol. 8, no. 1 (A), February 1996, pp. 15-16.

¹⁴⁸ Human Rights Watch interviews with a European diplomat, Kinshasa, March 9, 1995; with a corporate security officer, Kinshasa, March 8, 1995; and with arms traffickers, Kalemie, February 9, 1995, and Kinshasa, March 7-8, 1995. In the opposite direction, Human Rights Watch learned that weapons from UNITA in Angola were sometimes transported by rail from Dar es Salaam to Kigoma on Lake Tanganyika, from where they were ferried by boat to Kalemie in Zaire and from there by plane to UNITA forces in Angola. Human Rights Watch interviews with shipping agents, Dar es Salaam, September 17, 1996, and with an advisor to the Tanzanian Foreign Ministry, Dar es Salaam, August 27,

continued well into 1996.¹⁴⁹ The role of South Africa's railways, air cargo carriers, and arms suppliers in arms deals with the Burundians, discussed in Chapter VI, grew in importance after regional states imposed an embargo on Burundi in 1996.

The Ugandan Pipeline
Arming Burundi's Government Forces

1996 (in addition to the above interviews in Kalemie and Kinshasa).

¹⁴⁹ Human Rights Watch interviews with arms traffickers and air cargo personnel, Brussels, July and August 1996.

Some of the weapons transshipments documented by Human Rights Watch have involved the active participation of the Ugandan military, and some of the weapons cargoes were stored temporarily on Ugandan state property, including military-controlled areas at Entebbe Airport. Ugandan territory was often used by China, a major arms supplier to the Burundian government, for Chinese shipments to Burundi (and Rwanda, in violation of an international arms embargo) that had arrived at the Tanzanian ports of Dar es Salaam. In a typical case, a Ugandan military detachment took delivery of the weapons in Dar es Salaam and escorted them on a train journey, by Uganda Railways, through Tanzania to the port near Mwanza on Lake Victoria. The weapons were then taken across the lake to Uganda for delivery to their final destination. Many of these shipments are tracked in Chapter VII documenting the Chinese arms connection. ~~SEVERAL COMPANIES WITH REPRESENTATIVES IN KAMPALA REPORTEDLY PROVIDED MILITARY EQUIPMENT, DUAL-USE GOODS SUCH AS PATROL BOATS, AND WEAPONS TO THE RWANDAN GOVERNMENT~~ from Kampala throughout 1995, including the period that the international arms embargo on Rwanda was still in force.¹⁵⁰

A Link to Tutsi Militias

An arms network operating from Uganda was described by diplomatic and arms trade sources as serving the Tutsi militias led by Jean-Baptiste Bagaza. The network reportedly involved high-ranking Ugandan military officers with a historical link with Bagaza. Human Rights Watch was unable to verify whether this operation was sanctioned by the Ugandan government or involved rogue elements within the Ugandan military.¹⁵¹ Arms middlemen based in Belgium told Human

¹⁵⁰ Human Rights Watch interviews with a pilot and an arms trafficker, Kampala, September 18 and 19, 1996, and with a European diplomat, Kampala, September 19, 1996. Human Rights Watch provided information about these operations to UNICOI investigators.

¹⁵¹ Human Rights Watch interviews with an arms trafficker and a former employee in a

Rights Watch that South African nationals have increasingly started to use Entebbe Airport as a major weapons transshipment center for central Africa.¹⁵²

cargo company, Kampala, September 18 and 19, 1996, and with a European diplomat, Kampala, September 19, 1996.

¹⁵² Human Rights Watch interviews, Brussels, July 25 and August 2, 1996.

Weapons, including landmines and ammunition, produced in the Nakasongola arms factory, a Chinese-built arms production facility in the Gulu area of northern Uganda, have also been provided to the Burundian government and Tutsi militias.¹⁵³ According to press reports in May 1997, South African experts were running this factory, replacing Chinese and North Korean technicians.¹⁵⁴

The Government's Response

In August 1997, Human Rights Watch asked the Ugandan government a set of questions regarding Kampala's role in the Burundian conflict. In particular, Human Rights Watch inquired about the security provided in Dar es Salaam by Ugandan troops to shipments of weapons destined to the Great Lakes region, and requested guarantees that weapons or ammunition produced at the Nakasongola factory were not, and would not be, diverted to belligerent parties in Burundi and that Entebbe airport would not be used to store caches of weapons. Col. Mateeka, the military attaché at the Ugandan Embassy in Washington, D.C., responded by denying any involvement of his government in the transport of weapons from Tanzania. He also maintained that the Nakasongola factory was exclusively

¹⁵³ Human Rights Watch interview with a European diplomat, Kampala, September 19, 1996.

¹⁵⁴ The South Africans were said to be assembling South African armored personnel carriers as well as long-range artillery, ostensibly for use by Uganda in its fight with the rebels of the Lord's Resistance Army, which is supported by the government of Sudan. Crespo Sebunya, "South Africa Arms Uganda," *New African* (May 1997), p. 32.

engaged in production for the domestic market.¹⁵⁵ This conversation was followed by a letter from the Ugandan Foreign Ministry which, in addition to the points discussed by Col. Mateeka in his refutation, stated that "Uganda is not and has not been used as a transit point for transporting arms destined to countries under international or regional embargoes."¹⁵⁶

The Tanzanian Pipeline
Arming both Sides

¹⁵⁵ Statement made by Col. Mateeka to Human Rights Watch by telephone, Washington, D.C., August 25, 1997.

¹⁵⁶ Letter from Rebecca A. Kadaga, acting Minister of Foreign Affairs, October 16, 1997.

Sometime shortly after the 1993 crisis in Burundi, the Tanzanian government unilaterally imposed an arms embargo against the Burundian government forces. According to former and present foreign ministry officials in Dar es Salaam, much of the pressure for an arms embargo had come from the United Nations. Some Tanzanian officials apparently believed, incorrectly, that an official U.N.-sanctioned arms embargo was already in force against Burundi.¹⁵⁷ One Burundian president (January-April 1994), Cyprien Ntaryamira, a Hutu had appealed to the Tanzanian government not to permit its territory to be used for arms transfers to the Burundian armed forces.¹⁵⁸ Ntaryamira's appeal did not fall on deaf ears. In May 1995, the Tanzanian government, ignoring pressures by the then Burundian president, Sylvestre Ntibantunganya, refused to permit a consignment of weapons for the Burundian military or militias to be off-loaded in Dar es Salaam (see below). Nonetheless, Tanzania continued to be a key transshipment point for weapons going to both the Rwandan and Burundian governments from late 1994 through at least mid-1996, despite an international arms embargo against the government of Rwanda that was in force from May 1994 until August 1995, and despite the terrible human rights situation in Burundi during that period.

China's Port in Africa

¹⁵⁷ Human Rights Watch interview with Felix Mosha, former government official and spokesperson for the South Commission, the Tanzanian organization that initiated negotiations between the Burundian belligerent parties in Arusha and Mwanza, Dar es Salaam, August 30, 1996.

¹⁵⁸ Human Rights Watch interview with a Burundian military officer, Bujumbura, April 12, 1996.

Many of the arms transported to the Burundian government forces or Tutsi militias via Tanzania arrived from China at the port of Dar es Salaam. While at least some of these shipments carried discreet markings to indicate their final destination as Burundi, the end-destination of other shipments was concealed by listing instead neighboring states, including Rwanda and Uganda, as the recipients. When military goods were openly declared, troops from either Rwanda or Uganda would travel to Tanzania in order to escort the cargo to the border jointly with representatives of the Tanzanian People's Defense Forces. Shipping and cargo industry agents have claimed that Tanzanian soldiers were often aware of the actual final destination of the weapons, particularly as some were said to be "in on the delivery."¹⁵⁹ Human Rights Watch has been unable to ascertain independently whether the transshipment of arms to Burundi was permitted as a matter of policy by the Tanzanian military, or whether it involved only rogue soldiers or other agents. On the other hand, according to these sources and shipping documents seen by Human Rights Watch, it is improbable that the Tanzanian troops could have ignored or misinterpreted the precise nature of these military goods, since sometimes tanks and trucks were transported under the unlikely rubric of ammunition. The Chinese connection is discussed in Chapter VII.

After the July 1996 coup and the imposition of regional sanctions on Burundi, Tanzania joined other regional governments in a new commitment to prohibit the transfer of arms and other items of a non-humanitarian nature to Burundian government forces. According to one key Tanzanian architect of the embargo, "About 80 percent of Burundi's cargo passes through here . . . Officially there can be no weapons . . . All humanitarian cargo is inspected here [in Dar es Salaam]."¹⁶⁰ Tanzanian Foreign Ministry officials were more skeptical of the embargo's effectiveness. One official told Human Rights Watch: "Maybe there are no longer any arms coming through here since they [the Arusha conveners] are so strong. Arms come through here regularly for Rwanda and Uganda. We just hope and pray that there are no diversions."¹⁶¹ Another official called on Human Rights

¹⁵⁹ Human Rights Watch interviews with port officials, cargo company staff, and import/export firms' employees, Dar es Salaam, August-September 1996. Human Rights Watch examined and compared documents listing the same cargo described as ammunition and trucks and tanks. Human Rights Watch also reviewed documents signifying receipt and transport of cargo by the Ugandan military.

¹⁶⁰ Human Rights Watch interview with Felix Mosha, former government official and spokesperson for the South Commission, Dar es Salaam, August 30, 1996.

¹⁶¹ Human Rights Watch interview with an official at the Tanzanian Ministry of Foreign

Watch to investigate and "view sanctions busting," which he claimed was taking place.¹⁶² Several Tanzanian entrepreneurs involved in the export/import business shared the Foreign Ministry officials' skepticism. One businessman interviewed by Human Rights Watch expressed awareness of ongoing illicit arms flows to Burundi, exclaiming: "There are people who are wheeling and dealing . . . The customs is very corrupt, the port is very corrupt . . . Arms and ammunition are generally declared incorrectly."¹⁶³

Support for the Insurgents

Affairs, Dar es Salaam, September 9, 1996.

¹⁶² Human Rights Watch interview with an official at the Tanzanian Ministry of Foreign Affairs, Dar es Salaam, September 6, 1996.

¹⁶³ Human Rights Watch interview with a Tanzanian importer, Dar es Salaam, September 5, 1996.

Whereas the Tanzanian government has attempted to curb at least some arms transfers to the Tutsi-dominated military forces and allied militias in Burundi, it has also permitted the Hutu-dominated military opposition to carry out operations from Tanzanian territory without apparent restrictions and to receive weapons and other forms of material assistance on its soil. Especially since the July 1996 coup in Burundi, Tanzania has become a political center for the Burundian Hutu opposition and a military hub for the FDD, thereby replacing Zaire as the preferred sanctuary for this group. Both FROLINA and PALIPEHUTU insurgency forces have maintained bases in Tanzania for at least the past decade. But the association between the Burundian Hutu and their Tanzanians hosts dates back from the 1972 massacres, when many Hutu fled their country and took refuge in Tanzania. Some of the Burundians later served in the Tanzanian People's Defense Forces or were trained by them.¹⁶⁴ According to Burundian rebel officials and a western diplomat, rebel soldiers continued to be trained in Tanzanian military bases in 1995 and 1996.¹⁶⁵

¹⁶⁴ Human Rights Watch interviews, Kamenge, March 18 and 20, 1996, Uvira, February 23 and 24, 1995, and Dar es Salaam, August 29 and September 4, 1996.

¹⁶⁵ Human Rights Watch interviews with FDD rebels, Uvira, February 23-24, 1995; and with a British diplomat, Bujumbura, October 6, 1996.

Tanzania has also permitted rebel leaders to solicit support on Tanzanian soil from governments such as Sudan and Iran, which maintain embassies in Dar es Salaam. In interviews with rebel leaders Human Rights Watch was able to confirm this connection.¹⁶⁶ A rebel leader also claimed he discussed with a senior Tanzanian official those countries that offered to provide the rebels with military assistance, and how and where the rebels would be allowed to receive related equipment.¹⁶⁷ Although Burundi is largely Christian, several political leaders of the rebel forces belong to the 1 percent of Burundians who are Muslim. These leaders have direct ties to Islamic organizations and governments in the Middle East and have been able to obtain funding from these sources to purchase weapons on the open market. A FRODEBU party leader described important financial linkages between FRODEBU and Muslim financiers in Saudi Arabia, Pakistan, Iran and Iraq. According to senior CNDD and FRODEBU leaders, however, the fear of losing Western diplomatic support has restrained the rebels from seeking weapons directly from Muslim sources. Instead, they say, Muslim countries have been providing them with funds for their political and military agenda. As one senior CNDD leader put it: "For [Muslim] countries, it is difficult to give [us] arms directly. We prefer money. We want financial assistance. These countries give us money to buy weapons."¹⁶⁸ For example, Hutu rebel forces have been able to obtain arms from manufacturers in Italy through financial support from Muslim sources.¹⁶⁹

Rebel forces have carried out attacks from Tanzanian territory on targets in Burundi, particularly in the south and northeast of the country. This has happened despite an increased presence of Tanzanian troops on the border coupled with the announcement by the Tanzanian army of a state of high alert in 1996. Human

¹⁶⁶ The Sudanese and Iranian embassies in Dar es Salaam transferred funds to a Burundian rebel leader to his National Bank of Commerce account in Dar es Salaam. Human Rights Watch was able to confirm this with bank documents, but neither the amounts nor the purposes of these funds were disclosed.

¹⁶⁷ Human Rights Watch interview with a FROLINA official, Dar es Salaam, September 4, 1996.

¹⁶⁸ Human Rights Watch interview with a senior CNDD official, Dar es Salaam, September 13, 1996.

¹⁶⁹ Human Rights Watch interviews with a senior CNDD official, Dar es Salaam, September 16, 1996, and with a European diplomat, Kampala, September 19, 1996.

Rights Watch was told by Hutu rebels and NGO aid workers that civilian refugee camps serve as shelters, recruiting grounds and launching pads for military operations. There are weapons in the camps, and arms trafficking takes place on a regular basis. These weapons are said to have an increasingly destabilizing impact on neighboring Tanzanian communities and on travelers, and have contributed to an upsurge in crime committed by Tanzanian gangs.¹⁷⁰

While the Tanzanian government has permitted Hutu rebels to establish operational bases on Tanzanian soil, it has closed its border to Burundian asylum seekers on numerous occasions and forcibly repatriated Hutu civilian refugees. This restrictive policy toward the refugees has exposed them to human rights abuses which have resulted, in part, from the rebel activities that the government has permitted to take place on or from its national territory.

The Role of Kenya

¹⁷⁰ Human Rights Watch interviews with a senior U.N. official, Ngara, March 25, 1995; with humanitarian field workers deployed in the refugee camps, Dar es Salaam, August 24 and September 3 and 10, 1996; and with an official at the Tanzanian Foreign Ministry, Dar es Salaam, September 11, 1996. An official of the U.N. Department of Humanitarian Affairs said: "Firearms are being used more and more [in the areas of the camps], and this is increasing the hostility of the local [Tanzanian] people. The Tanzanians never had a serious problem of arms trafficking; the refugees mainly came here with their weapons." Human Rights Watch interview, Dar es Salaam, September 16, 1996. Tanzania hosts more than 120,000 Burundian refugees in camps in the eastern part of the country, according to U.N. figures cited in "Burundi rebels head to Tanzania from Zaire bases," Reuter, November 19, 1996.

The government of Kenya has provided diplomatic and military protection to the leadership of both Rwandan and Burundian Hutu insurgent forces based largely in Nairobi. As Human Rights Watch observed during its field research in 1995 and 1996, these Hutu forces have met jointly in various Nairobi hotels to carry out military planning activities and arrange arms procurement and distribution.¹⁷¹ They have also forcibly collected "war taxes" among Rwandan and Burundian refugees in Kenya.¹⁷² Important financiers of military operations and arms procurers for the Rwandan and Burundian rebels reside and conduct their business in Kenya, and have negotiated arms deals on Kenyan soil.¹⁷³ Moreover, U.S. and U.N. officials told Human Rights Watch of the existence of an arms warehouse where weapons for these forces were being stored as of August 1996.¹⁷⁴

¹⁷¹ Human Rights Watch interview with a Kenyan academic and representative of the All-Africa Conference of Churches, Nairobi, August 14, 1996; and with U.N. officials, Nairobi, August 12 and 19, 1996; and observations during the investigation in Nairobi in 1995 and 1996.

¹⁷² Human Rights Watch interviews with Rwandan refugees, Nairobi, August 19, 1996.

¹⁷³ UNICOI described these activities in some detail in its third, unpublished, report to the U.N. secretary-general in October 1996, *Third Report of the International Commission of Inquiry (Rwanda)*, pars. 80-98.

¹⁷⁴ Human Rights Watch interviews with a U.S. official, Nairobi, August 12, 1996; with U.N. officials, Nairobi, August 12 and 19, 1996; and with a U.N. official, Kampala, September 18, 1996.

Kenya also served as a transshipment point on the African continent for weapons covertly going to both sides of the conflict in Burundi. At least one illicit shipment through Kenya of Chinese weapons for the Burundian military, and possibly Tutsi militia forces, was consigned to a Mombasa-based company, Sonotaco Kenya, Ltd. (see Chapter VII). In addition, arms trade sources told Human Rights Watch of one shipment of eastern European weapons bound for Hutu insurgent forces based in eastern Zaire that was flown to Nairobi before being transferred to a cargo flight to Goma. Another large shipment of weapons for CNDD forces in Tanzania was negotiated by a South African national and his Kenya-based Somali partner from a Nairobi hotel.¹⁷⁵ (See Chapter VI).

Finally, Human Rights Watch is concerned about allegations that a Kenyan munitions factory in Eldoret, which was built in partnership with the Belgium-based arms manufacturer FN-Herstal, may have been supplying Hutu militias in eastern Zaire with ammunition, at least up until the rebels' ouster from their bases in late 1996 (see Chapter IV).

¹⁷⁵ Human Rights Watch telephone interview from Nairobi with the Uganda-based business partners of these men in Kampala, October 10 and 11, 1996, and observations in Nairobi in October 1996.

VI. SOUTHERN AFRICA'S ARMS HYPERMARKET

An Old Industry in a New Order

After the United Nations imposed an arms embargo against the apartheid regime in South Africa in 1977, the South African government developed a sophisticated armaments industry of its own. This indigenous industry gained notoriety for selling to other pariah governments and armed opposition forces that were involved in human rights abuses, as well as to many countries at war. The post-apartheid government of President Nelson Mandela has declared that it is not currently involved in, and will not authorize, arms shipments in contravention of United Nations arms embargoes, and has adopted new guidelines governing its arms exports policy. All state arms sales are subject to approval by a ministerial-level review body, the National Conventional Arms Control Committee (NCACC), and by the minister of defense, who can issue a formal authorization based on the recommendation made by the NCACC. To ensure compliance with export procedures, the South African ambassador in a recipient country is required to certify the end-user documentation issued by that government for the transfer of South African weapons.¹⁷⁶ South Africa is currently the largest producer and exporter of weapons on the African continent.

The South African government is on record as stating that, as a matter of policy, it is not selling weapons to Burundi in light of the raging civil war and that it

¹⁷⁶ Human Rights Watch interview with Kader Asmal, the minister of Water and Forestry Affairs and chairman of the National Conventional Arms Control Committee, Pretoria, October 28, 1996. There are more than 700 companies in the South African defense industry. To export military goods and services, they must obtain a license issued by Armscor, South Africa's defense procurement agency. Armscor's activities are reviewed by the NCACC. James Brew, "A brisk little weapons business," *Electronic Mail & Guardian* (Johannesburg), April 24, 1997.

supports regional sanctions imposed against the regime of Pierre Buyoya. Ronnie Kasrils, the deputy minister of defense, told Human Rights Watch in October 1996 that Pretoria considered the Burundian regime “illegal” and would favor a change of government.¹⁷⁷ Human Rights Watch has no evidence that the South African government has supplied weapons to the Burundian armed forces.

¹⁷⁷ Human Rights Watch interview with Deputy Minister of Defense Ronnie Kasrils, Cape Town, October 29, 1996.

The government is also on record as saying that it is not providing support to Hutu rebel forces.¹⁷⁸ Nevertheless, Human Rights Watch is concerned about allegations by Hutu rebel officials that, during meetings with both high-ranking officials of the South African government and senior African National Congress (ANC) leaders, they have been encouraged to further their political objectives through military action. One meeting of top CNDD and FRODEBU leaders with preeminent members of the ANC reportedly occurred in February 1995.¹⁷⁹ Human Rights Watch has no evidence that government officials or ANC members have directly facilitated weapons transfers or provided other forms of military assistance to Hutu rebels as a result of these meetings, but notes that the rebels have obtained weapons from or via South Africa.

¹⁷⁸ Ibid.

¹⁷⁹ Human Rights Watch interview with a CNDD official, Dar es Salaam, September 13, 1996; and with a South African NGO official active in the Great Lakes region, Cape Town, September 27, 1996.

South Africa has continued to sell weapons to other governments in the Great Lakes region that abuse human rights. In November 1996, this practice seemed to be put on hold when the government decided to suspend arms sales to the government of Rwanda.¹⁸⁰ Although an international arms embargo on the Rwandan government was no longer in place in September 1996, fears persisted that some of the weapons included in a deal closed at that time between Pretoria and Kigali might be transferred to Rwanda's allies in the region or be used by Rwanda's forces in abuses of human rights.¹⁸¹ That welcome decision was reversed in July 1997, when the South African government went ahead with the sale, despite a flare-up in the fighting in western Rwanda and the involvement of Rwandan government troops in a series of atrocities.¹⁸²

While there is no evidence that the South African government has provided arms to the parties in the Burundian civil war as a matter of policy, Human Rights

¹⁸⁰ South Africa's deputy foreign minister, Aziz Pahad, declared that South Africa would refrain from selling arms to Rwanda until peace and stability returned to the Great Lakes region. Lionel Williams, "South Africa Suspends Arms Sales to Rwanda," Panafrican News Agency (Dakar), November 7, 1996.

¹⁸¹ At the time the September 1996 deal, valued at U.S.\$18.5 million, was suspended, a number of armored vehicles had already been provided to the Rwandan government. The international arms embargo on the government of Rwanda was lifted on September 1, 1996. The South African deal followed on the heels of the embargo's end, as the Rwandan government faced criticism from the United Nations and organizations like Human Rights Watch, FIDH, and Amnesty International. Human Rights Watch protested the deal on the basis of human rights concerns.

¹⁸² NCACC chairman Kader Asmal justified the weapons sale to Rwanda in October 1996 by stating that "a void is more dangerous"; that "the U.N. has lifted the arms embargo" on the Rwandan government; that the Rwandan government "is a legitimate government"; that the weapons constituted "self-defense equipment"; and that the value of the sale, 68 million South African Rand (about U.S.\$14 million), was "very small compared to what South Africa [under apartheid] used to send to [the previous government of] Rwanda." He added that "South Africa's strategic interest in the Great Lakes is complete demilitarization," and that "what we are sending [to Rwanda] is small stuff." Asmal also declared that South Africa was training Rwandan officers in South African training schools. Human Rights Watch interview, Pretoria, October 28, 1996. One diplomat in the Great Lakes region told Human Rights Watch: "I am most concerned about South African weapons [flows] to this region....South Africa is the largest supplier of newly manufactured arms in this area." Human Rights Watch interview, Bujumbura, October 5, 1996.

Watch has uncovered information that South African nationals have been heavily involved in arms trafficking, military training, advisory assistance, and surveillance operations—in what appears to be ~~MERCENARY~~ activity—in the Great Lakes region. It has been confirmed, moreover, that South African territory has served both as a conduit for arms transfers to Burundi and as a base of operations for expatriate arms traffickers. Arms traffickers have told Human Rights Watch that South Africa serves as a major transshipment route for their Burundian clients.¹⁸³

¹⁸³ Human Rights Watch interviews, Brussels, July-August 1996.

Both belligerent parties in Burundi have received arms and other kinds of military assistance through the services of South African nationals or companies registered in South Africa. It is widely believed in South African government and NGO circles that elements of the old apartheid regime, ensconced in defense-related industries, have been most active in the illegal trade in military goods and services.¹⁸⁴ This trade concerns not only stocks and inventories left in the hands of old-timers. U.N. officials and diplomats complained that newly manufactured South African weapons have ended up in central Africa. A U.N. investigator told Human Rights Watch that unused, newly packaged South African weapons were found on Iwawa Island after it was captured by the Rwandan government from Hutu rebel forces in the autumn of 1995.¹⁸⁵

The Rule of Profit

In September 1996, a consignment of AKM assault rifles, hand grenades, anti-tank mines, rocket-propelled grenades and ammunition was on offer to Burundian buyers by a South African arms merchant. The consignment was detailed in a confidential list examined by Human Rights Watch. According to Burundian government officials and Burundian rebels with knowledge of this transaction, the person facilitating the deal was a South African national, and the supplier was the G.M.R. Group, which is registered in South Africa. G.M.R. reportedly first attempted to sell the consignment of arms and ammunition, originating from Somalia, to the Burundian military, with the South African facilitator making this approach from his business address in Kampala, Uganda. G.M.R., however, suspended negotiations over the deal after Burundi's neighbors imposed

¹⁸⁴ Both NCACC head Kader Asmal and Deputy Minister of Defense Ronnie Kasrils suggested as much in interviews in October 1996 (see above). UNICOI reported that it had been told the following by South African officials when it visited the country in September 1996: "[I]ndividuals who had been involved in the arms trade or the armed forces during the apartheid era were still active in an individual capacity or in private industry." *Third Report of the International Commission of Inquiry (Rwanda)*, par. 27.

¹⁸⁵ Human Rights Watch interview, Nairobi, January 25, 1996. UNICOI made reference to the discovery of at least one weapon of South African manufacture in its second report to the U.N. secretary-general, and recorded the South African government's response that the weapon had been manufactured in 1987 and sold to the government of Rwanda in May 1991. *Report of the International Commission of Inquiry (Rwanda)*, S/1996/195 (March 14, 1996), pars. 42 and 45.

sanctions on Burundi in response to the July 1996 coup. At this point, the arms were reportedly offered to Burundian rebel forces through their representatives in Kenya, and the deal was closed. On or about September 11, the weapons were off-loaded in the port of Mtwara in southern Tanzania, where senior CNDD representatives took possession of them. The weapons were first stored in Dar es Salaam before being transported further into the interior of Tanzania.¹⁸⁶

Arms by Rail

¹⁸⁶ Human Rights Watch interviews with persons involved in the deal in Bujumbura, October 1996, Kampala (by telephone from Nairobi), October 10 and 11, 1996, Nairobi, October 10 (by telephone) and October 11, 1996, and Dar es Salaam, September 15 and 16, 1996.

A most disturbing aspect of the South African connection is the implication that the arms trade may have had high-level government protection, not least in the involvement of the South African state-owned railway company Spoornet in arms shipments to the Hutu rebels through Zambia to Tanzania. During its field investigation, Human Rights Watch interviewed representatives of Spoornet who frequently traveled through Zambia and Tanzania on Spoornet business. According to these officials, South African nationals often ferried arms by rail to Burundian rebel forces in Tanzania. *THEY TOLD US SPOORNET WAS AWARE OF THE SHIPMENTS, AND THAT TRAFFICKERS LIKED THE RAILWAY ROUTES BECAUSE CUSTOMS INSPECTIONS COULD BE EASILY EVADED.* In doing so, arms traffickers took advantage both of relief convoys, to conceal the content of their military goods, and loopholes in customs procedures.¹⁸⁷

¹⁸⁷ Human Rights Watch interviews with two Pretoria-based Spoornet officials, Johannesburg, September 24, 1996.

According to our sources, in one case in July 1996, weapons were loaded onto Spoornet trains in a convoy part of which was chartered by the World Food Programme (WFP). After being sealed, the trains proceeded from South Africa to the Zambian-Tanzanian border. From there the weapons were transported to Dar es Salaam by the Tanzania-Zambia Railway Authority (TAZARA). Since the cargo had been sealed, the same Spoornet officials explained, it was not inspected by either South African or Zambian officials, in accord with customs agreements applicable to members of the Southern Africa Development Community (SADC). When asked by Human Rights Watch whether the WFP had been informed of the deadly cargo traveling with the humanitarian organization's relief supplies, David Morton, chief of the WFP's Logistics Service, stated that his organization had not sent any food by rail from South Africa to Dar es Salaam in 1996, but that in July 1996, the WFP "arranged with South African Railways (Spoornet) to lease four railways locomotives for use in Tanzania to move relief food for the Great Lakes emergency. These locomotives were dispatched by Spoornet in one train which consisted of eleven units," including the four locomotives, five covered wagons, one mobile workshop, and one inspector coach. Morton added that the WFP had "never had any indication or reports that anything other than the eleven units [of the convoy] and legitimate contents were carried."¹⁸⁸ The Spoornet case illustrates how humanitarian transport can be used unscrupulously without the relief organizations' knowledge and, as discussed in Chapter IX, despite their best efforts to check the bona fides and honesty of their contractors.

Procurement

Senior CNDD and FRODEBU officials in Dar es Salaam, addressing the issue of weapons procurement, told Human Rights Watch that the rebels most often bought weapons from private sources in South Africa, and paid for them in cash.¹⁸⁹ Diplomats at two Western embassies in Dar es Salaam complained to Human Rights Watch about arms deliveries from South Africa to Burundian rebel forces in Tanzania. One diplomat with expertise in the monitoring of weapons flows told Human Rights Watch: "The arms come from South Africa. This is a painful

¹⁸⁸ Letter from David Morton to Human Rights Watch, October 10, 1997.

¹⁸⁹ Human Rights Watch interviews with CNDD and FRODEBU officials, Dar es Salaam, September 6, 13, and 16, 1996.

political thing . . . They [the South African authorities] can and have been developing this. If you feed ravens, they will pick out your eyes.”¹⁹⁰

Senior CNDD and FRODEBU representatives have also told Human Rights Watch that they travel to South Africa frequently to procure military supplies and training from private sources.¹⁹¹ United Nations officials asserted that retired South African military officers acted as middlemen in shipping weapons to Hutu groups based in eastern Zaire. The weapons from South Africa were sent to the Zairian port of Matadi for onward transport to Kinshasa, and finally to the Kivu region.¹⁹²

¹⁹⁰ Human Rights Watch interview with a foreign embassy official accredited to Burundi, Dar es Salaam, September 13, 1996.

¹⁹¹ Human Rights Watch interviews, Dar es Salaam, September 13, 1996, and Nairobi, August 11, 12 and 18, 1996.

¹⁹² Human Rights Watch interviews, Nairobi, September 23, 1996.

A U.N. investigator told Human Rights Watch that members of the former Rwandan military and Hutu militias have traveled to South Africa from their bases in eastern Zaire seeking political and military assistance. One meeting allegedly took place in December 1995, and reportedly involved former South African Defense Force officers as well as representatives of the Inkatha Freedom Party.¹⁹³ The *Sunday Independent* (Johannesburg) reported in July 1996 that former intelligence agents and officials of the apartheid era had been involved in brokering illegal shipments of small arms, explosives and communications equipment to Burundian and Rwandan Hutu rebel groups. The newspaper reported that weapons were loaded from the Wonderboom airfield near Pretoria and the Lanseria airport near Johannesburg and flown to rebel forces using routes through Zaire, Zambia and Angola.¹⁹⁴ Given the alliance between the Rwandan and Burundian rebels (and aside from the fact that Rwandan rebels continue to be under an international arms embargo), Human Rights Watch considers that an inquiry by the South African government into these allegations is warranted.

Some positive action has already been reported. The South African High Commissioner in Kenya has asked the Burundian government for the serial numbers of South African weapons that the Burundian military claimed it captured from Hutu rebels in Burundi.¹⁹⁵ Human Rights Watch has no further information regarding the outcome of the query.

THE CAMERON COMMISSION

The South African government of President Nelson Mandela, which took office in May 1994, recognized early on that illegal arms shipments to the Great Lakes region had taken place and could be continuing, and that elements of the apartheid regime were actively involved in this trade. In October 1994, President Mandela appointed a special commission, known as the Cameron Commission after its chair, Edwin Cameron, to launch a judicial inquiry into a particular arms transaction to the Middle East involving South Africa's defense procurement and exporting agency, Armscor, and into any related transactions in violation of any law

¹⁹³ Human Rights Watch interview, Kampala, September 19, 1996.

¹⁹⁴ The article is referred to in a Reuter story, "Safriicans Selling Arms to Hutus - Newspaper," Reuter, July 28, 1996.

¹⁹⁵ Human Rights Watch interview with Stanislas Nakaha, Ambassador of Burundi to Kenya, Nairobi, August 17, 1996.

or international embargo. In addition, the commission was asked to "comment . . . on the appropriateness" of South Africa's policy and decision-making process with regard to the trade in weapons and related materials.¹⁹⁶

¹⁹⁶ Commission of Inquiry into Alleged Arms Transactions Between Armscor and One Eli Wazan and Other Related Matters, *First Report* (Johannesburg, June 15, 1995), pp. 3-4.

The Cameron Commission's narrow mandate (which did not extend to any arms trafficking that occurred after the establishment of the commission in October 1994), constrained powers (as a commission of inquiry), and limited resources (which prevented it from hiring investigators) so far have militated against a broad review of arms trafficking through or from South Africa and by South African nationals. Meanwhile, the state security services have not been effective in undertaking such investigations, partially because they are in a process of transformation, with elements from the apartheid regime still present in their ranks. An official explanation of the problems faced in stopping the trafficking is that the country has porous borders and poor controls at official ports of entry; that understaffed ocean ports and airports make security easy to breach; and that many arms shipments take place at night when no staff is on duty.¹⁹⁷ Even if the difficulties described were not overstated, it appears doubtful that these alone would account for the ease with which traffickers move in and out of the country. Against this backdrop, and despite growing awareness in South African government circles of the problem of arms trafficking, Human Rights Watch remains concerned that few concrete steps have been taken to address the issue effectively.

¹⁹⁷ Human Rights Watch interview with Deputy Minister of Defense Ronnie Kasrils, Cape Town, October 29, 1996.

Military assistance and training has reportedly been provided to both sides in the armed conflict in Burundi by South African nationals and companies registered in South Africa. For example, according to air cargo personnel claiming to be directly involved, an air freight company registered in South Africa provided counterinsurgency air surveillance to the Burundian military on an on-going basis until at least June 1996.¹⁹⁸ Government steps to regulate or halt such assistance in 1997 have included new legislation designed to restrict both arms transfers and the activity of security services widely denounced as mercenary. The draft bill on mercenaries prohibits South African nationals from providing military or military-related services to forces outside South Africa without the government's consent. According to the bill, which has yet to be approved by parliament, those wishing to provide such services must first receive authorization from the minister of defense who, as in the case of weapons exports, acts on the basis of recommendations made by the NCACC. Any citizen or resident of South Africa who provides such services outside of the country without permission would be punishable for illegal mercenary activity.¹⁹⁹

THE NEW RULES WILL APPLY TO SOUTH AFRICAN SECURITY ORGANIZATIONS LIKE EXECUTIVE OUTCOMES (E.O.), REGISTERED IN, AND OPERATING OUT OF, SOUTH AFRICA SINCE 1989.²⁰⁰ THIS FAR NO PUBLIC INFORMATION EXISTS SUGGESTING THAT THE SOUTH AFRICAN GOVERNMENT HAS TAKEN STRONG MEASURES AGAINST SOUTH AFRICAN MERCENARIES OPERATING IN CENTRAL AFRICA. BUT DIPLOMATIC SOURCES HAVE INDICATED TO HUMAN RIGHTS WATCH THAT THE SOUTH AFRICAN GOVERNMENT IS FULLY AWARE OF E.O.'S ROLE, PARTICULARLY IN PROVIDING MILITARY SERVICES AND TRAINING TO CNDD FORCES IN ZAIRE. HUMAN RIGHTS WATCH HAS SEEN SOUTH AFRICAN GOVERNMENT CABLES CONFIRMING THOSE AUTHORITIES' POSSESSION OF THIS INFORMATION.²⁰¹ THE EUROPEAN UNION'S SPECIAL REPRESENTATIVE TO THE GREAT

¹⁹⁸ Human Rights Watch interviews, Bujumbura, March-April 1996, and Brussels, July 25, 1996. Human Rights Watch does not know the name of the company involved.

¹⁹⁹ Republic of South Africa, Regulation of Foreign Military Assistance Bill, B54-97 (Ministry of Defense, 1997). The draft bill was presented to parliament on July 11, 1997, and would normally be referred to the parliament's defense committees before coming to a full vote.

²⁰⁰ EXECUTIVE OUTCOMES, WHICH HAS ALSO BEEN REGISTERED IN THE U.K. SINCE 1993, HAS BEEN EMPLOYED BY THE GOVERNMENTS OF BOTH ANGOLA AND SIERRA LEONE TO TRAIN GOVERNMENT FORCES AND FIGHT INSURGENTS THERE. A NUMBER OF E.O.'S TOP OFFICERS ARE UNDER INVESTIGATION BY SOUTH AFRICA'S TRUTH AND RECONCILIATION COMMISSION FOR PUNISHABLE OFFENSES, INCLUDING ASSASSINATIONS, DURING THE APARTHEID ERA.

²⁰¹ Human Rights Watch was able to read the cable traffic during its investigation in Africa, in September 1996.

LAKES REGION, ALDO AJELLO, TOLD HUMAN RIGHTS WATCH THAT IN MID-1996 HE HAD CONFIRMED E.O.'S TRAINING OF HUTU REBEL FORCES AND DISCUSSED IT WITH THE SOUTH AFRICAN GOVERNMENT.²⁰²

Mozambique and Zimbabwe

²⁰² Human Rights Watch interview, Bujumbura, October 5, 1996. A European military observer based in Bujumbura told Human Rights Watch that he had information confirming E.O.'s role in training Burundian Hutu rebels. Human Rights Watch interview, Bujumbura, October 6, 1996.

Diplomats based in Tanzania claim that Mozambique National Resistance (Resistência Nacional Moçambicana, RENAMO) forces in Mozambique have been supplying weapons to Burundian Hutu rebels. According to these diplomats and Tanzanian officials, the role of Mozambique in arms trafficking was discussed by Tanzanian government representatives, South African government officials, and the E.U. Special Representative Aldo Ajello on several occasions in 1996. According to diplomats in Uganda, weapons are also transported from Mozambique via Uganda to Tutsi militia forces in Burundi.²⁰³ In none of these cases was Human Rights Watch able to determine whether the Mozambican government was directly responsible for or even aware of the shipments.

A group of traffickers known in the past for having supplied arms and military equipment to RENAMO during much of the Mozambican war were also reportedly operating in Burundi. Tutsi groups have benefited from the services of these individuals who have represented themselves as evangelical Christian

²⁰³ Human Rights Watch interviews, Kampala, September 19, 1996.

missionaries and have been identified, at different times, as Rhodesian, Zimbabwean, or U.S. nationals. The cover afforded by these chameleon-like tactics has allowed these “Zimbabweans” to maintain bases of operation extending from South Africa to Malawi and Kenya.²⁰⁴

²⁰⁴ This case illustrates that illicit networks which are identified and not brought to justice for their crimes in one conflict zone may shift their operations to other areas of conflict. The Human Rights Watch investigator reported on the activities of the “Zimbabwean” nationals during the Mozambique war, only to find them carrying out similar illicit activities in support of non-state military actors in Burundi. See Kathi Austin, *Invisible Crimes. U.S. Private Intervention in the War in Mozambique* (Washington, D.C.: Africa Policy Information Center, 1994), pp. 16-18 and 27-32; Human Rights Watch encounter with one of the “Zimbabwean” nationals, Bujumbura, April 3, 1996; as well as interviews with Tutsi militiamen affiliated with the “Zimbabweans,” Bujumbura, March 31, 1996.

VII. THE CHINESE CONNECTION

Arms at a Discount with Efficient Delivery

The People's Republic of China (PRC), a significant provider of weapons to various actors in the Great Lakes region for more than a decade, has been a major source of arms to Burundian government forces and Tutsi militias. In other conflicts, China sometimes supplied weapons to both sides at the same time. In the case of Rwanda, for example, China supplied arms to both the forces of the government ousted in 1994—and subsequently based in eastern Zaire—and the RPF-led government. Both these activities were in violation of the international arms embargo on Rwanda.²⁰⁵ China has also provided development aid to countries in the Great Lakes region. Maintaining an embassy in Bujumbura, China has enjoyed good relations with the current Buyoya government.

During the past decade, China's main arms manufacturers and exporters, all state-owned companies, have become more aggressive in their export marketing, reflecting a change in Chinese policy to make ministries and government corporations responsible for raising their own revenues. Military industries, however, ~~LIKE OTHER GOVERNMENT-HELD AGENCIES, HAVE BEEN RIFE WITH CORRUPTION. ARMS AND OTHER MILITARY EQUIPMENT ARE OFTEN DIVERTED FROM MILITARY STOCKPILES AND SOLD FOR PERSONAL~~

²⁰⁵ For Chinese arms transfers to the ex-FAR in Zaire, see Human Rights Watch Arms Project, "Rearming with Impunity," p. 15. For Chinese arms transfers to the RPF-led government in August 1994 and March 1995, when an international arms embargo on Rwanda remained in force, see below.

PROFIT, OSTENSIBLY WITHOUT HIGH-LEVEL GOVERNMENT SANCTION. A NUMBER OF CASES HAVE COME TO LIGHT IN RECENT YEARS IN WHICH COMPANIES OR INDIVIDUALS ARE ALLEGED TO HAVE BEEN ENGAGED IN THE ILLEGAL EXPORT OF WEAPONS AND OTHER MILITARY EQUIPMENT AND TECHNOLOGY.²⁰⁶

²⁰⁶ SOME CHINA EXPERTS SUGGEST THAT THE GOVERNMENT MAY ENCOURAGE SUCH TRANSACTIONS, PREFERRING NOT TO GIVE THEM ITS STAMP OF APPROVAL IN ORDER TO CONCEAL ITS OWN ROLE. SUCH ACTIVITIES WOULD AFFORD A MEASURE OF "PLAUSIBLE DENIABILITY" IN INTERNATIONAL AFFAIRS, ESPECIALLY IN CASES OF SHIPMENTS THAT VIOLATE THE LAWS OF OTHER STATES. HUMAN RIGHTS WATCH INTERVIEWS WITH U.S. DEFENSE OFFICIALS, WASHINGTON, D.C., APRIL 1 AND 3, 1997. HUMAN RIGHTS WATCH HAS IN ITS POSSESSION A SET OF INTERNAL (*neibu*) REGULATIONS OF THE CHINESE GOVERNMENT WHICH REFER TO THE USE OF "SECRET CHANNELS" IN THE TRANSFER OF EMBARGOED GOODS. POINT 6 OF THE REGULATIONS, ISSUED BY THE MINISTRY OF STATE SECURITY (MSS) IN 1984, STATES: "CONCERNING EMBARGOED EQUIPMENT AND MATERIALS THAT ARE IMPORTED VIA SECRET CHANNELS...SECRECY SHOULD BE MAINTAINED." *TEMPORARY REGULATIONS ON PRESERVING SECRETS IN THE COURSE OF EMPLOYING FOREIGN EXPERTS* (BEIJING: AUGUST 1994).

For many developing countries China is a desired patron because it sells arms competitively, often marketing cheaper models of weapons at lower prices.²⁰⁷ Moreover, according to one expert on Chinese weapons export policy, "With its comprehensive, dependable, and inexpensive line of hardware, the PRC is well positioned to secure more contracts from impoverished, isolated, and threatened clients Developing countries and states with narrowly based economies will be more inclined to purchase Chinese weaponry since the PRC, with its expanding resources, will be able to arrange favorable offset and countertrade agreements."²⁰⁸

Until the mid-1980s, most of China's international arms transactions came under the purview of the Ministry of Ordnance. With growing foreign interests in Chinese weapons in the late 1980s and following several controversial arms deals with developing countries, the government established new review procedures. The new directives required not only the military but also the Foreign Ministry and other civilian agencies to sign off on arms exports. The result was the establishment of the State Commission for Arms Export Administration (SCFAEA), an export control agency whose members include senior officials from the Ministry of Foreign Affairs, the Ministry of Foreign Economics and Trade, the People's Liberation Army's General Staff, and the PLA's Commission of Science, Technology and Industry for National Defense. According to Karl Eikenberry, "The State Arms Export Administration (SAEA) serves as the Commission's executive agency. All proposed major arms sales are reviewed by SCFAEA and must subsequently be

²⁰⁷ Human Rights Watch interviews with U.S. defense officials, Washington, D.C., April 1 and 3, 1997; and Karl W. Eikenberry, *Explaining and Influencing Chinese Arms Transfers* (Washington, DC: Institute for National Strategic Studies, National Defense University, February 1995), pp. 34 and 39.

²⁰⁸ Ibid., p. 39.

authorized by the Central Military Commission and State Council. If approved, the SAEA grants official export licenses.”²⁰⁹

The Arms “White Paper”

In 1995, the government published a “White Paper” which was said to outline China’s arms control, arms exports and disarmament policy. The paper stated: “China exercises a strict control over the transfer of military equipment and related technologies and has established an appropriate administrative organization and operating mechanism to this end.” Emphasizing China’s “centralized control of transfers of military equipment and related technologies,” the paper went on:

Government departments and companies engaged in transfers of military equipment and technologies must be authorized, registered and approved by the government. Their activities must remain strictly within the business scope approved. Contracts for transfers of military equipment and technologies require approval before going into effect. . . . Stern legal sanctions shall be taken against any company or individual who transfers military equipment and technologies without proper government examination and approval.

The paper also listed the principles China says it employs in deciding on particular transfers of conventional weapons:

²⁰⁹ Ibid., p. 47.

The export of such weapons should help the recipient nation increase its appropriate defense capacity. The transfer must not impair peace, safety or stability regionally or globally. China does not use trade in weaponry to interfere in sovereign states' internal affairs.²¹⁰

The "White Paper" offers a good standard against which to measure China's arms export policies in the Great Lakes region. The sales of arms of which Human Rights Watch is aware—to both sides of the civil war in Rwanda, to Burundi, and to Sudan—all have been sales to parties engaged in egregious abuses of human rights, including genocide in Rwanda. Even if human rights is not one of the principles named in the White Paper, as it should have been, it should be clear that arms sales to forces in the Great Lakes region are highly destabilizing and constitute a severe threat even to the prospect of peace. It is important to add that China has prided itself on its non-aligned credentials. Non-alignment appears to have translated into selling arms to all sides rather than contributing to a lessening of tensions in the most conflict-ridden areas of Africa.

²¹⁰ Text provided to Xinhua news agency (Beijing) by the Information Office of the State Council of the People's Republic of China, and reproduced in "Xinhua Runs Text on Arms Control," FBIS-PRC, serial OW1611081795, November 16, 1995.

Moreover, in the “White Paper” China also claims to attach great importance to the principle of “transparency in armaments,” particularly with the aim of “advancing peace, security and stability for every country and region and the entire world.”²¹¹ Human Rights Watch has found evidence of practices that run directly counter to this principle. Chinese state companies have falsified information on arms shipments to Burundi in an effort to hide both the destination and the content of arms cargoes to Burundian clients. Similarly, companies sought to conceal weapons deliveries to the Rwandan government in 1994 and 1995 at a time when an international arms embargo remained in place against Rwanda.

It should be noted that U.S. government defense analysts with China experience interviewed by Human Rights Watch claim that the “White Paper” merely serves as control guidelines primarily for sensitive arms and technologies sold by sensitive companies or government ministries to sensitive foreign clients. Although it appears on paper that arms transfers require approval at the highest level of government, these analysts maintain that in practice transfers of certain kinds of weapons, including small arms, to “non-sensitive” countries do not. Similarly, despite the fact that all corporations are owned by the Chinese government, these U.S. sources claim, managerial decisions are often decentralized, leaving room for managers to pursue various foreign military sales options. At the same time, aggressive Chinese arms sellers and marketers have found circuitous routes to transfer arms, often using “cut-out” companies to conceal the actual client and end destination of the arms.²¹²

Arms by the Shipload: Reviewing the Paper Trail

²¹¹ The “White Paper” qualified this support of transparency by calling for the implementation of “proper and feasible transparency measures” to “be decided on through equal consultations by all countries and be implemented on voluntary basis [sic].”

²¹² Human Rights Watch interviews, Washington, D.C., April 1 and 3, 1997.

In May 1995, Human Rights Watch published a report that highlighted the role of China, among other states, in arming the perpetrators of the Rwandan genocide who had fled to military camps in eastern Zaire.²¹³ Human Rights Watch has obtained further evidence indicating that China continues to supply weapons to abusive forces in central Africa. The evidence emerges from an inspection of customs, port and railway records in Tanzania, as well as interviews with officials in the shipping, transport and import-export industries in Tanzania, Burundi, Kenya and Uganda who were intimately familiar with the particular shipments listed below.

Tanzania has been the main country of transshipment of weapons sold by Chinese state-owned companies to the government of Burundi, and possibly, according to Tanzanian government officials, to supremacist Tutsi groups in Burundi as well. The shipments in question, which have been confirmed by a number of sources in Tanzania, Uganda and Burundi, took place from late 1994 until September 1996. Although Human Rights Watch obtained information about other shipments from China prior to the end of 1994, it was unable to verify certain details on the basis of official records, since key documents had apparently been destroyed in a fire at the National Shipping Agencies Co. Ltd. (Nasaco) in Dar es Salaam.

Human Rights Watch has found that the final destination of the various weapons consignments arriving in Tanzania from China for transshipment to Burundi is precisely labeled by the responsible shipping agency. In some cases, the final destination refers to more than a single country; in these instances, we provide both listed final destinations below. It appears that in the case of some shipments only one recipient country is openly recorded on public documents while another recipient country is listed in a way comprehensible solely to parties privy to the covert consignment. In the case of the shipments listed below, persons involved in the shipments who understood the precise meaning of the various labels indicated to

²¹³ Human Rights Watch Arms Project, "Rearming with Impunity," p. 15.

Human Rights Watch which of the shipments, according to the secret coding, had Burundi as their final destination.²¹⁴

²¹⁴ Shipping companies use codes to refer to the destination of their cargo. The words "code" and "coding" is used in this section for the sake of brevity. Human Rights Watch was able to interpret the real destination of various cargoes by painstakingly comparing labels, manifests and other available documentation with information obtained in dozens of interviews with port officials, cargo company sources, and transport and import-export industries staff in Dar es Salaam in the period August 22-September 17, 1996.

Other methodological problems arose. Human Rights Watch found that recorded shipment dates were not always reliable. They alternatively referred to the arrival date, the expected arrival date, or the dates of the docking period of a ship rather than the date on which goods were actually delivered to the shipping agent. Officials charged with overseeing the administration of the transshipments confided that their own notations as to the delivery of goods were not always precise. It should be noted that occasionally the names of the actual ships (although still belonging to the same company) were changed on the consignment documents to further conceal the delivery of sensitive cargo. Furthermore, it has proven difficult to determine in all cases what the exact nature of any given arms shipment was as the consignments were sometimes mislabeled. Human Rights Watch learned, for example, that it was standard practice for at least one shipping agent, Sinotaship, based jointly in Tanzania and China, to label arms shipments as "cases of ammunition." This was done to conceal the nature of military hardware such as tanks and heavy vehicles. Finally, Human Rights Watch learned that certain military shipments from China were deemed so sensitive by the Chinese government that no proper documentation accompanied the goods. In these instances, Chinese officials would fly from China to deal directly with the consignee, and the transaction was concluded at the Chinese embassy in Dar es Salaam.²¹⁵

For most of the weapons shipments to Burundi described below, the Tanzanian People's Defense Forces, under government guidelines, supervised the discharge of the weapons in the port of Dar es Salaam and the on-carriage through Tanzania. Since these shipments constituted military cargo, they were considered secret and were escorted to the Tanzanian border jointly by the Tanzanian military and military forces of the recipient country or a third country. Those informed of these shipments were the responsible shipping agency (the Chinese-Tanzanian Joint Shipping Company), the Tanzanian People's Defense Forces, and both the consigner and consignee.

The Ships and their Cargoes: Recent Shipments

²¹⁵ Human Rights Watch interview with an agent at Sinotaship, Dar es Salaam, September 15, 1996.

The following are examples of shipments of arms from China to Burundi in 1994-96. This is not an exhaustive list, and the ships named below in all cases also carried cargo other than arms. Some carried military equipment intended for countries other than Burundi.

- In the period August 1-10, 1994, the ship MV *Ruvo* off-loaded a weapons consignment from China in Dar es Salaam, with the final destination listed as both Rwanda and Burundi.²¹⁶ Ugandan soldiers took delivery of the cargo in Dar es Salaam, and transported the weapons to Uganda by rail. At the time, Rwanda was under an international arms embargo, and this particular shipment would therefore have constituted a violation of that embargo.²¹⁷
- On September 27, 1994, the ship *Ruaha* delivered ammunition to the port of Dar es Salaam, with the final destination filled in as Uganda. The consignment also contained coded information which, according to persons involved with the shipment, listed Burundi as an additional destination.
- On November 25, 1994, the ship *Shunyi* delivered a cargo of ammunition to the port of Dar es Salaam, with the destination listed as Burundi.²¹⁸ The

²¹⁶ The MV *Ruvo* is listed as the *Ruvo* in some documents. In this particular case, the ship was also referred to as the *Pingu* in at least one set of documents seen by Human Rights Watch; according to persons involved in the transaction, it was clear that the shipment concerned the same ship. The *Pingu* was, in fact, another of the ships on record for having delivered Chinese arms to the port of Dar es Salaam. (See below).

²¹⁷ On May 17, 1994, the United Nations Security Council issued Resolution 918, imposing an international arms embargo on Rwanda. The embargo also applied to forces of the Rwandan government ousted in July 1994 (as clarified in Resolution 997 of June 9, 1995). Resolution 1011, passed on August 16, 1995, ordered a one-year suspension of the embargo on the Rwandan government, while it retained the embargo on forces of the former government, which in the meantime had fled to refugee camps in Zaire, where they remained until they were expelled in late 1996. The one-year suspension of the embargo on the Rwandan government continued until September 1996, at which time it was lifted. The embargo on arms to the forces of the former government continued to be in place in October 1997.

²¹⁸ The *Shunyi* is listed as the MV *Shunyi* or the *Shu Yi* in some documents.

cargo was transported by Uganda Railways to Tabora, for possible onward shipment to Uganda (and Burundi) via Mwanza on Lake Victoria, or to Burundi via Kigoma on Lake Tanganyika.

- On February 24, 1995, the ship *Ruaha* delivered ammunition to the port of Dar es Salaam, with the final destination filled in as Uganda. The consignment also contained coded information which, according to persons involved with the shipment, listed Burundi as an additional destination.
- On March 19, 1995, the ship *Pingu* delivered two separate consignments of military equipment, one a set of seventy boxes and the other a set of fifty-five boxes, as well as five aircraft engines, to Dar es Salaam, with both Rwanda and Burundi listed as the final destinations. At least some of the cargo was transported from Dar es Salaam to Tabora by Uganda Railways for apparent onward shipment to Uganda. At the time, Rwanda was under an international arms embargo, and this particular shipment would therefore have constituted a violation of that embargo.
- On April 4, 1995, the ship *Shunyi* arrived in Dar es Salaam with 3,643 cases labeled "ammunition" for onward delivery to Burundi. The Tanzanian authorities' action to stop the off-loading of the shipment received intense press coverage and triggered a flurry of diplomatic activity. (See below).
- On May 11, 1995, the ship *Ruvu* arrived in Dar es Salaam with two separate consignments, one of 12,514 cases and one of 368 cases, each labeled "ammunition," with the final destination filled in as Uganda. Both of these consignments also contained coded information which, according to persons involved with the shipment, listed Burundi as an additional destination. The *Ruvu* carried at least some of the goods that had originally been on the *Shunyi*, delivery of which had been blocked a month earlier (see above). Some of the weapons cargo from the *Ruvu* was transported from Dar es Salaam to Kigoma on Lake Tanganyika by Tanzania Railways Corporation, for apparent onward shipment to Burundi, not Uganda.
- On July 2, 1995, the ship *Ruaha* delivered ammunition to the port of Dar es Salaam, with the final destination filled in as Uganda. The consignment

also contained coded information which, according to persons involved with the shipment, listed Burundi as an additional destination.

- On October 16, 1995, the ship *Shunyi* arrived in the port of Dar es Salaam and, according to some records and sources, delivered a cargo of arms that included tanks and Chinese-manufactured dual-use vehicles for Burundi. Other records and sources indicated that the cargo contained just three cases of ammunition, also intended for Burundi. At least some of the cargo was transported to Mwanza on Lake Victoria by Uganda Railways.
- On November 24, 1995, the ship *Ruaha* delivered 205 cases listed as containing "ammunition" to the port of Dar es Salaam. The final destination was not clear from available documentation, but shipping sources stated it was Burundi. The consigner was listed as China North Industries Corporation (Norinco), 7A Yue Tan Nan, Jie, Beijing.²¹⁹ Some of the cargo was then ferried to Kigoma by Tanzania Railways Corporation for apparent onward shipment to Burundi, or possibly Zaire.
- On February 12, 1996, the ship *Shunyi* unloaded three cases at the port of Dar es Salaam, the contents of which were not specified in the documents

²¹⁹ "China North Industries Corporation" is (erroneously) listed as "China Northern Industries Corporation" in some documents. Norinco is a Chinese state-owned armaments trading company within China's civilian industries that ultimately reports to the State Council. The U.S. Attorney's Office arrested representatives of Norinco in northern California in March 1996 for smuggling 2,000 AKM assault rifles into the United States. Federal agents called it "the largest seizure of *fully operational automatic weapons* in the history of U.S. law enforcement." (Emphasis in original). The shipment involved weapons from the Dalian plant of Norinco and "the active participation of that firm's PRC based vice president, export manager, and other officials." United States Attorney, Northern District of California, "Massive Seizure of New Automatic Weapons Illegally Smuggled by PRC Weapons Producers," press release, May 23, 1996; Human Rights Watch phone interview, U.S. Attorney's Office, San Francisco, April 16, 1996; "Chinese Sought in Plot to Import Arms to the U.S.," *New York Times*, May 23, 1996; and "China's Defense-Industrial Trading Organizations," United States Defense Intelligence Reference Document PC-1921-57-95, June 28, 1995. In May 1997, a Chinese court sentenced three Norinco employees and a former manager of another Chinese arms company, Duoweidi Science and Technology Co. in Beijing, to prison terms for their role in the affair, suggesting that the four had operated without the permission or knowledge of their supervisors. Steven Mufson, "China Sentences 4 for Smuggling Arms to U.S.," *Washington Post*, May 18, 1997.

but, according to the shipping agent, the cargo contained weapons. Burundi was listed as the destination, and the consigner was listed as China Wau Bao Engineering Corporation in Shanghai.²²⁰

²²⁰ Some documents listed the ship's arrival date as February 3, 1996. The name "Wau Bao" is almost certainly a typing error or an incorrect romanization, as there is no "Wau" sound in Mandarin Chinese.

- On July 25, 1996, the ship *Rong Cheng* delivered "36 x 24 containers,"²²¹ listed as both ammunition and military equipment, with the destination entered as both Uganda and Burundi. Other sources in the shipping industry told Human Rights Watch that a shipment of thirty-six containers of ammunition had arrived in July 1996 destined for Rwanda but they did not know the name of the ship. It is not clear to Human Rights Watch whether these two shipments were one and the same.
- On September 3, 1996, the ship *Ruvu* delivered 9,198 cases of ammunition to Dar es Salaam, with the destination listed as Uganda, but shipping sources confirmed it was actually Burundi.

The *Shun Yi* Affair

²²¹ "36 x 24 containers" is how the label, seen by Human Rights Watch on the shipping agency documentation, described the cargo.

One case of Chinese arms arriving in Tanzania for Burundi in the spring of 1995 received international attention. In part this was because the weapons destined for Burundi were on board a ship, the *Shun Yi*, which also contained a partial charter consignment of food supplies for the U.N. World Food Programme (WFP), whose regional headquarters are in Nairobi, Kenya. The food supplies had been earmarked for refugees fleeing from conflict in the Great Lakes region.²²² According to WFP documents, the *Shun Yi* was loaded in Zndong²²³ by the

²²² Human Rights Watch interview with WFP representatives, Nairobi, August 12-13, 1996. The WFP refers to this ship as "MV Shun II." Letter from David Morton, acting for the director of the WFP's Transport and Logistics Section, to Human Rights Watch, September 10, 1997.

²²³ "Zndong" is the geographical name listed incorrectly on WFP documents examined by Human Rights Watch. The WFP, responding to Human Rights Watch inquiries, clarified that the ship's port of origin was Xingang. Letter from David Morton, acting for the director of the WFP's Transport and Logistics Section, to Human Rights Watch, September 10, 1997. At least one press report referred to the ship as having been loaded in Shanghai. "Chinese 'Arms' Ship Allowed to Dock in Mombasa," *EastAfrican* (Nairobi), June 26 - July 2, 1995, in FBIS-AFR-95-213 (June 27, 1995), p. 7.

consigner, China Ocean Shipping Company (Cosco).²²⁴ The receiving agent in Mombasa, Kenya, was listed as Sonotaco Kenya Ltd., P.O. Box 88606, Mombasa. According to WFP representatives in Nairobi, the WFP had learned that the ship was scheduled to off-load part of its cargo in Dar es Salaam on April 6, 1995, before coming to Mombasa to deliver the WFP cargo. This contradicted information that the WFP had at that time, i.e., that the ship was due to off-load cargo in Mombasa and at a port in Mozambique (it was up to the shipping company to determine which port the ship would visit first), but not in Tanzania. On April 28, the WFP office in Nairobi received a note from its clearing agent in Mombasa, Sonotaco, that the ship had been denied permission to berth in Mombasa.²²⁵

²²⁴ The China Ocean Shipping Company (Cosco) is the Chinese civilian state enterprise responsible for maintaining the Chinese merchant marine fleet; it ultimately reports to the State Council. A Cosco ship, the Empress Phoenix, was used to smuggle AKM rifles into the United States in March 1996 (see above).

²²⁵ Human Rights Watch interviews with WFP representatives, Nairobi, August 12-13, 1996.

After the *Shun Yi* arrived in Dar es Salaam on April 4, Tanzanian authorities refused to permit its cargo of 152 tons of Chinese-made arms and ammunition to be off-loaded. Documents inspected by Human Rights Watch showed that the receiving agent for the arms shipment in Tanzania was the Chinese-Tanzanian Joint Shipping Company, which was also a partial owner of the ship. According to Tanzanian officials, shipping agents, press reports and shipping logs inspected by Human Rights Watch, a Burundian Tutsi-owned company with offices in Tanzania, Sodtra Limited, represented the Burundian military as the clearing agency for the weapons.²²⁶ The newspaper *Kenya Daily Nation* reported that the bill of lading listed the 3,643 containers as transporting "farm implements."²²⁷ Human Rights Watch saw one shipping log confirming that information, as well as a delivery order, "number 8631," for March 29, 1995. Tanzanian authorities later told Human Rights Watch that they had initially blocked the shipment from China because they were alarmed by the increasing impact that the Burundian conflict was having on Tanzania. The Tanzanians were particularly concerned about the mass of refugees pouring into their country. They also wanted to avoid getting enmeshed in the controversy that enveloped arms transfers to Burundi when it became unclear whether the actual recipients were the Burundian military or Tutsi militia forces.²²⁸

According to a Burundian military officer interviewed by Human Rights Watch, the first Buyoya government (1987-93) had purchased these weapons from China in 1992, but they were late in arriving and ended up in Dar es Salaam shortly after the October 1993 crisis in Burundi. The officer added that the first state visit by Burundian President Cyprien Ntaryamira, a Hutu, to Tanzania after the October coup attempt had been made with a view to securing an arms embargo by Tanzania

²²⁶ Tanzanian authorities later indicted Sodtra representative, C. Nahimana, for defrauding the Tanzanian government. Human Rights Watch interviews with a former Tanzanian minister, Dar es Salaam, September 4, 1996, and a Tanzanian import agent, September 5, 1996. See also *Kenya Daily Nation* (Nairobi), April 26, 1995.

²²⁷ *Kenya Daily Nation* (Nairobi), April 26, 1995.

²²⁸ Human Rights Watch interviews with an official at the Tanzanian Foreign Ministry, Dar es Salaam, September 6 and 11, 1996, and with an official at the Ministry of Home Affairs, Dar es Salaam, September 2, 1996. According to one former Tanzanian official, Tanzania also received pressure from the United Nations not to permit weapons to pass through Tanzania to the Burundian military. Human Rights Watch interview with Felix Mosha, a former Tanzanian government official and spokesperson for the South Commission, Dar es Salaam, August 30, 1996.

against Burundi's Tutsi-controlled military. On the same occasion, President Ntaryamira reportedly asked the Tanzanian authorities to return the weapons to China. Later, Burundian authorities requested China to send the weapons again. According to the officer, 60 percent of the cost of the weapons had already been paid when the shipment arrived in Dar es Salaam for the second time in April 1995.²²⁹

²²⁹ Human Rights Watch interview, Bujumbura, April 12, 1996. The earlier shipment was reportedly being held in Dar es Salaam in February 1994 following intervention by the Burundian government; according to later press reports it was then sent back to China. Colette Braeckman, "Burundi: New Tutsi Prime Minister," *Le Soir* (Brussels), February 8, 1994, in FBIS-AFR-94-027 (February 9, 1994), p. 1; and KNA (Nairobi), May 21, 1995, in FBIS-AFR-95-098 (May 22, 1995), p. 5.

According to press reports, the *Shun I* finally arrived in Mombasa on June 21 and was permitted to dock there two days later after Kenyan authorities had searched it for the presence of weapons.²³⁰ On June 26 the ship was able to off-load its cargo of beans for the WFP. The *Shun Yi* was also reported to be carrying fifteen trucks, and three containers of unidentified cargo with Uganda as the listed destination. At this point, the vessel was reportedly no longer found to be carrying any weapons.²³¹

On May 11, the ship *Ruvu*, also part-owned by the Chinese-Tanzanian Joint Shipping Company, arrived in Dar es Salaam carrying arms ostensibly destined for Uganda and Burundi. Human Rights Watch learned from shipping sources that the *Ruvu* was in fact also carrying part of the *Shun Yi*'s original cargo of arms for Burundi. It is unclear where, when and how the *Shun Yi* managed to transfer its cargo, or part of its cargo, to the *Ruvu*, though a crew member on the *Shun Yi* told Human Rights Watch that the ship had actually returned to China.²³² Interestingly, the *Ruvu* faced none of the problems encountered by the *Shun Yi* in Dar es Salaam. While it was off-loading its cargo of weapons, the Burundian government was making high-level diplomatic entreaties toward the Tanzanian government in an effort to gain possession of the *Shun Yi*'s cargo, which Burundi acknowledged having purchased from China. On May 19, President Ntibantunganya, reportedly against the advice of his FRODEBU party and after meeting with high-ranking Burundian military officials, held talks in Tanzania with Tanzanian President Ali Hassan Mwinyi in an effort to get the arms released. Ntibantunganya reportedly also asked the OAU for help in securing the release of the arms from Tanzania.²³³ According to Burundian military officers and government officials, the arms did eventually reach Burundi via Rwanda (by truck) and, possibly, Uganda. The same officials also claimed that subsequent arms shipments from China to Burundi listed Uganda as the end user.²³⁴

²³⁰ "Chinese 'Arms' Ship Allowed to Dock in Mombasa," *EastAfrican* (Nairobi), June 26 - July 2, 1995, in FBIS-AFR-95-123 (June 27, 1995), p. 7.

²³¹ "Chinese Ship With Arms For Burundi Arrives," AFP in English (Paris), June 22, 1995, in FBIS-AFR-95-121 (June 23, 1995), p. 3.

²³² Human Rights Watch interview, Dar es Salaam, August 26, 1996.

²³³ "OAU Urged To Secure Release of Arms," KNA in English (Nairobi), May 21, 1995, in FBIS-AFR-95-098 (May 22, 1995), p. 4.

²³⁴ Human Rights Watch interviews in Bujumbura with a U.N. official, March 20, 1996, a

The North Korean Role

Burundian military officer, March 18, 1996, and a FRODEBU parliamentarian on the National Defense Committee, April 10, 1996; and with a CNDD official, Nairobi, August 11, 1996. *Africa Confidential*, citing "Western security sources," also reported that the *Shun Yi* shipment finally arrived in Bujumbura, presumably in July 1995, via Kampala and Kigali. "A creeping coup," *Africa Confidential* (London), August 4, 1995.

Although overt security assistance and sales from Western Europe and the United States ended with the July 1996 coup that returned Buyoya to power, non-traditional suppliers of training and advisory assistance had already come to play an increasingly important security role in the aftermath of the 1993 murder of President Ndadaye and other senior officials. North Korea was among these new players. According to foreign diplomats, Burundian military officers, and other international observers, including a member of the OAU military observer mission in Bujumbura, one of the new players was North Korea. These sources indicated that North Korean advisors provided training in martial arts and armed combat skills, including the use of bayonets, to the commando unit of the FAB based in the Gitega region. Burundian government officials and Western diplomats also maintained that North Korea had both supplied and trained Burundian military personnel in the use of mortars in 1995. While some sources maintained that North Korea had ceased its training activities in 1995, Burundian military officers and several Western diplomats claimed that the training had continued in 1996.²³⁵

²³⁵ Human Rights Watch interviews with a former Burundian minister, Dar es Salaam, September 9, 1996, and with Burundian military officers, Bujumbura, March 5 and 18, and April 12, 1996, including a senior officer in charge of military training. A U.S. embassy official claimed that North Korean advisors were still teaching combat tactics as late as October 1996. Human Rights Watch interview, Bujumbura, October 1, 1996. A U.N. investigator told Human Rights Watch that the North Korean assistance also included equipment. Human Rights Watch interview, Kigali, January 26, 1996. Another U.N. official stated that when the Burundian military had the money, it found it cheap to buy from the North Koreans. Human Rights Watch interview, Kigali, January 30, 1996.

VIII. THE UNITED STATES

ACCORDING TO THE U.S. DEPARTMENT OF STATE, THE U.S. HAS NOT PROVIDED ANY WEAPONS TO BURUNDI UNDER ITS FOREIGN MILITARY SALES PROGRAM SINCE 1993,²³⁶ BUT LIMITED ITSELF TO OFFERING MILITARY TRAINING TO THE BURUNDIAN MILITARY UNDER THE INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET) PROGRAM, DESIGNED TO PROMOTE PROFESSIONALISM OF MILITARY FORCES AND FOSTER RESPECT FOR HUMAN RIGHTS.²³⁷ THIS TRAINING WAS PROVIDED IN THE AREAS OF OFFICER LEADERSHIP, CIVIL-MILITARY AFFAIRS, AND RESOURCE MANAGEMENT. IN 1993, THIS AID AMOUNTED TO \$333,000 (SEVENTEEN OFFICERS); IN 1994, NO AID WAS EXTENDED; IN 1995, THE AMOUNT WAS \$44,000 (FIVE OFFICERS); AND IN 1996, PRIOR TO THE COUP, \$71,000 WAS EXPENDED (THREE OFFICERS). MOREOVER, IN A DECLARED ATTEMPT TO IMPROVE THE PROFESSIONAL CONDUCT OF BURUNDIAN SECURITY FORCES, THE U.S. GOVERNMENT HAS

²³⁶ In 1992, the U.S. authorized \$65,000 in military sales to Burundi. In 1993, \$250,000 were authorized but not delivered.

²³⁷ The official U.S. position is that "countries whose military forces engage in human rights abuses should receive IMET." This position is "based on the premise that constructive engagement of the military—as opposed to severing ties—provides us [the U.S.] with an opportunity to improve the human rights in a given country." Assistant Secretary of State Thomas E. McNamara, in response to a question for the record submitted by Senator Russell D. Feingold, Senate Foreign Relations Committee, March 12, 1997. Senator Feingold's question was: "The IMET program is designed to expose foreign military officials to the U.S. military establishment. Should countries whose military forces engage in human rights abuses in their countries receive such privilege?"

sponsored lectures on human rights and democracy for the military. Finally, in 1995 the government sent a team to Burundi and Rwanda under the U.S. International Criminal Investigative Training Assistance Program (ICITAP) to assess what would be needed to professionalize the police and the justice systems in the two countries. As a result of that survey, the government initiated a program for Rwanda but put a similar program for Burundi on hold because of the escalating civil war.²³⁸

²³⁸ Human Rights Watch interviews with Alex Laskaris, Burundi desk officer, U.S. Department of State, Washington, D.C., April-May 1997.

In fiscal year 1996, the U.S. government approved export licenses to U.S. companies for \$9,000 of direct commercial sales of a military nature to Burundi. In April 1997, Human Rights Watch requested data from the U.S. government on the type and quantity of munitions transferred in accordance with the approved licenses, but was still awaiting a response at the end of October.²³⁹

U.S. military assistance to Burundi was suspended altogether in the wake of the July 1996 coup, in accordance with U.S. law. The government is on record as stating that its sole continuing assistance to Burundi is for humanitarian purposes and to support a dialogue aimed at restoring constitutional governance and national reconciliation.

²³⁹ The U.S. executive branch must notify Congress of arms sales over \$14 million. Many do not meet this threshold. This minimal reporting requirement explains why transfers or sales of small arms and light weapons usually are paid little attention. Private exporters of munitions are required to submit applications to the U.S. State Department, Office of Defense Trade Controls (DTC). Whereas the year, country and dollar amount of a proposed license for commercial arms exports can be made public, data on the type and quantity of the transfer is withheld by the DTC on the ground that it constitutes proprietary information. Export applications for dual-applicability military and security items are generally handled by the U.S. Department of Commerce which maintains a separate control list. Data on these exports typically is also not released on the grounds of its proprietary nature.

IV. THE HUMANITARIAN DILEMMA

Some of the cargo companies based in Europe, South Africa, and China that have been involved in shipments of military and security equipment to the government of Burundi have also been contracted to carry humanitarian relief supplies for international aid agencies. Some arms shipments have been concealed in consignments of humanitarian supplies or identified as such goods in cargo manifests. This has endangered urgent relief programs and has provided arms traffickers with a false flag behind which to conceal their deadly cargoes. It has greatly discomfited the humanitarian agencies whose work has been obstructed in this manner. Arms suppliers have brought home a double profit, while the humanitarian agencies' work for victims of the very conflicts fueled by the traffickers has been disrupted.

Cloaking Security Transfers as Humanitarian Aid

Arms trafficking to the Great Lakes region has on occasion received international publicity when governments acted to interdict shipments cloaked as, or combined with, cargoes of humanitarian aid. A Belgium-based company operating under several names but registered in Liberia attracted such attention. (See Chapter IV). One of the company's aircraft, registered as "the ELAJO," reportedly made frequent flights in 1994 and 1995 to deliver weapons to the former Rwandan military and militias in Zaire and others in the region, in violation of the international arms embargo imposed on Rwanda. A crew member told Human Rights Watch that this plane had, at regular intervals, delivered arms to Burundian government forces in the summer of 1996, and he provided us with approximate dates.²⁴⁰ The plane's pilots operated primarily out of Ostend, and reportedly flew

²⁴⁰ Human Rights Watch interview, August 1996.

arms and other cargo from Europe to Zaire at least once a week during the same period with contracts to deliver humanitarian relief supplies as well as arms and military supplies.²⁴¹

²⁴¹ These deliveries are also documented in Human Rights Watch Arms Project, "Rearming with Impunity," p. 11.

Sometimes the cargoes were mixed. In August 1996, this same plane was impounded by local authorities in Goma, Zaire, after it was found to be carrying items of military clothing that were scheduled to be off-loaded in Entebbe, Uganda. This clothing was carried in addition to relief goods belonging to the United Nations High Commissioner for Refugees (UNHCR), and the nongovernmental organizations CARE (Australia) and the U.K.-based Oxfam (OXFAM then exposed the company's actions in a statement).²⁴²

The World Food Programme

The major relief programs of the international agencies of the United Nations, whose airlift needs are enormous, are particularly susceptible to manipulation by cargo carriers with double agendas. WFP officials told Human Rights Watch that they are aware that the program's logistical and transport infrastructure has been used as cover for military assistance and arms transfers from foreign governments and private sources to the civil war in Burundi and other conflicts. According to one WFP official:

Whenever we try to open a humanitarian corridor [in an area of conflict], we become pioneers because there are no more commercial flights. Humanitarian organizations then try to use these new routes, especially when we build roads and bridges. Our infrastructural improvements then become a vector for all kinds of transport . . . We are aware that arms traffickers use our U.N. vector. We try very hard to be careful and prevent this, and we are completely transparent with governments.²⁴³

Human Rights Watch has found, though, that despite the care given by the WFP and other U.N. agencies, there is still ample room for arms traffickers to exploit the cover provided by U.N. humanitarian operations. For example, WFP

²⁴² Oxfam Press Statement, July 30, 1996; Human Rights Watch interview with an Oxfam representative, Nairobi, August 14, 1996. According to Oxfam, the plane had traveled from Ostend via Cairo to Goma, and was due to continue to Entebbe when it was searched by Zairian soldiers. When interviewed by Human Rights Watch on this issue, Peter Kessler, UNHCR Public Information Officer, was unapologetic: "It was a commercial freighter," he argued, "it was not our plane [owned by the UNHCR] and we don't care. We don't concern ourselves with what else was on the plane. It is not our responsibility if people have misperceptions about this. Why should we care if there is military clothing...on board of one of our [chartered] planes?" Human Rights Watch interview, Nairobi, August 14, 1996.

²⁴³ Human Rights Watch interview, Nairobi, August 13, 1996.

officials admitted that airplanes with the WFP's logo or markings can be used to provide military assistance.²⁴⁴ The same official remarked:

²⁴⁴ The official gave as an example a Russian plane that had been under contract with the WFP to fly relief goods to Somalia. At the end of the contract, the plane continued to fly to Somalia bearing the WFP markings, carrying contraband and weapons. Human Rights Watch interview, Nairobi, August 13, 1996. Another WFP official, David Morton, mentioned a second incident in Sudan where a WFP chartered aircraft was used by the operator to make an unauthorized night flight. Morton specified that in this case, as with the Russian operator, WFP had done no more business with the violating contractors. Letter from David Morton, acting for the director of the WFP's Transport and Logistics Section, to Human Rights Watch, September 10, 1997.

We have found that often when there is a delivery of relief goods, there can be a gap of four hours for which we are not being charged. We must rely on the pilots not to be carrying out additional deliveries on the side. We have been tricked before. That is why we are in favor of complete transparency. Our documents are available to all governments. We have a clean record.²⁴⁵

In the case of Burundi, Human Rights Watch was told that at least one plane under contract with the WFP humanitarian operation in Burundi was being used for air surveillance and intelligence gathering actions for the Burundian military, at least until the July 1996 coup.²⁴⁶ When Human Rights Watch approached the Bujumbura WFP office with this information, an official there stated that he was not surprised and was intending to confront the contractor about difficulties the WFP was having with his performance.²⁴⁷ Contacted later, WFP official David Morton dismissed the information as "unfounded rumors," adding that "after thorough investigation, there is no record of any occasion when the aircraft could have been operated under WFP's cover."²⁴⁸

A shipment of weapons from South Africa concealed in a train convoy that included WFP cargo is discussed in Chapter VI. In Chapter VII, Human Rights Watch discussed a case in which approximately 152 tons of Chinese weapons had been disguised as "farm implements" and placed aboard a cargo ship, the *Shun Yi*.

²⁴⁵ Human Rights Watch interview, Nairobi, August 13, 1996.

²⁴⁶ Human Rights Watch interviews, Bujumbura, March-April 1996, and Brussels, July 25, 1996.

²⁴⁷ Human Rights Watch interview, Bujumbura, October 7, 1996.

²⁴⁸ Letter from David Morton, acting for the director of the WFP's Transport and Logistics Section, to Human Rights Watch, September 10, 1997.

The *Shun Yi* was partially chartered by the WFP to carry humanitarian cargo, particularly beans, destined for refugees in central Africa in the spring of 1995. After the load of weapons was discovered in the port of Dar es Salaam, government authorities prevented the cargo, including the WFP's humanitarian supplies, from being off-loaded. As a result, the delivery of the much needed refugee food aid was delayed for at least three months. A WFP official asserted that the agency attempts to prevent incidents such as this from happening:

We make a request that there be no chemicals or sensitive cargo on board, particularly military cargo such as arms or military equipment. We may not be totally informed, however, since shipments are handled by and depend on the reliability of the shipping agent . . . Sometimes we ask for the right to check what else is on board a ship but we didn't know what else was on board in this case [of the *Shun Yi*] . . . I never saw the manifest. But I have never seen a manifest that stated the ship was carrying weapons when in fact it was, except on strictly military vessels . . . It is usually labeled as agricultural or farm products.²⁴⁹

WFP officials in Nairobi cooperated with Human Rights Watch in investigating the case of the *Shun Yi* by providing information they had pertaining to the incident. Human Rights Watch made further inquiries with WFP headquarters in Rome regarding both incidents involving WFP shipments mentioned above, and requested clarification on WFP criteria in closing contracts for cargo ships and planes. In response, the official in charge of logistics, David Morton, clarified:

In the case of the MV SHUN II [sic], WFP had only contracted a part space for a consignment of beans on board the vessel. The vessel, which belonged to a joint venture between the Government of China and the Government of Tanzania, was trading in a semi liner service between the Far East and East Africa. Since it was not a WFP chartered vessel, WFP would not be aware . . . of other cargoes being carried, and the extent to

²⁴⁹ Human Rights Watch interview, Nairobi, August 13, 1996.

which this kind of arrangement provides significant humanitarian cover is doubtful.²⁵⁰

²⁵⁰ Letter from David Morton, acting for the director of the WFP's Transport and Logistics Section, to Human Rights Watch, September 10, 1997.

On the question of how the WFP guards against either the misuse of its humanitarian infrastructure and facilities or the mixing of military and humanitarian assistance, Morton stated that the “WFP contracts for ocean transport through internationally recognized brokers and freight forwarders,” and that it “maintains a register of owners who for any reason have not performed in accordance with contractual terms.” He also said that “as a precaution, the vessel’s cargo holds are always inspected prior to loading. Discharge operations are carried out under the supervision of WFP’s local representation and appointed cargo supervisors.”²⁵¹

Human Rights Watch recommends that the WFP strictly enforce the commendable safeguards the organization has put in place to prevent use by arms traffickers of WFP transport facilities, and to abjure the use of cargo operators who also carry military materiel. Even if the inclusion of WFP goods on a vessel that is also carrying military equipment does not necessarily provide the military cargo with a humanitarian cover, it can be perceived to be so by the recipients of the humanitarian aid or one or more of the parties to the conflict, and may lead to accusations that the WFP itself is partisan. As a result, the humanitarian effort and its staff might come under threat. Human Rights Watch is also recommending that the WFP make the list of contract violators which it claims to have available to other humanitarian and relief organizations to prevent further misuse of the humanitarian “vector” by war profiteers.

²⁵¹ Ibid.