



DEMOCRATIC REPUBLIC OF CONGO

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A Congolese man from Kisangani covers his mouth as he nears the Tshopo bridge, the scene of summary executions by RCD-Goma troops following an attempted mutiny. (c) 2002 AFP

I counted thirty bodies and bags between the dam and the small rapids, and twelve beyond the rapids. Most corpses were in underwear, and many were beheaded. On the bridges there were still many traces of blood despite attempts to cover them with sand, and on the small maize field to the left of the landing the odors were unbearable.

Human Rights Watch interview, Kisangani, June 2002.

WAR CRIMES IN KISANGANI: The Response of Rwandan-backed Rebels to the May 2002 Mutiny

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I. SUMMARY

In mid-May 2002 soldiers and police officers in Kisangani, the third largest city in the Democratic Republic of Congo (DRC), mutinied against their commanding officers and the local authorities of the Congolese Rally for Democracy, Goma faction (RCD).¹ The RCD depends on the military and political support of neighboring Rwanda to exercise control over some thirty to forty percent of eastern Congo. The mutineers took control of the radio station and called on the population to join them in hunting down and expelling “Rwandans,” apparently meaning both citizens of Rwanda and Congolese of Rwandan origin. Mutineers and civilian crowds killed six persons who were or were thought to be Rwandan.

Loyalist RCD soldiers quickly put down the mutiny. After the arrival of reinforcements from Goma, RCD soldiers carried out indiscriminate killings of civilians, summary executions of military personnel and civilians, numerous rapes, beatings, and widespread looting.

Almost immediately after the reinforcements and their commanders arrived from Goma, RCD soldiers entered the civilian neighborhood of Mangobo, killing dozens of civilians, committing numerous rapes, and systematically looting the neighborhood. At the same time, a large number of Congolese military and police personnel suspected of involvement in the mutiny were arrested, and most were summarily executed on the nights of May 14 and May 15 at the Tshopo bridge, their bodies thrown in the river. Many of those bodies, some horribly mutilated and put in weighted-down sacks, later resurfaced. Other killings and executions took place in additional locations, including an abandoned brewery, the Bangboka airport, and the military barracks at Camp Ketele.

Human Rights Watch research was able to establish the identities of the RCD officers implicated in these abuses, which amount to war crimes. According to the witnesses we interviewed, Bernard Biamungu, commander of the Fifth Brigade; Gabriel Amisi, also known as Tango Fort, the assistant chief of staff for logistics; and Laurent Nkunda, the commander of the Seventh Brigade, were among the RCD officers who arrived from Goma, to take charge of putting down the mutiny. These officers appear to have been on the scene of many of these crimes, in a position to know of them, and in some cases asserted below, directing or participating in them. Many other Kisangani-based RCD officers also played a direct role in the abuses documented in this report.

The United Nations Mission in the Democratic Republic of Congo (MONUC) had dozens of military observers and some one thousand troops to defend U.N. personnel in Kisangani at the time. Although the MONUC mandate authorized it to intervene “to protect civilians under imminent threat of physical violence,” MONUC officers did not send their military observers on patrol to deter killings on the first day of RCD violence. The U.N. should review MONUC’s actions during the Kisangani massacre. In particular, a U.N. inquiry should determine whether MONUC had the military means to carry out its protection mandate, and whether MONUC commanders believed they could count on the support of the troop-contributing nations when carrying out their mandate and risking the lives of MONUC personnel. On the second day, MONUC officers appealed for restraint, obtained the release of two detained priests, and protected seven other civilians.

In the course of research, Human Rights Watch documented the deaths of more than eighty persons in the mutiny and subsequent repression. The U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions carried out an inquiry into these same events and estimated in a report presented to the U.N. Security Council by the High Commissioner for Human Rights on July 16 that RCD officers had been responsible for the deaths of more than 160 persons. Determining the final death toll will be possible only when families of victims, now fearful of authorities, have sufficient confidence to report all deaths.

In mid-July 2002 the U.N. Security Council demanded that the RCD bring perpetrators of the Kisangani massacre to justice. With the publication of this report, Human Rights Watch provides information to help make

¹ Several groups use or have used the name RCD. In this text, RCD always means the Goma faction of the RCD unless otherwise specified.

this possible by identifying the chain of command that links together those responsible for the Kisangani massacre.

Much of the information in this report is based on the testimony of one or more eyewitnesses to the crimes described. Human Rights Watch researchers interviewed these eyewitnesses privately and independently, without their knowledge of the testimony of other witnesses, and tried to verify the accuracy of their accounts with corroborating information whenever possible. For their safety, we have withheld their names and details necessary to protect their identities. Because of the severe security situation in Kisangani, Human Rights Watch was unable to include other eyewitness testimony because the identity of those witnesses could be easily ascertained, placing their lives at risk. These accounts, on file at Human Rights Watch, provide further corroboration of the interviews we did use in this report.

II. RECOMMENDATIONS

To the Congolese Rally for Democracy-Goma

- Cease immediately all attacks on civilians and other violations of international humanitarian law.
- Investigate the violations of international humanitarian law documented in this report and bring to account, in accordance with international standards of justice, those found responsible for wrongdoing.
- Cease immediately all intimidation of human rights groups and other civil society organizations operating in areas under your control. Provide full access to national and international human rights organizations, independent journalists, and U.N. investigators to investigate reports of human rights abuses and violations of international humanitarian law in areas under your control.
- Make public the number of those still detained in connection with the aborted mutiny, their names, and whereabouts.

To the Government of Rwanda

- Direct the military prosecutor to investigate the alleged participation of soldiers of the Rwandan Patriotic Army in the crimes documented in this report and bring to trial, in accordance with international standards of justice, any against whom credible evidence is found.
- Order Rwandan troops deployed in Congo to comply with the Geneva Conventions of 1949 and Protocol I of 1977, and in particular to provide for the security of the civilian population and of humanitarian workers in areas under Rwandan control.

To the United Nations Security Council

- Provide MONUC with the means to protect civilians within areas of their deployment, as specified in its mandate.
- Increase the number of MONUC human rights officers and the resources at their disposal so they can effectively investigate and publicly report on human rights abuses by all the parties to the conflict. They should identify perpetrators of abuses, inform the relevant disciplinary and judicial authorities, and monitor efforts to hold them accountable.

- Investigate whether MONUC troops failed to implement their mandate to protect civilians under imminent threat of physical danger at Mangobo district of Kisangani on May 14, 2002. Publish the results of the inquiry. In particular, the U.N. inquiry should determine whether MONUC had the military means to carry out its protection mandate, and whether MONUC commanders believed they could count on the support of the troop-contributing nations when carrying out their mandate and risking the lives of MONUC personnel.
- Ensure that any person responsible for violations of international humanitarian law and other grave abuses be excluded from the civilian police training now being offered by MONUC in Kisangani.
- Establish a U.N. Commission of Experts to investigate and determine responsibility for grave violations of human rights and humanitarian law in Congo, thus implementing a 1998 recommendation of the U.N. Secretary General's Investigative Team in the DRC. To complete the work the team was prevented from doing, the commission should have a mandate for the period beginning in 1993 and continuing to the present. The Commission of Experts should also be charged with recommending to the Security Council an appropriate mechanism for bringing to justice persons responsible for violations.

To the United Nations Commission on Human Rights

- Support the strengthening of the human rights monitoring capacity of MONUC and institute closer cooperation between that division and the High Commissioner for Human Rights Field Office in the Democratic Republic of Congo.
- Increase the monitoring and technical assistance programs of the High Commissioner's Field Office throughout the Democratic Republic of Congo.

To the International Community

- Strongly and publicly denounce violations of international human rights and humanitarian law by all parties to the Congo war and insist upon accountability for the perpetrators as an integral part of any peace negotiations.
- Support increased monitoring and technical assistance programs by the Office of the United Nations High Commissioner for Human Rights Field Office throughout Congo.
- Press Rwanda to investigate and bring to justice any of its soldiers accused of violating international humanitarian law or other serious abuses in Congo.
- Make economic assistance to all the states involved in the Congo war subject to close scrutiny to ensure that funds earmarked for social and economic development do not end up funding the war.

III. BACKGROUND

Kisangani in the Congo War

In the catastrophic war pitting the Congolese government, supported by Angola and Zimbabwe, against rebel movements backed at various times by Rwanda, Uganda, and Burundi, control of the city of Kisangani (estimated population 600,000) has been bitterly contested by various parties.² Strategically located at the junction of the

² The war has caused an estimated two million deaths through combat, malnutrition, and disease. All parties have engaged in violations of the laws of war, killing, raping, and otherwise injuring civilians. *See Human Rights Watch short reports on the* Human Rights Watch

Congo, Tshopo, and Lindi rivers and at the crossroads between eastern and western Congo, site of the strategic airports of Simi-Simi and Bangboka, and home to a flourishing diamond market, Kisangani has seemed a prize worth fighting for.

Uganda and Rwanda, once allied in opposition to the Congo government of Laurent Kabila, first clashed over the city in August 1999, leaving 200 civilians dead. They fought again in May 2000 and then in June 2002, when the Rwandan Patriotic Army (RPA) finally managed to evict the Ugandan People's Defence Forces (UPDF) from Kisangani. That round of fighting left some 1,200 Congolese civilians dead and many more wounded, in addition to totally or partially destroying 4,000 houses and other facilities essential for the well-being of the population.³ Soldiers of the Rwandan Patriotic Army (RPA) withdrew, leaving the city in the hands of their local proxy, the RCD.

Many Kisangani residents, like other Congolese, identify Rwandans as invaders and are hostile to other Congolese who cooperate with them, politically or militarily. Civil society activists have criticized the Rwandan presence in Congo and have sometimes criticized RCD authorities for allying with Rwandans in general or for particular actions. A significant number of Rwandans or Congolese of Rwandan origin do business in Kisangani. Local residents often link this commerce to the illegitimate exploitation of Congolese resources by foreigners, an activity amply documented by U.N.-appointed experts. Because many Congolese of Rwandan origin, particularly those who are Tutsi, have cooperated with Rwandans, other Congolese sometimes view them as part of a single group (this was apparently true for the mutineers). In cases where persons interviewed for this report referred to "Rwandans," we have kept that term in direct quotations. But otherwise we use the more general term "Kinyarwanda-speaker" or persons of Rwandan origin if their actual nationality is unknown.

In April 2002 representatives of the Congolese government, the various rebel groups, and civil society met for the dialogue provided for in the 1999 Lusaka Peace Accords. The Congolese government and representatives of the rebel group supported by Uganda⁴ — the Movement for the Liberation of Congo (MLC) — and the breakaway RCD-Liberation Movement (RCD-ML, also known as RCD-Kisangani) reached an agreement to share power, but the RCD (RCD-Goma), along with some opposition political parties, refused to sign. In late April, the dissidents formed the Alliance for the Safeguard of the Inter-Congolese Dialogue (ASD), which is chaired by the veteran opposition leader Etienne Tshisekedi of the Union for Democracy and Social Progress, and decided to install its headquarters in Kisangani. Tshisekedi toured eastern Congo and visited Kigali (the Rwandan capital). The RCD refusal to sign the agreement provided yet another reason for popular discontent among the great number of Congolese who wanted the war to end.

In January 2002 an RCD soldier named Patrick Masunzu began a revolt among the Banyamulenge, a Congolese group of Rwandan origin. RCD troops failed in early efforts to defeat him, as did strong reinforcements of RPA troops sent to crush the rebellion in February and March. By demonstrating the RCD weakness, this revolt—which continues at the present writing—may have encouraged the Kisangani mutineers to hope for similar success.

During a May 1 visit to the city, a mission of the U.N. Security Council demanded that the RCD demilitarize Kisangani "immediately and without conditions."⁵ Mutineers may have read this demand as an indication of U.N.

DRC: *Casualties of War: Civilians, Rule of Law, and Democratic Freedoms*, vol. 11, no. 01(A), February 1999; *Eastern Congo Ravaged: Killing Civilians and Silencing Protest*, vol. 12, no. 3 (A), May 2000; *Uganda in Eastern DRC: Fueling Political And Ethnic Strife*, vol. 13, no. 2(A), March 2001; *Reluctant Recruits: Children and Adults Forcibly Recruited for Military Service in North Kivu*, vol. 13, no 3(A), May 2001. See also Human Rights Watch, *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, June 2002.

³ For a detailed assessment of the damage, see U.N. Security Council, "Report of the inter-agency assessment mission to Kisangani," S/2000/1153, December 5, 2000.

⁴ The signing of the agreement leaves the status of Uganda unclear; it continues de facto control over a large part of northeastern Congo.

⁵ U.N. Security Council, "Report of the Security Council Mission to the Great Lakes Region, 27 April – 7 May 2002," S/2002/537, May 13, 2002.

support for their own desire to rid the city of Rwandan influence. If so, this may help to explain why they appealed to MONUC to support their uprising, as noted below.

Rwandan Responsibility

Rwanda claims that it has troops in Congo to contain the threat of attack from remnants of the former Rwandan army and militia groups who participated in the 1994 genocide against Rwandan Tutsi. But it uses those troops to facilitate its own economic exploitation of the area and to ensure the de facto control of its local ally, the RCD, over eastern Congo.

The Rwandan army repeatedly denied any involvement in the May events in Kisangani, and said it has had no troops in the city since June 2001.⁶ But, as a former RCD official suggested to Human Rights Watch researchers, the RPA did not need formal units on the spot to control events. They could achieve the same end by placing their own men in positions of command within the RCD structures.⁷ A Congolese commander of RCD forces told Human Rights Watch researchers in 1998 that it was his Rwandan deputy, not he, who had final say in making decisions. Attempting to deal with this argument, Moise Nyarugabo, acting secretary general of the RCD, noted that in Congolese communities, “Nilotics”—a common reference in Congo to Congolese of Rwandan extraction—are often mistaken for Rwandans. He reportedly claimed that RCD seventh brigade commander Laurent Nkunda and others identified by Kisangani residents as “Rwandan” were in fact Congolese of Rwandan extraction.⁸

Substantial numbers of Congolese of Rwandan origin have lived in Rwanda and have family members living there still. Many of them have served in the RPA as well as in RCD forces. Others, including Nkunda and RCD fifth brigade commander Bernard Biamungu, have taken training courses in Rwanda while serving as members of RCD forces; indeed, these two were en route back to their command posts from such a training program when the mutiny began. Many soldiers serving in Congo, whether in RCD or RPA forces, use only their first names or adopt a nom de guerre, a practice which serves to further obscure their genealogies and places of origin. For all these reasons, it is often difficult—if not impossible—to establish the nationality of any given soldier. In fact, the soldier himself may feel simultaneously citizen of both Rwanda and Congo.

It may prove impossible to establish that soldiers who committed abuses in Kisangani were Rwandan nationals, but as the de facto occupying power in the region, Rwanda bears responsibility for ensuring the safety of civilians in areas under its control.⁹

Applicable Legal Standards

In northeastern Congo an international armed conflict intersects with several internal conflicts. The conduct of combatants in both international and internal conflicts is regulated by several international conventions.

The DRC became a party to the Geneva Conventions of August 12, 1949 in 1961 (as the Republic of Congo) and Protocol I of June 8, 1977 additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts in 1982 (as the Republic of Zaire). Rwanda became a party to the Geneva Conventions in 1964, as well as Protocol I Additional to the Geneva Conventions and Protocol II relating to the Protection of Victims of Non-International Armed Conflicts in 1984.¹⁰ The DRC has not acceded to Protocol II.

⁶ “Rwandan-Backed Rebels in DR Congo Want U.N. Envoy Pulled Out,” Agence France Presse, May 27, 2002.

⁷ Human Rights Watch interview, Kisangani, June 2002.

⁸ “Ngongi précise sa mission face à la situation de Kisangani,” news article posted at: www.congo.co.za/News/French/21_Mai_2002.htm, dated May 21, 2002 (accessed on July 20, 2002).

⁹ See: “A Briefing Paper for the “Arria Formula” Meeting on the Situation in the Democratic Republic of the Congo,” April 25, 2002, available at: <http://hrw.org/backgrounders/africa/drc-briefing-0425.htm>. In Resolution 1304 (2000) on the Situation Concerning Democratic Republic of the Congo,” S/RES/1304(2000), June 16, 2000, the Security Council recognized that Rwanda had violated the sovereignty and territorial integrity of Congo and demanded that it withdraw its forces without delay.

¹⁰ The corresponding years for Uganda and Burundi are 1964 and 1991, and 1971 and 1993 respectively.

Combat between two factions of the RCD, as well as between it and the Congolese government, qualified as an internal armed conflict with international dimensions, insofar as one group benefited from the support of the Rwandan army. All the parties to the internal conflict, whether insurgents or government, are obliged to uphold the standards set forth in Common Article 3 of the 1949 Geneva Conventions which prohibits attacks on civilians, including violence to life and person, cruel treatment and torture, taking of hostages, outrages upon personal dignity, and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court.¹¹ Common Article 3 also provides: “Persons taking no active part in the hostilities, including members of the armed forces who had laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause shall be in all circumstances treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.” The RCD violated all these regulations during its crackdown in Kisangani.

Since theirs is an international conflict, Rwanda and the Congo government are obliged to abide by the Geneva Conventions of August 12, 1949 and Protocol I additional to the Geneva Conventions.

The crimes documented in this report—deliberate killings of civilians, summary executions of detained persons, rape, and pillage—are also violations of customary international law. As such, they are outlawed at all times, in both internal and international conflicts, regardless of whether the parties responsible for these crimes have acceded to specific international humanitarian law treaties such as the Geneva Conventions.

¹¹ Geneva Conventions of 12 August 1949.



Youth belonging to the “Bana Etats-Unis” group, armed with machetes and spears, descend on the center of Kisangani in response to a radio call by mutineers to “push” the Rwandans out. May 14, 2002.

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IV. THE MUTINY

Start of the Mutiny

According to a well-placed military source in Kisangani, RCD soldiers, including a number of mid-ranking military commanders, launched the mutiny at midnight on the night of May 13-14 at the home of one of the commanders. From there several groups went from one military post to another throughout the city, recruiting supporters and reportedly telling soldiers and police they had to join or be killed.

One group overpowered guards at the military prison and freed the prisoners. One of the police officers who says he was forced to join the mutineers told Human Rights Watch researchers:

I was on duty as second guard at the police station. Towards 5:00 am a group of soldiers of the seventh brigade approached us. There were about 60 or 70 of them. I couldn't tell whether they had commanders with them because it was dark. They disarmed us and then tied us and forced us to follow them.

From there we went to the [next police station]. They disarmed the two policemen who were on duty, but didn't tie them up as they did us. Instead, they asked us to join the mutiny or be killed on the spot. At that moment we didn't have much choice. We agreed at gunpoint. At the [next stop] the group picked up about twenty soldiers who appeared to have been waiting for them.

At one point, profiting from the darkness and the confusion as the group grew bigger, I ran for my life. Two other policemen also escaped at that moment, and we all ran our separate ways.¹²

The mutineers rallied some members of a youth group from Mangobo district known as "Children of the United States" (*Bana Etats-Unis*) who in turn tried to enlist more members of the armed forces. According to the wife of one police officer, some of the Bana Etats-Unis tried unsuccessfully to recruit her husband during the night. "They hit him on the arm and it was swollen, he showed me," she said. "They had ordered him to join them, and when he hesitated, they hit him and kept going."¹³

Radio Broadcasts

At about 6 a.m. on May 14 mutineers took control of the RTNC radio station and forced the technicians to begin broadcasting statements detailing their grievances against "Rwandans" known to be the supporters of the RCD. One told listeners:

My dear compatriots, you know very well that today our major enemy is the Rwandans. We call him our major enemy because he left his home, which is thousands of kilometers from here, to loot, please, to destroy, to exploit everything which belongs to us. They've stolen enough, it's enough already, let them leave us alone so we can put our country back together; you see how they are here and there (everywhere). Let's uncover them, that we make them leave, they are not strong, strength lies with the Congolese military....

Today, we don't want to see the Rwandan enemy any more; he has become our enemy, because the enemy is the one who refuses you your liberty, who refuses to let you eat well.¹⁴

The mutineers broadcast confused and sometimes contradictory directives. At times, they urged the population, the police, and the military to kill "Rwandans" in language that echoed the vicious incitements that fueled the 1994 genocide in Rwanda. They made no distinction between civilians and combatants and even suggested at one point that soldiers had put on civilian dress, thus seeming to authorize targeting civilians. At

¹² Human Rights Watch interview, Kisangani.

¹³ Human Rights Watch interview, Kisangani, June 28, 2002.

¹⁴ May 14, 2002 RTNC broadcast, transcribed and translated by Human Rights Watch.

another point they said “Rwandans” could be identified by their noses, apparently a reference to Tutsi or Tutsi-looking Rwandans, thought to be recognizable by long, narrow noses.

But the mutineers also gave a different directive, to simply chase the “Rwandans” away so they would go back to their own homes. In one such message, the announcer said:

Dear Congolese compatriots don't be afraid, go outside to kill the Rwandans, all of those who live upstairs [*étage*, maybe outlying communes], come down, don't be afraid. Take rocks, machetes, hatchets, all the weapons you possess my brother, take them out. Chase them. We have had four years of suffering. The result? We are unpaid, we are suffering, brother. I think today is the last day, we want to have peace in our country Congo. Let us chase the Rwandans, that they go back to their home. Why? In what are the Rwandans better than us? Dear compatriots, do you follow me? In what are they better than us? What do they have in their land? A little country like Rwanda playing with us? Why? It's impossible. And the Rwandans can't play with us. A little country like Rwanda colonizing us? Why? What is it that we Congolese lack for being colonized by Rwanda? Impossible. ...

Today, it is the last day, dear compatriots. All those who are upstairs, come down, take your machete without fear, leave your children at home. Man, woman, come, we are going to chase away the Rwandans.¹⁵

In a similarly confused way, the mutineers at one point suggested that anyone who did not support them were “Rwandans” and would be punished, and at another promised that anyone who had worked with Rwandans would suffer no ill provided they switched sides.¹⁶

The mutineers particularly addressed their calls to several influential youth groups, like the Bana Etats-Unis and another known as the Vendome, but in an unrealistic assessment of the situation, they also appealed for support from the Kinshasa government and even from the MONUC peacekeepers.¹⁷

Killings by Mutineers

Mutineers and civilian crowds killed six persons who were or were thought to be Rwandan. At the Lengema building, home to a significant number of Rwandans and Congolese of Rwandan origin, the mutineering soldiers and police captured, beat, and then shot Ndayira Magobe, the fifty-year-old Rwandan deputy director of the Sun Air aviation company, and reputedly a close associate of Rwandan president Paul Kagame.¹⁸ At the military prison, mutineers captured a detained “Rwandan” soldier whom they later executed near the Congo Palace hotel, reportedly leaving behind his cellmate who was not thought to be “Rwandan.” The body of the dead man was burned by civilian crowds who turned out following the calls for support broadcast by the mutineers.¹⁹ Mutineers shot and killed a soldier and his civilian cousin, Felicien Bongungu, in a house said to be inhabited by “Rwandans” on Mama Yeko street in the Makiso commune. They also fired a bullet that killed four-year-old Dieu-Merci Bonganga, who was sleeping next to his mother in the house next door.²⁰

Following the broadcasts, crowds of civilians, especially members of the youth groups, armed themselves with sticks, machetes, and stones and headed for the center of the city. One such crowd encountered a soldier named Saidi and killed him because they took him for Rwandan. A thirty-eight-year-old resident of the Matete neighborhood of Mangobo described the killing to Human Rights Watch researchers:

Around 8 a.m., we heard screaming, “Rwandans, Rwandans!” There was a Rwandan called Saidi. He was on a *toleka*, a bicycle taxi. He had passed the night somewhere in the area. When the people saw him,

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Human Rights Watch interview, Kisangani, June 29, 2002.

¹⁹ Human Rights Watch interview, Kisangani, June 29, 2002.

²⁰ Ibid.

they were yelling “Rwandan!” and started chasing him. He was killed with stones and wooden sticks near the municipality of Mangobo. It was a group of twenty to thirty persons. The people who killed him were civilians. When they reached the municipality of Mangobo, they met a group of soldiers with red headbands who had joined the rebellion. They were about fifty or so, and armed.²¹

The End of the Mutiny

Although the mutiny garnered the support of an officially estimated four to five thousand people, it was put down within a few hours. Loyalist commanders retook control of the radio station by 8 a.m. on May 14. The most senior RCD officer present in Kisangani, Commander Yvon Ngwizani, deputy commander of the seventh brigade, broadcast orders for people to go home or back to work. He also warned, “If there are insurgents among you, we will teach them a lesson.”²² Another commander added, “The civilian who disobeys will die like a chicken.”²³ The governor then denounced the mutiny, which he blamed explicitly on the vocal civil society of Kisangani. He went on to formally prohibit any activities by civil society organizations throughout Oriental province (of which Kisangani is the capital). “No civil society group can operate,” he ordered. “Not one of them can ask for authorization for a meeting, because no such permission will be granted.”²⁴

No shots were fired in the retaking of the radio station and the mutineers who had made the broadcasts were apparently not arrested. That the mutiny was suppressed so quickly and easily led some civil society leaders to speculate that the uprising had been merely a RCD-organized charade to provide a pretext for the subsequent crackdown. Information gathered by Human Rights Watch researchers suggests rather that the mutiny was real, but badly planned. The ease with which it was suppressed may have been due in part to the ambiguous role played by certain commanders who may have initially supported the mutiny and then turned against it. Commander Jean-Francois Ibuka, the police commander in charge of operations, and commander Mabele, in charge of operations at the central command of the Armée Nationale Congolaise (ANC, the RCD’s armed wing), who were among those sent to retake the radio station, were later arrested for participating, as was Ngwizani.

²¹ Human Rights Watch interview, Kisangani, June 25, 2002.

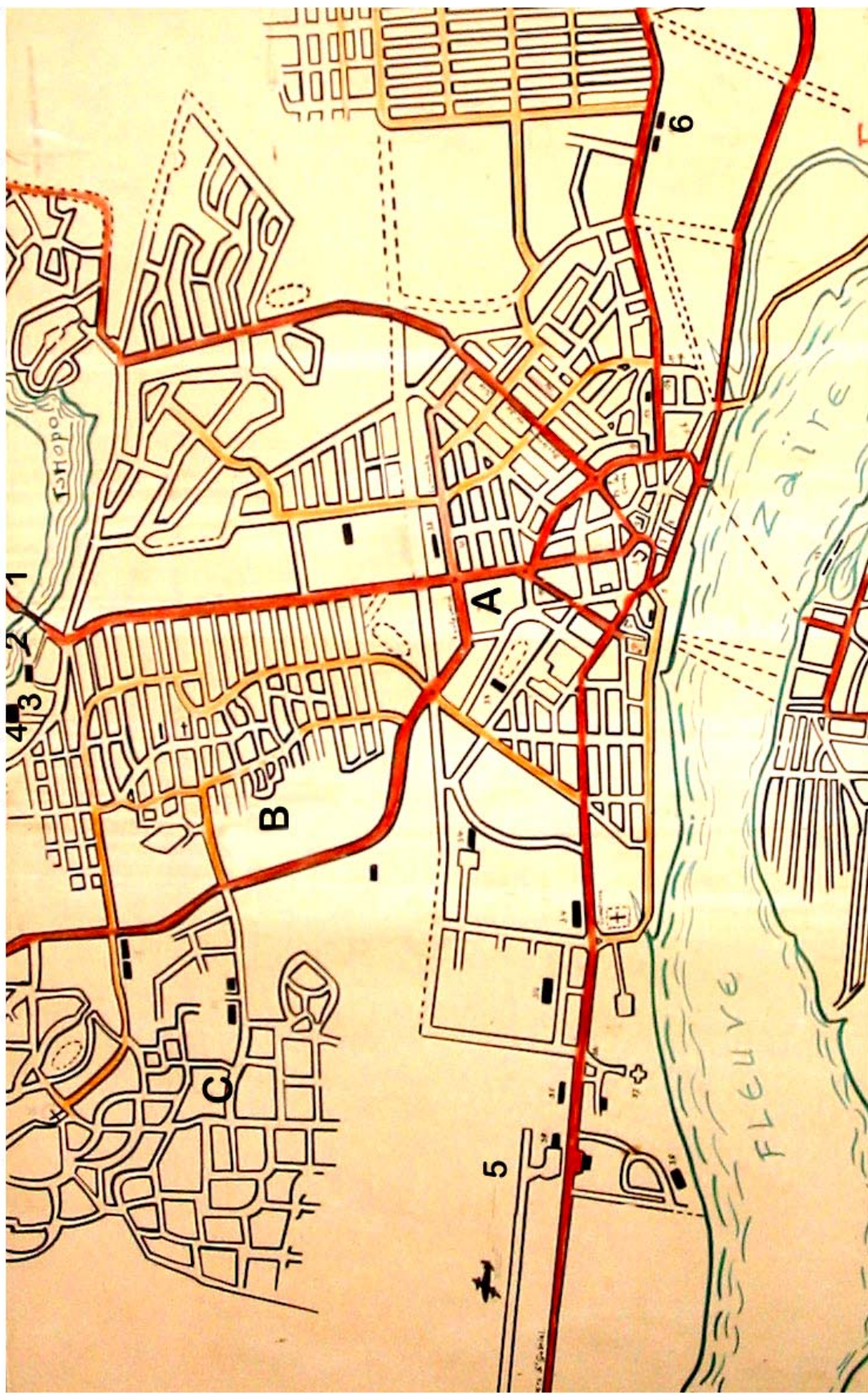
²² Ibid.

²³ Ibid.

²⁴ Ibid.

LOCATION OF EVENTS DESCRIBED IN CHAPTER V - THE MUTINY

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KEY:

A Makiso Commune
B Tshopo Commune
C Mangobo Commune

1 Tshopo Bridge
2 Turbines
3 Thermal Station

4 UNIBRAS Brewery
5 Simi-Simi Airport
6 Camp Ketele



Raymond Temba, a twenty-three-year-old university student, was the first civilian to be killed on May 14, 2002 in Mangobo district. (See page 12)



Seventy-year-old Beatrice Mbutu was shot and killed by RCD soldiers in her home. They attempted to rob her and when she said she had no money, a Congolese soldier shot her in the stomach. (See page 13-14)



Mourners surround the body of Camille Mongamba who was shot and killed by RCD soldiers on May 14, 2002 in Mangobo.



The family of brothers-in-law Ernest Mongbanga Lingule and Isaac Isabo Lotika mourn their dead. The two men, along with Camille Mongbanga and an unidentified man, were shot and killed by RCD soldiers in Mangobo on May 14, 2002.

V. THE CRACKDOWN

An appropriate official response to the mutiny should have included efforts to identify and bring to justice the perpetrators of killings and other crimes.²⁵ Instead, the RCD unleashed its own orgy of violence. After having retaken the radio station and effectively ended the mutiny, RCD troops carried out indiscriminate killings of civilians, summary executions of military and civilian personnel, numerous rapes, beatings and widespread looting. They encountered no armed resistance during their operations; hence none of their crimes can be explained as “incidental” to military operations.

Command Structure

According to three separate RCD military sources interviewed by Human Rights Watch, several of the most highly placed RCD commanders, including the seventh brigade commander, Laurent Nkunda, were in Goma at the time of the mutiny, having just completed a training program at Gabiro military camp in Rwanda (Goma, in the far east of Congo beside the Rwanda border, is the political center of the RCD and the seat of the headquarters of its ANC armed wing). According to those military sources, Kinyarwanda-speaking commanders Richard Mungura, head of the military police, Franck Kamindja, commander of Bangboka airport, and Christian Ndayabo, S5 (in charge of civic and moral education) of the seventh brigade set up an emergency command structure to regain control of the situation during the mutiny, in the absence of the higher-ranking commanders. The military sources explained to Human Rights Watch that the Kinyarwanda-speaking commanders suspected Congolese officers from other ethnic groups of supporting the mutiny, a suspicion apparently reinforced by the attempted ambush of Mungura en route to a meeting with Ngwizani, and so excluded them from decision-making.²⁶ Loyalists were said to have particularly suspected soldiers and commanders from neighboring Equateur province and soldiers who had served in the Kinshasa government army under the late presidents Mobutu Sese Seko and Laurent Kabila.

According to the military source, the emergency command structure made contact with the Goma command and reportedly received instructions from commander Balthazar, the G2 (in charge of military intelligence and security at the ANC central command). While awaiting reinforcements from Goma, they relied mainly on their own military guards for protection.

According to an RCD official, this emergency group ordered Ngwizani to arrest nearly a dozen commanders, including Ibuka; Mabele; commander Mwamba, S3 (in charge of operations) at the seventh brigade; platoon commander Bosele Tshutshuhe of Bureau 2 (military intelligence and security); Os Mabusu, an alias for the commander in charge of the military prison attacked by the mutineers; commander Ogi (position unknown), and Nyembo-Kilonda, company commander at the central command.²⁷ Two women were also arrested: soldier Florence Mobeyi, and Marie Bagalet, a woman who worked as a secretary at the police headquarters. The commanders were originally detained at holding places inside Kisangani, including the depot of an air cargo

²⁵ See: “Eastern Congo Ravaged: Killing Civilians and Silencing Protest,” *Human Rights Watch Short Report*, vol. 12, no. 3 (A), May 2000, pp. 17 and 19 “The RCD authorities are claiming that they are applying Congolese national law. According to Congolese law, authorities may detain a person for forty-eight hours without charge and, once charges are filed, may hold the accused for another two weeks in a jail before transfer to the central prison. Those exercising authority may carry out arrests for reasons related to the armed conflict but they are bound by the provisions laid down in international humanitarian law. In particular, court proceedings must be regular and respect the right of the accused to be informed without delay of the offence he is alleged to have committed, the right to be presumed innocent until proven guilty, and the right to choose his own defense lawyer, etc. (...) The RCD has taken over the existing judicial institutions and retained most of their personnel. The RCD has failed to provide for the regular pay of many government employees, including magistrates. In an increasingly desperate economic situation, judicial personnel frequently demand bribes to do their work and citizens are forced to pay to obtain justice. According to many detainees, family members had to pay bribes in order to be allowed to visit or to bring them food and prisoners had to pay bribes in order to receive better treatment. Guards are reportedly sometimes reluctant to release prisoners because they will then lose part of their income.”

²⁶ Human Rights Watch interviews, Kisangani.

²⁷ *Ibid.*

company called GomAir, but were later transported to a metal container at Bangboka airport before all except Mabele, who managed to escape, were executed on the Tshopo bridge (see below).

At about 11 a.m. on May 14, two planes from Goma arrived at Bangboka airport bringing the officers who then took command of suppressing the mutiny and directing reprisals against civilians.²⁸ Among them was commander Biamungu of the fifth brigade, who is a former leader in the Mai-Mai militia.²⁹ In April 2001 Biamungu had been convicted in Goma of ordering his bodyguards to beat a policeman, Mwetombe Kamwizi, who had stopped the commander's car to allow some school children to cross the road at a designated pedestrian crossing. The policeman died and the RCD Operational War Council tried Biamungu and sentenced him to ten years in prison. Then U.N. special rapporteur on the Congo, Roberto Garreton, classified this case as "death by torture" in his August 2001 report to the U.N. General Assembly, although he did not mention Biamungu by name.³⁰ By November 2001 Biamungu had been unofficially freed. According to Goma-based international observers, prison guards claimed that he was at the general hospital in Goma for medical treatment, but by January 2002, Biamungu was following a military training course in Rwanda.³¹

A second officer who arrived from Goma was Gabriel Amisi, also known as Tango Fort, assistant chief of staff for logistics, who has been implicated by international observers and a local Goma-based source in the summary execution of a soldier named Joe Lona Bifuko and in the torture of several detainees at the G2 military detention center in Goma in 2001.³² Also in the group were Laurent Nkunda, the Kinyarwanda-speaking commander of the seventh brigade, and at least three Kinyarwanda-speaking officers usually based in Goma and unknown in Kisangani.³³ The commanders arrived with two platoons, an estimated 120 troops, most of them believed to have been Rwandan or Congolese of Rwandan origin. One platoon remained at the airport and the other went into town to the central command.³⁴

According to the witnesses interviewed by Human Rights Watch, Biamungu, Nkunda, and Amisi appear to have been at the scene of many of the crimes documented in this report, in a position to know of them, and in some cases directing or participating in them; locally based commanders Mungura, Kamindja, Charles, Claude, Christian, and Santos also played important roles, as described below.

Killings, Rapes, and Looting in the Civilian Mangobo Neighborhood

Kisangani, a city home to some 600,000 civilians, is administratively divided into five districts (known in French as *communes*): Makiso, Tshopo, Mangobo, Kisangani, and Lubunga. Each district is home to dozens of smaller neighborhoods (known in French as *quartiers*). The Mangobo district, home to some of the youth groups that the mutineers had sought to rally, including the Bana Etats-Unis, was one of the earliest targets of the repression. Almost immediately after RCD commanders arrived from Goma, they headed towards Mangobo and began a wave of killings, rapes, and looting.

On May 14 and for several days after, RCD troops killed scores of civilians in Mangobo district. Church and nongovernmental organizations listed at least twenty-one persons as having been killed in Mangobo. The total number of victims is not yet established, but all witnesses interviewed by Human Rights Watch were consistent in

²⁸ See also the first independent report of the arrival of a "planeload of reinforcements of RCD troops" from Goma in: "DR of Congo: Reporting Calm in Kisangani, U.N. Stresses Need for Demilitarization," U.N. News Service, May 15, 2001.

²⁹ The Mai-Mai militia groups are hostile to all foreign presence in Congo, but members have opportunistically affiliated with different parties to the Congo conflict.

³⁰ "Situation of Human Rights in the Democratic Republic of the Congo," A/56/327, August 31, 2001, para. 74. The name of the slain policeman is given in other reports obtained by Human Rights Watch as Mweka Meto.

³¹ Human Rights Watch confidential telephone interview and electronic exchanges, notes on file at Human Rights Watch.

³² Human Rights Watch, confidential electronic correspondence with international observers and a local Goma-based source in Goma, July and August 2002, on file at Human Rights Watch. According to these sources, on November 13, 2001 Lona threw a grenade in a crowd of bystanders during a dispute with his girlfriend, killing three. Commander Amisi reportedly summarily executed Lona a few hours later.

³³ Ibid.

³⁴ Human Rights Watch interviews, Kisangani, Kinshasa, June-July 2002.

maintaining that those slain in Mangobo were unarmed civilians.³⁵ Those killings should be investigated as war crimes.

Soon after his arrival on May 14, commander Biamungu led his troops into Mangobo. According to a person who accompanied him, Biamungu was in charge of the operation. The witness said:

When we arrived at Mangobo, Biamungu gave the order to the platoon to shoot. We were with four vehicles. It was only the platoon [brought from Goma] because they had no confidence in the local troops. There was no armed resistance in Mangobo. Biamungu spoke to the troops in Kinyarwanda. He said, "Because they killed my Rwandan brothers, today the Congolese will pay. Shoot at everyone we see."³⁶

A second witness saw Biamungu leave for Mangobo later in the day as well. He first saw Biamungu with others directing operations from under a canopy at the Simi-Simi airport. The witness said:

He [Biamungu] was the chief of the operation—I say this because he received a call from the national television for permission to broadcast and refused the request. With him were commandants Richard, Faustin, Santos, Bizimana—all Tutsis who use only their first names....

At that moment, Biamungu said, "Let's go to Mangobo." It was about 2 p.m. They went in a gray pick-up—Santos, Biamungu, and Bizimana.³⁷

According to U.N. sources, RCD-Goma forces had effectively surrounded the Mangobo district by noon on May 14.³⁸

Killings

The first civilian reported to be killed on May 14 in Mangobo district was twenty-three-year-old Raymond Temba, a university student. A witness to the crime said:

Around 11 a.m., we saw five soldiers on the road. Their head, I am sure, was Rwandan. He spoke with other commanders in Kinyarwanda on the radio. The chief kicked down the door and entered the Temba home.

Raymond had been outside washing. He had come back inside and . . . the [Rwandan commander] asked him in Swahili where the owner of the house was. Then the [Rwandan commander] ran into Raymond's room. Raymond was begging him, "Please don't shoot me." The commander then shot Raymond. Then he left.³⁹

Raymond died while being transported to the hospital.

Catherine Tshiko, an eighty-nine-year-old vegetable seller at the main market in Mangobo, was returning home when she was met by a group of RCD soldiers. According to a witness, "They saw her and slapped her. She fell down. They picked up stones and began throwing them at her head."⁴⁰ When the family learned of her death, they went to look for her body but could not find it. "The same soldiers took the body of [Tshiko] away," said the witness. "Until now, we don't know where it was taken."⁴¹

³⁵ The Special Rapporteur on extrajudicial, summary or arbitrary executions estimated that forty-eight persons were killed in Mangobo in the mid-May crackdown.

³⁶ Human Rights Watch interview, Kinshasa, June 2002.

³⁷ Human Rights Watch interview, Kisangani, June 2002.

³⁸ Confidential U.N. information, original on file at Human Rights Watch.

³⁹ Human Rights Watch interview, Kisangani, June 2002.

⁴⁰ Human Rights Watch interview, Kisangani, June 2002.

⁴¹ Human Rights Watch interview, Kisangani, June 2002.

According to a source who accompanied commander Biamungu in Mangobo, Biamungu put the Kinyarwanda-speaking commander Santos in charge of collecting corpses from Mangobo and transporting them to an abandoned brewery by the Tshopo river, called UNIBRAS. “He [Santos] made four trips in his Land Cruiser double cabin [to transport bodies],” said the witness.⁴² He added that on the night of May 15, “Biamungu gave an order to deal with the bodies at the factory. . . . The bodies from UNIBRAS were dumped directly in the [Tshopo] river.”⁴³

At about 3 p.m. on May 14, RCD soldiers killed four men who were returning from their fields on the outskirts of Matete quarter of Mangobo, where they had been drinking palm wine. Three of the victims, Ernest Mongbanga Lingule, his brother-in-law Isaac Isabo Lotika, and a cousin, Camille Mongamba, lived on Avenue Fataki in Matete quarter; the fourth was not identified. According to a witness:

The soldiers forced them down on the ground and shot them dead on the spot. My [relative] was hit in the back, and bullets exited on the front. The soldiers walked away after that, leaving the victims to bleed to death.⁴⁴

A second witness saw the same killings. He said:

I was on a bike with some food I had bought. A woman warned me not to continue because the soldiers would kill me. I fled into the forest and hid myself in fear. There were two men coming from the field. I saw them walking towards five or six military. The soldiers asked the men why they didn’t greet them. They told the men to sit down. The soldiers had already gathered [stolen] a lot of bikes. Another soldier who was their commander came, he was a Tutsi, and said, “What are you waiting for? Kill them!” One of the soldiers shot the two men where they were sitting. They died right there. The same moment, two others came from the forest. They shot towards the boys and killed them.⁴⁵

Constant Ebo, a sixty-five-year-old woodworker, was outside his home on Avenue Bolingoli in the Segama quarter of Mangobo at about 4 p.m. on May 14. A witness described how he was killed there by RCD soldiers:

Three soldiers saw him, and asked him for money. He retorted, “Where would a grandfather like me find money to give you?” They shot him on the spot, without any warning. A bullet hit him on the left side of his chest. He collapsed and was dead then and there.⁴⁶

Late on May 14, RCD soldiers tried to rob and then killed forty-six-year-old Thomas Luwembo, a father of four, and his mother, sixty-six-year-old Agnes Lofutu, who lived near a military camp. According to a witness,

They caught [Luwembo] and began to beat him with their guns. There were six military, including one Rwandan. They said, “Give us money, if we need to take you to our commander you will die.” He said that he had no money, that he had gone out drinking and had spent his money. He tried to go back to his house, and they said, “You live so close to the camp, you must be military [a mutineering soldier].” Then they shot two bullets at him. My grandmother tried to stop them, but they also shot [and killed] her.⁴⁷

In a similar case, five soldiers, two Congolese and three Kinyarwanda-speaking, sought to rob seventy-year-old Beatrice Mbutu in the Walendu quarter of Mangobo at about 4 p.m. on May 15. Mbutu’s sixteen-year-old granddaughter, Lucy Lisaga, and other young women in the home fled into the rear bedroom, afraid of rape, but the grandmother stayed in the front room. A witness who was present related:

⁴² Human Rights Watch interview, Kinshasa, June 2002.

⁴³ Ibid.

⁴⁴ Human Rights Watch interview, Kisangani, June 2002.

⁴⁵ Human Rights Watch interview, Kisangani, June 2002.

⁴⁶ Human Rights Watch interview, Kisangani, June 2002.

⁴⁷ Human Rights Watch interview, Kisangani, June 2002.

The soldiers began demanding money, speaking in Swahili. They said, “Give us money, if you don’t, we will kill you.” They were in military uniforms—some wore green berets, others red ones. [Beatrice Mbutu] said, “I don’t have any money, if you kill me you won’t be any richer because I don’t have any money.” Immediately, a Congolese soldier shot her in the stomach with a single shot.⁴⁸

Beatrice Mbutu died immediately. As soon as the soldiers left, Lucy began screaming for help. The soldiers heard the screams and returned to shoot her. She died two days later.⁴⁹

Rape

RCD soldiers raped women in the course of reprisals against the civilian population of Kisangani, as they have done elsewhere.⁵⁰ Most victims of rape are too afraid and ashamed to report the crime. One raped woman explained to Human Rights Watch researchers that she had not even told her husband and relatives about the rape, because disclosure would mean certain divorce. Human Rights Watch researchers were able, nonetheless, to document three different incidents involving a total of eight women, and local human rights and humanitarian groups recorded others.

At about 1 p.m. on May 14, seven soldiers ordered a twenty-two-year-old mother of two and five other women to help carry goods they had looted from neighboring homes to the nearby Simi-Simi airport. After they arrived there, the commander—who spoke Kinyarwanda with one soldier and Swahili with the others—told the six soldiers to “Divide the women among you, have sex with them, and then kill them.” One of the women recounted:

When they divided us, the commander didn’t want a woman but all the others took a woman. . . . One of the women managed to flee. Then, all five of us [who remained] were raped. They raped us in the bush. The soldier who was with me was violent because I didn’t want to do this. So when the soldier I was with was finished, he told his friend [whose intended victim had run away] to come take his place. I started crying.⁵¹

The second soldier took pity on her when he realized she had a young baby and told her to quickly run away or she would be killed. This victim does not know what happened to the other women.⁵²

In a second case, a group of five soldiers detained a twenty-year-old mother of one near the Mangobo central market around 4 p.m. on May 15, and ordered her to transport their loot to Simi-Simi airport.⁵³ The victim recounted:

We arrived at Simi-Simi airport at about 7 p.m. They were telling me that they were going to kill me. At the airport, the Rwandan who was the commander gave the orders to the Congolese soldiers to kill me. One of the Congolese soldiers took me aside and said, “Sister, I don’t want to kill you, if you have sex with me, I will save you.”

When I refused, another soldier began to beat me. The soldier who wanted to have sex with me ripped off my clothes and then raped me. The other soldiers were drinking nearby. When he finished raping me, he told me to run. I had only a small piece of cloth to cover myself with. I ran to the town and got there at about 8:30 p.m.⁵⁴

⁴⁸ Human Rights Watch interview, Mangobo, June 2002.

⁴⁹ Ibid.

⁵⁰ For rapes by RCD and other forces in eastern Congo, see Human Rights Watch, *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, June 2002.

⁵¹ Human Rights Watch interview, Kisangani, June 2002.

⁵² Ibid.

⁵³ Human Rights Watch interview, Kisangani, June 2002.

⁵⁴ Ibid.

In a third case, an eighteen-year-old woman went to comfort neighbors for the death of a relative killed by RCD soldiers. Several of the soldiers who were still in the house took her into the bedroom and raped her. A witness who was present said that the girl, who is about 17 or 18 years old, had just started studying at the university. He said, "I saw them taking her into the house, and she later told me that she had been raped."⁵⁵

The rapes at the airport took place in the vicinity of military barracks where high-level commanders had set up a command center, suggesting that the rapists anticipated no punishment from their superiors even if caught.

Looting and Extortion

Many RCD soldiers looted or extorted money and goods from civilians during the crackdown. As recounted above, soldiers killed some civilians who could not or would not hand over money or goods as demanded, and raped and killed some of the women whom they had forced to carry looted goods to their barracks. In other cases, soldiers agreed to spare persons threatened with death in return for money. One forty-two-year-old father of eight said:

[Three] soldiers entered our house and told everyone to go into the living room and lie down. They were speaking Swahili with a Rwandan accent, and they looked Rwandan. . . . When they entered, they asked in Swahili, "Where is the money?" Then they spoke Kinyarwanda among themselves. . . . One of them said, "Kill them," in Swahili. One of the boys who had fled to our house said, "Don't kill us" and gave them money, 18,000 FC [US \$72]. They saw the money and said, "Let's Go."

When they left, I went to look at the window. There were other soldiers, and I saw them transporting radios, mattresses, television sets, even animals such as ducks, bicycles, many things. They had forced some boys to carry things. About 200 meters away, they were looting another house.⁵⁶

One family fled their Walendu neighborhood home on May 14 after a relative had been killed by RCD soldiers. When they returned the next day they found that their house had been looted. "Everything was gone," said one of the family. "They stole all of our clothes, pots, pans, plates, mattresses, all of our household things, the radio, our suitcase, shoes—everything was gone."⁵⁷

Soldiers robbed the father of a victim on his way home from the hospital. He recounted, "We met three soldiers who shot at us several times and then ordered us off the motorcycle. I had 3500 FC [about US \$14] in my pocket to buy blood for my son at the hospital. They took the money out of my pocket and then drove off with the motorcycle, and it still has not been found."⁵⁸

RCD soldiers also stole a vehicle and looted goods belonging to Jesuits who work at a church in Mangobo. At about 2 p.m. on May 14, the Kinyarwanda-speaking commanders named Santos and Bizimana, accompanied by seven or eight soldiers, stopped the priest Xavier Xabalo, aged sixty-two, who was driving a wounded woman to the hospital. The group had been looting shops in Mangobo. Commander Santos insulted Father Xabalo and the soldiers arrested him and stole his watch, his bag, and 3000 FC (about US \$12). They confiscated his gray pick-up and loaded it with looted goods, which they delivered to a small house near Simi-Simi airport.⁵⁹ According to a witness, Biamungu was also present at the airport at the time.⁶⁰

Soon after, Santos, Biamungu, and Bizimana headed to the Jesuit church in the gray pick-up. A witness at the scene said that the soldiers arrived firing wildly and indiscriminately, forcing seventy-five-year-old Father Guy Verhaegen to crawl to safety. Commander Santos asked Father Verhaegen where the satellite phone was located,

⁵⁵ Human Rights Watch interview, Mangobo, June 2002.

⁵⁶ Human Rights Watch interview, Kisangani, June 2002.

⁵⁷ Human Rights Watch interview, Kisangani, June 2002.

⁵⁸ Human Rights Watch interview, Kisangani, June 2002.

⁵⁹ Human Rights Watch interview, Kisangani, June 2002.

⁶⁰ Human Rights Watch interview, Kisangani, June 2002.

and when the hard-of-hearing priest pointed to the public phone instead, Santos kicked him so hard that he flew back several meters. The soldiers stole a motorcycle, a Kenwood radio with a transformer, a satellite phone, a portable computer, television, short-wave radios, and many other goods. The priests later publicly protested the looting and had some of their goods returned.⁶¹

Invisible Victims: Children Affected by Trauma

A father whose elder son was among the first killed at Mangobo told Human Rights Watch investigators: “I have another son who is quite young. We couldn’t console him since the day he saw his brother bleeding to death. He is now traumatized and suffers from fits of trembling. Sometimes he faints.”⁶²

Representatives of international health agencies operating in Kisangani told Human Rights Watch researchers that they were caring for many children traumatized by the violence they witnessed in mid-May. One agency was providing counseling to about thirty such children and noted that many families were too poor and too afraid to seek such assistance.⁶³

⁶¹ Human Rights Watch interview, Kisangani, June 2002.

⁶² Human Rights Watch interview, Kisangani, June 2002.

⁶³ Human Rights Watch interview, Kisangani, June 2002.



Dozens of military and police personnel were summarily executed at the Tshopo bridge by RCD troops following a May 14, 2002 attempted mutiny. © 2002 AFP

Summary Executions at the Tshopo Bridge

The Tshopo is a tributary that meanders parallel to the Congo River in the Kisangani area and joins the main river a few miles downstream from the city. Its narrow course and rapid waters at the northern edge of the city proved ideal for the establishment of a hydroelectric power station and its feeding dam, a thermal station, and a water treatment plant. A small metal bridge spanning the Tshopo, barely wide enough for one vehicle to cross at a time, is used by farmers bringing their produce to the market and by soldiers crossing back and forth to the Kapalata military camp (see figure 1).

RCD soldiers chose this site, somewhat distant from the city center, as a place for executions that they apparently hoped to keep secret. But many witnesses saw or heard what happened, and at least two intended victims survived to tell about the slaughter. In the days after the executions, the river itself revealed the perpetrators' secret, carrying dozens of semi-naked bodies, many of them bludgeoned or decapitated and still bound by the upper arms, past crowds of shocked local and international observers.⁶⁴

Killings on May 14 and 15

In the early afternoon of May 14, local people saw soldiers cordon off a wide perimeter around the bridge. One described the operation:

[T]he vehicles dropped off the soldiers. . . every few meters along the way, all the way to the water treatment plant about a kilometer and a half away. . . . At the bridge they dropped off eighty. They made two trips, dropping off about 200 soldiers altogether. They closed the bridge, refusing to allow anyone to cross. At 4 p.m., there was a family who wanted to go bury someone who died from malaria, but they were not allowed to cross the bridge.⁶⁵

Witnesses reported seeing three RCD commanders supervising this deployment, Gabriel Amisi (Tango Fort), Laurent Nkunda, and Bernard Biamungu. "We just watched the military movements and saw the three commanders arrive," said one witness. "Tango Fort was on a jaguar motorcycle. The others came in the trucks. At 4:30, the commanders had a meeting for about thirty minutes."⁶⁶ Human Rights Watch researchers have obtained the plate numbers of vehicles used in the operation.⁶⁷

At around 8 p.m. witnesses saw several vehicles arrive at the bridge. One said:

It was a dark night and I could see only the front lights of the vehicles as they stopped just before the bridge and unloaded people. The front lights stayed on as these people crossed the main bridge on foot to the other side of the river. There were about ten rotations of vehicles dropping people in this manner.... This movement lasted from 8:30 to 11:30 p.m.⁶⁸

Witnesses also reported hearing gunshots over the noise of the running water, which was louder than usual because the gates of the dam had been opened in the early evening. "At 11 p.m., we heard the first shot from a revolver," said one witness. "After the second and third shots, I started counting until I had heard eighteen gunshots from a revolver with intervals of few minutes between the shots. The sound came from the direction of the bridge."⁶⁹ Human Rights Watch has no evidence to indicate that commanders Nkunda, Amisi, and Biamungu were still present at the bridge at the time of the executions.

A Lingala-speaking soldier who took part in the killings later told a local acquaintance that his group had come from Goma with Tango Fort. According to his local interlocutor, he said, "Friend, on Tuesday night, we

⁶⁴ See: "RD Congo: Les Observateurs de la MONUC Ont Vu des Corps au Niveau du Pont Tshopo," MONUC Press Release, May 18, 2002.

⁶⁵ Human Rights Watch interview, Kisangani, June 2002.

⁶⁶ Ibid.

⁶⁷ Details of the vehicles are on file at Human Rights Watch.

⁶⁸ Human Rights Watch interview, Kisangani, June 2002.

⁶⁹ Human Rights Watch interview, Kisangani, June 2002.

killed more than a hundred of your officers on the bridge.”⁷⁰ A local villager reported that other soldiers said that their orders were to shoot police commanders and to slaughter the military commanders in other ways. When he asked how the soldiers could kill their commanders, they responded that they would have been killed themselves if they had refused. They told him that a soldier in their group who refused to obey had been the first killed.⁷¹

The bridge remained closed the next day but dozens of witnesses saw soldiers apparently trying to scrub blood off of it.⁷² That night, at about 7 p.m., other soldiers came to the bridge. At 11 p.m. commander Mungura arrived, acting on orders from Nkunda according to a military witness, and at the same time, three Land Cruisers and the car stolen from the Mangobo priests pulled up at the bridge, carrying twenty-eight prisoners who had been kept at the airport.

According to a soldier present, the soldiers who killed others on the bridge were all from Goma. He said:

There was a cordon of soldiers on the bridge. We took the bound prisoners out and then onto the bridge. Biamungu, Mungura, Santos, S3 Lubutu [the officer in charge of operations at Lubutu], Franck [Kamindja, commander of Bangboka airport] were there. Biamungu was in charge, he was hitting the prisoners. He then gave the order to kill the prisoners with bayonets and throw them in the river. They were bound and gagged. Some were killed with bayonets, others had their necks broken. They put them in bags and threw them in the river. The two women prisoners were not there.⁷³

When the killing was finished, the killers went drinking while Biamungu and others went to the building of the RCD “Presidency”.⁷⁴

Evidence of the Killings and Attempts to Hide It

Beginning on May 16 and for the next two days fishermen and other local residents saw bodies in the river, most of them male, but at least one female.⁷⁵ One Tshopo commune resident who crossed the bridge on foot said:

I counted thirty bodies and bags between the dam and the small rapids, and twelve beyond the rapids. Most corpses were in underwear, and many were beheaded. On the bridges there were still many traces of blood despite attempts to cover them with sand, and on the small maize field to the left of the landing the odors were unbearable.⁷⁶

More bodies surfaced on May 17 when one witness counted seventeen corpses, one of them female. He did not count the body bags. When soldiers noticed that the bodies were attracting a crowd of spectators along the river at about 8:30 a.m., they started shooting in the air, closed the bridge, and summoned help over their radio.⁷⁷ Two vehicles of reinforcements soon arrived. The soldiers ordered two MONUC vehicles and others of international non-governmental organizations (NGOs) that were in the area to leave immediately and they cordoned off the bridge.

According to a soldier who accompanied him, Mungura arrived with the reinforcements, again acting on orders of Nkunda who summoned him by radio from Ketele camp and told him to go to the bridge with whatever troops he could assemble. Mungura found some thirty soldiers and went to the bridge where civilians were trying to pull bodies from the river.⁷⁸ A soldier who was present said:

⁷⁰ Human Rights Watch interview, Kisangani, June 2002.

⁷¹ Human Rights Watch interview, Kisangani, June 2002.

⁷² Human Rights Watch interview, Kisangani, June 2002.

⁷³ Human Rights Watch interview, Kinshasa, June-July 2002.

⁷⁴ Ibid.

⁷⁵ Twelve Human Rights Watch interviews, Kisangani, June 2002

⁷⁶ Human Rights Watch interview, Kisangani, June 2002.

⁷⁷ Ibid.

⁷⁸ Human Rights Watch interview, Kinshasa, June-July 2002.

Commander Biamungu, Mungura, Christian of the fifth brigade, Com. Frank [Kamindja], and the two other Rwandan commanders that I didn't recognize at the airport were there. Biamungu gave an order to shoot in the air to disperse the population. Then, commander Biamungu ordered Commander Christian to go find some people to help recover the bodies.

We went to the market nearby and we found twenty-seven young men. One of the two Rwandans from Goma explained they had to recover the bodies and they would be paid U.S. \$150.

We pulled nine bodies out of the river and put them in a truck. Then we went to Bangboka airport. The owner of the truck was left behind at kilometer 13, and we continued to the airport. It was the old Leyland truck from UNIBRAS.

At Bangboka airport, we found four MONUC planes. We hid the truck behind a building. Later [after MONUC officers had left], we put the bodies in a communal grave that had already been dug at the far side of the airport runway. As we were putting in the bodies, other soldiers arrived with thirteen bound men—policemen whom I didn't know. It was now about 10 p.m. After this, we went to eat and drink at the military post until 2 a.m.⁷⁹

Over the following days, bodies continued to be found in the river further from Kisangani, twenty at Yakossu, twenty-five kilometers downstream, another twenty at Vananonge, ninety kilometers away and ten bodies at Yanliambi, some 150 kilometers from Kisangani.⁸⁰

Other Locations of Killings

On and after May 14, RCD soldiers killed other soldiers, policemen, and civilians at Ketele military camp, the military base at Bangboka airport, and the UNIBRAS brewery.

Soon after recapturing the radio station, Commander Ibuka ordered all police to return to their camps or posts.⁸¹ He was himself arrested soon after and was reportedly among the first to be executed.⁸² But in the meantime dozens of policemen followed his orders and returned to their camps or posts. By midday, the seventh brigade military police were interrogating policemen at one post after another, arresting any who had deserted their posts in the early morning hours, either to flee the mutineers or because they were coerced into joining them.

The military police marched those arrested, with arms bound behind their backs, to camp Ketele, the military barracks closest to the city center. According to eyewitnesses, several policemen of this group were immediately taken to an isolated area within the camp, told to sit down and turn their backs to their guards. The guards then shot them even as they were crying that they were innocent.⁸³

RCD soldiers executed other policemen at the military base at Bangboka airport. Human Rights Watch interviewed a soldier (see his testimony above) who saw the thirteen bound policemen being escorted to the mass grave at the end of the runway and told to get into the grave—he then left the scene and never saw the prisoners again, leading him to believe they were executed.⁸⁴ Another witnesses reported a similar scene at the airport, although he claimed it had happened the night before. He saw some Kinyarwanda-speaking soldiers guarding a group of about a dozen detained soldiers who were sitting on the ground. He said that at about 11:30 on May 14, he saw the soldiers order the prisoners to march to a nearby ditch. "I couldn't see what was happening at the ditch because of the darkness," said the witness, "but I distinctly heard the prisoners weeping, screaming, and crying for

⁷⁹ Human Rights Watch interview, Kinshasa, June-July 2002.

⁸⁰ Human Rights Watch interview, Kisangani, June 2002.

⁸¹ Transcript of the RTNC radio broadcast on Tuesday, May 14, 2002, at around 8:00 a.m., original in Lingala/Swahili/French, translated into French and English independently by Human Rights Watch.

⁸² See p. 20 on his arrest.

⁸³ Human Rights Watch interview, Kisangani, June 2002.

⁸⁴ Human Rights Watch interview, Kinshasa, June-July 2002.

mercy as they were being slaughtered. I recall one pleading with the soldiers: ‘why do you have to slaughter me? At least kill me with a bullet.’⁸⁵

On at least one occasion, RCD soldiers disposed of some bodies of military victims directly into the Congo River. One witness saw a commander throwing three dead bodies of soldiers into the river, not far from the center of Kisangani.⁸⁶

On the afternoon of May 14, three RCD soldiers took bicycle taxis to the UNIBRAS brewery and then refused to pay the fare to the young bicyclists. Instead they forced them into a villa in the UNIBRAS compound where a dozen soldiers were milling around in the living room. The soldiers ordered the three young men to lie down on a plastic sheet that was covered with blood and told them that they were soon to be killed. One of the three was saved by a Congolese soldier who knew him, but more than a month later, at the time of the Human Rights Watch researchers’ visit to Kisangani, the others remained missing.⁸⁷

Detentions and Treatment of Detainees

In the course of suppressing the mutiny, RCD authorities arrested dozens of soldiers and policemen whose current whereabouts remain unknown. According to a witness well-placed to follow the events, “at least ten people were arrested before [the commanders from Goma] arrived ...by the evening the number was well above thirty.... This is just the commanders, but then many police officers in uniform were also later arrested, regardless of cause.”⁸⁸ As already described, at least some of the arrested soldiers and police were summarily executed in Kisangani, but according to witnesses, several detained senior commanders were sent to Goma for interrogation, including Ngwizani who was sent there on May 18.⁸⁹

Commanders Nyembo-Kilonda and Ibuka were among the officers seen by a witness in the holding cell at the central command of the seventh brigade in Kisangani at about 5 p.m. on May 14. Nyembo was stripped to his underclothes. At about the same time, the witness saw Biamungu outside the holding cell, kicking and beating detained soldiers who had their arms bound by the elbow behind their backs: “Biamungu was telling the prisoners that they would soon be beheaded,” said the witness. “I also saw him punching Marie Bagalet, the secretary at the police, in the stomach. He ordered her thrown in a white Land Cruiser with four other soldiers.”⁹⁰

In a hand-written document provided to Human Rights Watch, commander Mabele, who survived the executions at the Tshopo bridge by managing to run away, claimed that sixty-three RCD soldiers and an undetermined number of policemen from the provincial detachment of the national police in Kisangani had been summarily executed.⁹¹ Among fifteen army and ten police commanders whom he names as victims are the detained officers Nyembo-Kilonda and Ibuka. Because Mabele had fled to a remote village far from Kisangani, Human Rights Watch was unable to conduct an interview with him.

On May 15 Jean-Pierre Lola Kisanga, the acting spokesman of the RCD-Goma executive committee and head of its department of culture and communications told a journalist that RCD authorities had arrested ten insurgents, “including a former major, and captain (in the former Zairian Armed Forces).”⁹² Three days later he told another journalist that RCD authorities had arrested seventeen backers of the insurgents, a reference to youths who demonstrated in support of the mutiny.⁹³ Since this time, RCD-Goma has made no statement about the detainees.

⁸⁵ Human Rights Watch interview, Kisangani, June 2002.

⁸⁶ Human Rights Watch interview, Kisangani, June 2002.

⁸⁷ Human Rights Watch interview, Kisangani, June 2002.

⁸⁸ Human Rights Watch interview, Kisangani, June 2002.

⁸⁹ Human Rights Watch interview, Kisangani, June 2002.

⁹⁰ Human Rights Watch interview, Kisangani, June 2002.

⁹¹ Undated handwritten document on file at Human Rights Watch.

⁹² “DR Congo Rebels Accuse Kinshasa, Rivals Over Kisangani Attack,” Agence France Presse, May 15, 2002.

⁹³ “Church Puts Toll of Clashes in Eastern Congo City at 50,” Agence France Presse, May 20, 2002.

Response of the RCD

As news of the killings at Kisangani became known and international criticism mounted, the RCD talked of an international commission of inquiry and then dispatched its own fact-finding team of four officials to Kisangani under the direction of Jean-Pierre Lola Kisanga.⁹⁴

Intent on minimizing the extent of the abuses, Kisanga noted on arrival that “there were deaths on both sides.”⁹⁵ In June he announced that the investigative commission had recorded forty-one deaths in the mid-May events: four Rwandans lynched by mobs, “seventeen civilians were killed by stray bullets, and eleven mutineers drowned while trying to flee by canoe.” Kisanga brushed off the many accounts of bodies floating in the river, saying the dead were “mutineers who tried to flee by canoe and drowned.”⁹⁶ The RCD gave the results of the inquiry to Asma Jahangir, the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions.

Given the evident responsibility of RCD forces in carrying out the killings, it is unlikely that victims or families of victims would have sought contact with the RCD commission of inquiry. The commission may not have sought to collect information from such persons: of the two dozen survivors or relatives of victims interviewed by Human Rights Watch researchers, none had been contacted by the commission. In addition, relatives of several missing commanders who sought information about their whereabouts subsequently had their homes looted by RCD soldiers. The RCD official who provided this information to Human Rights Watch researchers said that news of these attacks discouraged others from requesting searches for the missing.⁹⁷

In a May 17 statement, the RCD denied that any Rwandan troops, or even reinforcements from its own army, had been sent to Kisangani to quell the mutiny. It acknowledged only the commanders Gabriel Amisi and Laurent Nkunda were dispatched from Goma to Kisangani and said that their contribution had permitted the “repression of the armed insurrection of May 14.”⁹⁸

VI. INTERNATIONAL RESPONSE

The response of the international community has been incommensurate with the scale of the disaster resulting from the war in the Congo. Its support for political and diplomatic efforts to end the war has been relatively consistent, but it has taken no effective steps to abide by repeated pledges to demand accountability for the war crimes and crimes against humanity that are routinely committed in Congo.

United Nations Security Council

The Security Council has consistently supported the Lusaka peace process, including by establishing the United Nations Mission in the Democratic Republic of Congo (MONUC) to monitor its implementation. To encourage the peace efforts and to better inform themselves, Security Council ambassadors have traveled to the region annually since 2000. Through Arria Formula briefings in 2001 and 2002,⁹⁹ they invited analysis of the situation from nongovernmental organizations, including Human Rights Watch, and from the U.N. special rapporteur on the DRC. The Council has tasked a special panel of experts with investigating the illegal exploitation of Congolese resources by other nations.

The Council and the U.N. Secretary-General have frequently denounced human rights abuses and the humanitarian disaster that the war unleashed on the local population. But they have shown little will to tackle the

⁹⁴ “DRC: RCD Calls For Independent Inquiry Into Kisangani Events,” IRIN, May 24, 2002.

⁹⁵ “Church Puts Toll of Clashes in Eastern Congo City at 50,” Agence France Presse, May 20, 2002.

⁹⁶ “Inquiry by DR Congo Rebels Finds 41 Killed During Kisangani Unrest,” Agence France Presse, June 20, 2002.

⁹⁷ Human Rights Watch interview, Kisangani, June 2002.

⁹⁸ “Communiqué de Presse du Rassemblement Congolais Pour la Démocratie de ce Vendredi 17 Mai 2002...” May 17, 2002, available www.congo.co.za/News/French/17_Mai_2002.htm (accessed July 16, 2002).

⁹⁹ The Arria Formula, introduced in 1993, is an informal arrangement allowing the Security Council to be briefed about international peace and security issues.

responsibility of occupying powers for the atrocities taking place in areas under their control, areas where the worst violence in the country takes place. Hence Rwanda, like Uganda, has escaped any significant sanction for its role.

The recent history of Kisangani demonstrates this lack of international resolve. After the June 2000 battle between Rwanda and Uganda, the Security Council demanded that the two countries withdraw their forces from Congolese territory and make reparations for the loss of life and property in Kisangani.¹⁰⁰ Two years later, Uganda has left Kisangani after suffering a military defeat in the city at the hands of the Rwandan troops but Uganda remains in the Congo, and Rwanda continues to control the city through its local proxy force, the RCD. Neither has paid any reparations, a failure about which the Security Council has remained silent.

U.N. Mission in Congo (MONUC)

The war crimes documented in this report were committed despite the presence in Kisangani of dozens of MONUC observers and some one thousand soldiers meant to protect the U.N. presence. The headquarters of MONUC Sector 2, the Kisangani unit, includes a military component, with its observers and contingents, and a civilian component with human rights and political officers and humanitarian and child protection advisors. The Kisangani sector is the largest in the Congo, covering 500,000 square kilometers, but its human rights division had only four officers at the peak of its strength and only three in May 2002.¹⁰¹

Paragraph 7 of Security Council Resolution 1417 reaffirmed MONUC's mandate to take necessary action to protect civilians under imminent threat of physical violence.¹⁰² The residents of Mangobo district were under imminent threat of physical violence in the early afternoon of May 14 as a column of RCD soldiers marched into their neighborhood, but MONUC took insufficient steps to protect the civilian population.

MONUC officers observed the arrival of two planeloads of RCD soldiers in the late morning. They also observed the gunfire that afternoon and evening in Mangobo district. In addition to the information available from MONUC's own observers and extensive local contacts, at least one international worker brought the crisis and killings to the attention of MONUC officers on the afternoon of May 14 and entreated them to act.¹⁰³ At the time, the mutiny had long since been put down.

MONUC military and civilian officials repeatedly attempted to secure meetings with RCD-Goma officials to express their concern about the use of excessive force, but only managed to secure a meeting at the RCD-appointed governor's office in the afternoon of May 15. During that meeting, the deputy force commander and MONUC's political and human rights officers met with the RCD authorities and pressed them to exercise restraint in re-establishing order.¹⁰⁴ MONUC obtained the release of the two detained missionaries on May 15, and provided shelter for seven individuals, mostly civil society activists, who faced credible threats to their lives.¹⁰⁵ Civil society activists and human rights defenders felt particularly threatened because RCD-authorities had publicly accused them of supporting the mutiny and of acting as agents for Kinshasa. The deputy force commander visited Mangobo on May 15 and heard reports from the population about the reprisal raid of the previous day. MONUC's military patrolled the city in the following days, sometimes accompanied by the human rights officers.¹⁰⁶

¹⁰⁰ Security Council resolution 1304 (2000) on the situation concerning the Democratic Republic of the Congo S/RES/1304(2000), Adopted by the Security Council at its 4159th meeting, on 16 June 2000.

¹⁰¹ MONUC currently has fifteen human rights observers, five of whom are posted to the capital, Kinshasa. Human Rights Watch believes that a much larger number of MONUC human rights observers is necessary to adequately monitor the human rights situation in a country the size of the Democratic Republic of Congo.

¹⁰² U.N. Security Council resolution 1417 (2002), SC/7425, June 14, 2002. See also: "MONUC Mandate," MONUC Public Information Office, at www.monuc.org (accessed on July 14, 2002).

¹⁰³ Human Rights Watch confidential interview, July 2002.

¹⁰⁴ "DRC: U.N. Appeals for Calm in Kisangani: Situation "Tense"," U.N. Integrated Regional Information Network (IRIN), May 17, 2002.

¹⁰⁵ See U.N. Security Council, "Eleventh Report of the Secretary-General..." Ibid.

¹⁰⁶ Ibid.

But on May 14, at the time killings were still taking place, the deputy force commander of MONUC, Brigadier-General Roberto Martinelli and local commanders decided not to deploy military observers to Mangobo and other affected areas, apparently concerned about MONUC casualties.¹⁰⁷ The United Nations should investigate the failure of MONUC to take proactive steps to “protect civilians under imminent threat of physical violence,” as was the case on May 14 in Kisangani. While Human Rights Watch believes that a deployment of military observers in Mangobo could have significantly influenced the unfolding events, but we do not have access to all the thinking behind the decision not to deploy. Among the questions to be investigated is whether MONUC felt it was sufficiently armed to effectively carry out its mandate, and whether MONUC commanders believed they could count on the support of the troop-contributing nations when carrying out their mandate and risking the lives of MONUC personnel.

In the immediate aftermath of the killings, MONUC summoned human rights officers from other sectors. Together with local staff and the head of the Goma office of the Human Rights Commissioner’s Field Office in Congo, they conducted a prompt and thorough investigation of the crimes. They concluded that at least fifty people had been killed and publicly accused the RCD of grave violations of human rights and international humanitarian law.¹⁰⁸ Following the issuance of their report, the Security Council on May 24 reiterated its demands that the RCD demilitarize the city. It asked the U.N. secretary-general to weigh the possibility of increasing troop deployment in the city, and in an unprecedented move, expressed its interest in receiving a joint report investigating the events from the High Commissioner for Human Rights and MONUC.¹⁰⁹

Reaction of the RCD to U.N. Initiatives

Even as the MONUC inquiry was underway, the RCD sought to discredit MONUC for having refused “to publicly condemn calls for murder and ethnic hatred” that the RCD claimed had been broadcast by the mutineers.¹¹⁰ Adolphe Onusumba, the chairman of the RCD, accused Special Representative of the U.N. Secretary-General (SRS)G Namanga Ngongi of being biased in favor of Kinshasa and of spreading its propaganda. He demanded Ngongi’s departure and “definitive dismissal.”¹¹¹ By May 31, the RCD barred Ngongi from areas under its control. The same week, they expelled three MONUC workers from Kisangani, including the chief of the human rights team, Luc Henkinbrant.¹¹²

Facing increasing scrutiny of their conduct during the May events, RCD commanders appeared intent on sending a strong message to MONUC about their impunity. On June 17, the commander of the seventh brigade, Laurent Nkunda, and several armed guards entered U.N. premises at the river port of Kisangani without authorization. They took away two civilian security guards and assaulted them, causing them some injuries. Commander Franck Kamindja also entered the same compound without permission later that day. The U.N. secretary-general issued a strong condemnation of the incident and reminded the RCD of its obligations to ensure the security of U.N. staff, but he failed to insist that the commanders responsible be disciplined.¹¹³

After a protest from the deputy SRS)G in the DRC, the RCD apologized, as did Nkunda, who sought to explain away the beating of the civilian guards by saying that he thought they were Congolese.¹¹⁴

¹⁰⁷ Human Rights Watch interview, Toby Harward, Political Affairs Officer, MONUC-Kisangani, June 2002.

¹⁰⁸ “DR Congo: U.N. Mission Issues Preliminary Report on Kisangani Disturbances,” U.N. News Service, May 23, 2002.

¹⁰⁹ U.N. Security Council Resolution 1417 (June 14, 2002), paragraph 4 (stating that the U.N. Security Council “looks forward to receiving the joint report and recommendations by MONUC and the Office of the High Commissioner for Human Rights on the violence in Kisangani”); Statement by the President of the Security Council, June 5, 2002.

¹¹⁰ “Rwandan-Backed Rebels in DR Congo Want U.N. Envoy Pulled Out,” Agence France Presse, May 27, 2002.

¹¹¹ Ibid.

¹¹² Human Rights Watch interview with Luc Henkinbrant, Kinshasa, June 2002.

¹¹³ Human Rights Watch interview, Kisangani. See also: “DRC: Rebels Apologise to U.N. for Break-In,” IRIN, June 19, 2002; “Secretary-General Strongly Condemns Acts of Intimidation Against U.N. Mission in DR Congo,” U.N. Secretary-General’s office, SG/SM/8275, AFR/421, June 18, 2002.

¹¹⁴ “RD Congo: MONUC Communique de Presse du 18 Juin 2002,” June 18, 2001.

U.N. Commissioner On Human Rights

On July 16 the U.N. High Commissioner for Human Rights, Mary Robinson, and the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, briefed the Security Council on the Kisangani killings. It was the first time that the High Commissioner addressed the council on the situation in one country and reported on an investigation by a special rapporteur. Drawing on the investigation done by Asma Jahangir, the special rapporteur on extrajudicial, summary or arbitrary executions, the High Commissioner concluded that the RCD-Goma was responsible for the killing of at least 163 people at Kisangani. She called on authorities to arrest those who ordered or were involved in the massacre but stopped short of naming those responsible. She warned of further bloodshed, particularly if those responsible for the May massacre were not brought to justice.¹¹⁵

The Security Council responded to the briefing on July 23 by issuing a Presidential Statement on behalf of all its members. In its Presidential Statement, the Security Council stressed that RCD-Goma “is responsible for the massacres that took place after regaining control over the city’s radio station on May 14.” The Security Council demanded that RCD-Goma “take the necessary measures to bring the perpetrators and those among them who ordered or were involved in the massacre to justice.”¹¹⁶

The Security Council further stressed that “Rwanda has a duty to use its strong influence” to ensure that no further war crimes were committed by RCD-Goma. MONUC and the Office of the High Commissioner for Human Rights were requested by the Security Council to continue their investigations into “the massacres in Kisangani,” and the Security Council recalled MONUC’s “mandate to extend its protection ... to civilians under imminent threat of physical violence.” However, MONUC’s military capacity was not expanded to ensure that it had adequate means to carry out its protection mandate.

The Present Situation

At the time of her report, the High Commissioner stressed that many civil society activists remain in hiding and believe their lives to be at risk. Witnesses necessary for bringing killers, rapists, and looters to justice also remain afraid, knowing their testimony could help convict important figures in the army and police. Ordinary citizens live in fear of authorities who, far from protecting them, can turn against them for political or personal ends. Kisangani continues to be a very insecure place for those who fall afoul of RCD commanders: During its June visit to Kisangani, Human Rights Watch documented two post-mutiny cases in which RCD army commanders in Kisangani used their soldiers to settle personal scores with civilians. In both cases, the victims were targeted for murder. Fortunately both escaped, one, a young man, with serious injuries, the other, a young woman, with scars and deep trauma.

In these circumstances, the role of MONUC in helping to promote security for the civilian population is crucial. At the end of July, MONUC began training fifty-four civilian police instructors, meant to be the first contingent for improving the capacities of local police. In resisting pressure to demilitarize Kisangani, the RCD has cited, among other reasons, the need first to train a competent police force to take over the enforcement of law and order. With this training, local officers should be able to relieve MONUC of some of the burden of protecting civilians and should also contribute to making possible the withdrawal of RCD forces from the city.

However, the actual implementation of the MONUC’s police training program will be crucial in determining its success. The RCD remains reluctant to implement the immediate and unconditional withdrawal from Kisangani demanded by the U.N. Security Council during its May 1 visit to Kisangani. Many observers believe that the RCD may attempt to continue its control of Kisangani by inserting many of its own military into the ranks of police trainees ahead of the training.¹¹⁷ The MONUC police training program should take the necessary steps

¹¹⁵ United Nations Security Council, High Commissioner for Human Rights, Report on the 14-15 May Events in Kisangani-Democratic Republic of the Congo, S/2002/764.

¹¹⁶ Statement by the President of the Security Council, July 23, 2002.

¹¹⁷ See, for example, “Reaction de la Population a la Demilitarisation de la Ville de Kisangani,” November 12, 2001, electronic communication on file at Human Rights Watch.

during the application and selection process to ensure that RCD commanders and personnel responsible for war crimes and other abuses are excluded from participation in the police training program.

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