



## **Democratic Republic of Congo: Civilians at Risk During Disarmament Operations**

### **Summary**

Rwandan armed groups, like many other armed groups in the eastern Democratic Republic of Congo (DRC) kill, rape, and otherwise injure civilians and often loot or extort their property. Under the terms of the Lusaka Accords and the Pretoria Agreement ending four years of war in the Congo, the Congolese government agreed to disarm these groups, but has failed to do so. In the face of this failure, Rwanda, a signatory to the peace agreements, has threatened to invade the Congo. The Congolese army, the Forces Armées de la République Démocratique du Congo (FARDC) and a United Nations (U.N.) peacekeeping force known as MONUC, began a new disarmament operation in Walungu (South Kivu province) in early November. During its first several weeks, this operation produced little, but at the same time MONUC officers in North Kivu were showing greater success in persuading members of Rwandan armed groups to lay down their arms and return home.

In late November Rwandan President Paul Kagame stated that voluntary disarmament efforts had failed and threatened to send Rwandan army troops to Congo to forcibly disarm the Rwandan armed groups. These threats and incursions by Rwandan army troops into Congo which reportedly followed soon after sparked a resumption of armed conflict in North Kivu province between rebellious Congolese soldiers once part of the forces of the Rwandan-backed Rally for Congolese Democracy-Goma (RCD-Goma) and other soldiers of the Congolese army. The renewed armed conflict caused the flight of nearly 200,000 civilians and disrupted disarmament efforts in North Kivu.

Congolese troops, poorly organized and disciplined, poorly trained, and poorly supplied have also raped and looted the very civilians they are supposed to protect. These kinds

of abuses, reported in this paper for South Kivu, have also marred Congolese army conduct in North Kivu since the resumption of armed conflict.

Neither MONUC nor Congolese commanders have adequate plans to protect civilians against the abuses by Rwandan combatants or by Congolese army soldiers that are certain to increase if Congolese forces begin to use force to disarm the Rwandan armed groups. MONUC and Congolese commanders must implement an effective strategy to protect civilians now and in the course of operations to come.

International actors supporting the peace process in the Congo must actively monitor and promote compliance by all signatories to the Lusaka Accords, the Pretoria Agreement and subsequent agreements, including the recent Dar-Es-Salaam declaration on Peace, Security, Democracy and Development in the Great Lakes region signed at the first summit of regional leaders in November 2004.

### **Human Rights Abuses of Civilians by Armed Groups in Walungu**

In recent years the eastern Congo has suffered more than any other part of the country from armed conflict and related abuses against civilians. The International Rescue Committee estimates that nearly four million Congolese have died since 1998 as a result of war in the Congo, the great majority in eastern DRC. Many victims were displaced people who died from exposure, hunger, or lack of medical assistance.<sup>[1]</sup> The Global and All Inclusive Peace Agreement which set up the transitional government in June 2003 and subsequent bilateral and regional security agreements have not resulted in peace in the eastern provinces where civilians continue to suffer attacks, systematic sexual violence, and looting by a host of armed groups and Congolese army soldiers. Since November 2004, some 200,000 people in North and South Kivu have fled their homes, seeking safety in other communities or in the forest.<sup>[2]</sup> Some witnessed armed conflict between Congolese army soldiers and the rebel troops, but others, familiar with the noise and the consequences of armed combat, fled simply because they heard gunfire or reports of troops arriving.

### ***Rwandan Armed Groups***

Groups of armed Rwandans, mostly ethnic Hutu, regularly loot and extort goods from Congolese civilians who live in their vicinity and sometimes kill, rape, or otherwise injure them. These armed groups - generally called “ex-FAR” (for those once part of the former Rwandan army, Forces Armées Rwandaises, FAR) and “Interahamwe” (the militia that killed many Tutsi) - carry a special stigma because some of their members participated in the genocide against Tutsi in Rwanda in 1994. Those who actually

committed genocide constitute the minority,<sup>[3]</sup> but the association with the genocide taints all. In a November 29 statement to the Security Council, the permanent representative of Rwanda to the United Nations acknowledged the importance of recent recruits to these groups. He said that the Rwandan armed groups recruit and train “many others, including young people and children who did not physically participate in the genocide of 1994.”<sup>[4]</sup>

The most experienced and now the oldest members of these Rwandan armed groups fled to Congo, along with hundreds of thousands of civilians, after the Rwandan Patriotic Front (RPF) took power in Rwanda in 1994, ending the genocide. Some of them retain the objective of returning home, by force or by negotiation, including many grouped in the Forces Démocratiques pour la Libération du Rwanda (FDLR). This politico-military movement numbers between 8,000 and 15,000 and has some political leaders in Europe and North America.<sup>[5]</sup> Others now operate more as outlaw bands without a political objective, like the Rastas described below. Still others who arrived in 1994 are no longer combatants but have turned to farming and trade and live side by side with Congolese.

In 1996 and 1998 Rwandan officials justified the Rwandan invasion of Congo by asserting that Rwandan armed groups posed a threat of genocide to Tutsi in Rwanda and in the Congo itself, the same argument made by Rwandan authorities in November 2004. In a speech before the Rwandan senate, Rwandan President Paul Kagame cited a November 15, 2004 incident in which several shells were fired into Rwandan territory, as well as the massacre of Congolese refugees at Gatumba in Burundi in August 2004 as proof of the danger posed by the Rwandan Hutu fighters in Congo.<sup>[6]</sup> The identity and motives of all those responsible for these incidents have not been established.

Ambassador Richard Sezibera, the Rwandan envoy to the Great Lakes, told international donors in Kigali on December 9 that combatants based in Congo were responsible for eleven attacks on Rwanda in the previous three months. But, perhaps recognizing the great superiority of the Rwandan army in numbers, training, and arms, Sezibera also acknowledged in an interview with the International Crisis Group that the FDLR “no longer constitute an immediate threat to government.” He added, “They are a security problem to people's lives, property and our economic growth.”<sup>[7]</sup>

FDLR combatants have based themselves in rural areas in both North and South Kivu.<sup>[8]</sup> In Walungu, South Kivu, the area chosen for the first joint disarmament operations of the Congolese army and MONUC, the FDLR live in or near villages, while a splinter group known as the Rastas are based in a nearby forest.<sup>[9]</sup> Numbering fewer than one

hundred combatants, the Rastas have committed serious recent abuses during night-time attacks in villages in the Kanyola and Izege areas of Walungu.<sup>[10]</sup> FDLR leaders have distanced themselves from the Rastas, but local authorities say Rastas fear no interference from FDLR and often pass FDLR positions when returning to the forest after their attacks.<sup>[11]</sup>

Witnesses described nighttime looting raids by Rwandan armed groups who abducted men and women, killing, raping or beating them and forcing them to transport their goods. Elise,<sup>[12]</sup> a nineteen-year old woman abducted at Mukama village around midnight on October 4, 2004 said,

They took me with my husband... into the forest and sent me to find kanyanga [a local drink]. After that they killed my husband at four on Monday afternoon. After killing him they raped me. Nineteen people raped me in the forest.<sup>[13]</sup>

Elise said her attackers were armed and some of them wore military uniforms. They spoke Kinyarwanda, the language of Rwanda. She saw them beat a young man to death with sticks and then steal his cows. The following day she escaped with another young boy who had been taken captive. A local official who tried to intervene with the combatants was also killed. His body and that of Elise's husband were later found on a hill; another two bodies were found nearby.<sup>[14]</sup>

In late August and September 2004, a Rwandan armed group attacked Budodo village in the Kanyola area three times. On August 27 these attackers abducted two teenaged girls and systematically looted property, including twenty-six cows. On August 30 the attackers returned to the home where they had found the two girls only days earlier and raped a twenty-year-old woman from the same family. She said, "They came into my house and started kicking me, asking for our clothing. I even had a child on my back. The commander started beating me, and told me to put the child down. Then he took me outside and raped me."<sup>[15]</sup> A week later, on September 6, the attackers returned, this time wielding axes. They raped and then killed another woman and injured three other persons, including a young boy. According to witnesses, the Rwandan fighters may have been joined in one or more of these attacks by local Congolese combatants, known as Mayi Mayi, who took up arms in the early years of the war to fight against Rwandan army soldiers and the forces of the RCD-Goma.<sup>[16]</sup> As a result of the repeated attacks, some 2,000 civilians fled their homes and sought safety in Walungu town.<sup>[17]</sup>

Rasta combatants abducted Maria, seventeen years old, along with her cousin on December 22, 2003 and held her, raping her repeatedly, for over ten months. She told a Human Rights Watch researcher that a group of about thirty armed men speaking Kinyarwanda and poor Swahili, held her along with twenty-one other girls whom they also repeatedly abused sexually. Maria said,

I was kidnapped in the night and taken with my cousin. We were attached onto their belts.<sup>[18]</sup> They took us to where they lived. Every night we were obliged to move because they were afraid soldiers from Walungu would try to attack them. It was difficult because the men would beat the women. They guarded the women well. We were accompanied to fetch water and even to the toilet. . . . There was only one man who used me. When he wanted to have sex with me he did it savagely. In one night he would use me even five times.<sup>[19]</sup>

When the Congolese army attacked the area where the Rastas had set up camp in late October 2004, Maria managed to escape and found safety in Walungu town. She became pregnant as a result of having been raped.<sup>[20]</sup>

Like many armed groups in eastern Congo in recent years, the FDLR imposed illegal “taxes” and systematically looted goods from the local population once they took control of an area, causing further misery for already impoverished communities. FDLR combatants charged fees for access to markets and on occasion pillaged the markets themselves. In Mulamba, an area in southern Walungu, FDLR combatants required each locality to provide approximately U.S. \$6 and 50 kilograms of flour. They later demanded an additional \$1 per person “war tax,” a sum that exceeds the weekly income of most local residents.<sup>[21]</sup> UN officials also reported that civilians were sometimes forced to pay the FDLR a large part of their profit from mining coltan,<sup>[22]</sup> one of the few income-producing activities in the area.<sup>[23]</sup>

### ***Abuses by FARDC and former Mayi Mayi groups***

The Congolese army, the FARDC, is a single army only on paper. It is currently being formed from the forces of the various rebel movements that signed the Pretoria Agreement in 2002. The FARDC troops in Walungu include a large contingent of forces formerly part of the Movement for the Liberation of Congo (ex-MLC), along with others once part of the forces of RCD-Goma, and others from a local militia group known as Mudundu-40. Colonel Kyembwa Wa Kagela, of the former national Congolese army (FAC), is in charge of the FARDC operation in Walungu, with an operational commander under him originally from the Mudundu-40.<sup>[24]</sup>

FARDC forces came to Walungu on June 2, 2004 after being driven out of the provincial capital of Bukavu by a mutiny among other FARDC troops, formerly part of the forces of RCD-Goma.<sup>[25]</sup> As the FARDC soldiers retreated to Walungu they raped many women and looted goods from the local population. Thirteen victims of sexual violence by FARDC soldiers were later treated at a local health center in Walungu, a small number of the total victims according to local women's rights activists.<sup>[26]</sup> Women's organizations told a Human Rights Watch researcher that FARDC General Budja Mabe addressed the population in Walungu shortly after the arrival of his troops, apologized for the conduct of the soldiers and said that he did not have effective control of his forces.<sup>[27]</sup>

During this same period, FARDC soldiers looted homes, offices, and shops in Walungu town, beating any who did not comply with their demands. A local resident said, "The soldiers went to each house and demanded cows, goats, and money. They took my four goats, chickens, US\$ 25, furniture, everything. They asked for US\$ 2,000. When I said I didn't have anything, they started beating me. I spent two months in the hospital [because of my injuries]."<sup>[28]</sup>

On November 16, FARDC troops who had come to Mulamba market as part of the operation to disarm Rwandan combatants looted property of traders at the market.<sup>[29]</sup>

Among the newly integrated Congolese forces are former combatants of the Mayi Mayi, a group that has also committed grave abuses against the population. In October 2004 a Mayi Mayi combatant raped eight young children in Walungu. He was arrested and supposed to stand trial, but several weeks later a human rights activist checking on the case could not locate him at any military place of detention.<sup>[30]</sup>

On November 18, FARDC troops arbitrarily arrested a leader of the Budodo villagers still living temporarily in Walungu stadium after having fled the attacks by Rwandan armed combatants described above. He was accused of the unlikely charge of collaborating with the assailants whom he had fled. He had previously denounced both attacks by Rwandan armed groups and Mayi Mayi collaboration with these groups.<sup>[31]</sup> FARDC troops, possibly displeased by his drawing attention to past cooperation with Rwanda armed groups, were responsible for his arrest. MONUC staff members intervened and the man was released later the same day.<sup>[32]</sup>

## **Disarming Rwandan Armed Groups**

The Congolese government is responsible for providing security in eastern Congo as elsewhere in the country. To do so, it must disarm and demobilize many armed groups, not just those of Rwandan origin. But it bears an additional responsibility under the Lusaka Accords and the Pretoria Agreement to disarm and repatriate Rwandan armed groups. The international donor community, anxious to avert any further Rwandan intervention in Congo, put heavy pressure on the Congolese government to intensify its disarmament efforts soon after the Bukavu mutiny of June 2004.

### ***Congolese Government Relations with Rwandan Armed Groups***

Congolese soldiers are being ordered to disarm Rwandan armed combatants but previously they were allies in military operations against Rwandan troops and the RCD-Goma. In 2002 the Congolese government supposedly agreed to halt cooperation with and the supply of arms to Rwandan armed groups. The members of these groups were to be disarmed, demobilized, repatriated, rehabilitated, and reintegrated in Rwanda, a process known as DDRRR. But according to some witnesses, Congolese army soldiers called on Rwandan armed groups for assistance as recently as June 2004, when rebel RCD-Goma troops attacked other Congolese army troops in Bukavu.<sup>[33]</sup> On two occasions when FARDC officers met with Rwandan armed groups supposedly to insist they give up their arms or face military attack, the FARDC officers reportedly failed to deliver the message clearly and firmly. According to local sources, General Budja Mabe, commander of the Congolese army Tenth Military Region, was initially unwilling to confront the Rwandan Hutu leaders directly, preferring instead to let MONUC take charge.<sup>[34]</sup>

### ***A New Mandate for MONUC***

In July 2003 the U.N. Security Council authorized MONUC under Resolution 1493 to assist and participate in the program to disarm Rwandan Hutu and return them to Rwanda by means of voluntary repatriation. By December 2004 some 3,900 former Rwandan combatants had been repatriated, though not all of them through the MONUC program.<sup>[35]</sup> After U.N. investigators established that Rwanda had played a part in the Bukavu mutiny in June 2004, international actors became increasingly determined to remove Rwandan armed groups from Congo in order to limit Rwandan pretexts for further intervention.<sup>[36]</sup> In August 2004 the U.N. Secretary General told the Security Council that voluntary repatriation would not solve the problem “within an acceptable time period” and recommended a more robust approach.<sup>[37]</sup>

Rwanda has repeatedly insisted that Rwandan armed groups be disarmed and disbanded, but U.N. officials have reported a pattern of non-cooperation by Rwandan and RCD-Goma soldiers and officials with disarmament efforts over a period of years. On at least

six occasions Rwandan or RCD-Goma soldiers intervened to prevent MONUC officials from completing agreed-upon procedures for contacting, meeting, or transporting candidates for disarmament and repatriation back to Rwanda.<sup>[38]</sup> In one incident in South Kivu a MONUC team was blocked by the RCD-Goma from getting to a site where Rwandan armed combatants had been gathered for demobilization. RCD-Goma troops arrested some of the combatants and scattered the rest.<sup>[39]</sup> When a Security Council delegation met with President Kagame in 2003, the U.S. ambassador to the U.N. asked Kagame to explain some of these cases, but did not receive a satisfactory answer.<sup>[40]</sup>

To make the disarmament program more effective, the U.N. Security Council strengthened and clarified the MONUC mandate in October 2004, authorizing the use of all necessary means to carry out the disarmament in support of FARDC operations.<sup>[41]</sup> Some MONUC officials hold the view that the mandate allows for the use of force in assisting the Congolese army in disarmament operations, while others, apparently including some international diplomats, hold contrary views: they believe that MONUC does not have the capacity for such operations and that it is unrealistic to raise expectations that they can carry them out successfully.<sup>[42]</sup>

Shortly before MONUC and FARDC began the disarmament operation in South Kivu, MONUC officials in North Kivu began achieving better results than in the past with voluntary disarmament. Beginning in October, they found increasing numbers of combatants registering for disarmament and demobilization, reaching forty to fifty combatants a week. In November they were making arrangements for the disarmament and repatriation to Rwanda of a group of several hundred combatants and their dependents. Rwandan authorities were aware of the increasing success of this program because officers of the Rwandan army participated in the screening of candidates for the disarmament program.<sup>[43]</sup>

On November 21 the head of a visiting Security Council delegation in Kigali spoke once again of MONUC assisting in “voluntary disarmament.” President Kagame immediately responded that voluntary repatriation had failed.<sup>[44]</sup> On November 23, Rwandan officials notified international diplomats that Rwanda would again intervene in the Congo to eliminate the supposed threat from Rwandan armed groups.<sup>[45]</sup>

### ***The Disarmament Operation in Walungu***

The joint operation to disarm Rwandan armed groups in Walungu began in early November with a combination of a show of force and an intensified effort to increase awareness about the demobilization program—an effort called sensitization (sensibilization). These activities were called a “dress rehearsal” for a next stage of



collaboration on forced disarmament. MONUC set up a joint command-and-control center with FARDC troops in Walungu town; together with FARDC soldiers, MONUC troops carried out joint patrols and joint high-level meetings with Rwandan armed group leaders. Cognizant of the links between the former Mayi Mayi and the Rwandan groups, the FARDC began replacing Mayi Mayi with other FARDC troops who have no history of collaboration with them.<sup>[46]</sup> It was expected that two more MONUC battalions would also arrive in South Kivu soon to provide further support for the operation.

By early December, only ten or so Rwandan armed combatants had volunteered for demobilization in the Walungu area.<sup>[47]</sup> Impatient with the lack of success in his region, the FARDC commander of South Kivu said that the Rwandan armed combatants were laughing at MONUC and the Congolese army. He called for moving immediately to the use of force.<sup>[48]</sup> Others from outside central Africa concurred. The South African Deputy Foreign Minister called on the UN to move to forcible disarmament, while at the same time urging the Rwandan government not to send more troops to the Congo.<sup>[49]</sup>

Even at the current limited level of operations, the FARDC has encountered serious organizational problems. The army is not yet an integrated, well-disciplined fighting force: troops from the former rebel movements are more loyal to the movements from which they originated than to the national government. When asked about the troops under his command, one officer did not know the number of soldiers or even the location of units he was responsible for.<sup>[50]</sup> In some units, soldiers have not been registered, making it difficult to establish accountability for any abuses they might commit. According to both FARDC and MONUC officers, the FARDC troops in South Kivu lack communication equipment and other logistical support, including adequate food.<sup>[51]</sup> As is clear from innumerable examples throughout this region in recent years, soldiers short of supplies and lacking discipline often resort to looting civilians.

MONUC does not have the capacity or the responsibility to provide materials needed by FARDC, nor does it have enough troops to provide peacekeepers to accompany all FARDC operations. In interviews with a Human Rights Watch researcher, MONUC staff were unclear how they could ensure disciplinary measures against FARDC soldiers who disobeyed orders or committed abuses.<sup>[52]</sup> They said that decisions about the operation would be made jointly between MONUC and FARDC officers.<sup>[53]</sup> As a partner in the command-and-control of the Walungu operation, MONUC officers also share in responsibility for the conduct of the troops in the joint operation.

## **Need to Protect Civilians**

Both MONUC and FARDC forces have a responsibility to protect civilians in areas where they have effective control. They must act in accordance with the requirements of international human rights and humanitarian law. The presence of MONUC troops helps to deter some violence against civilians, but this is not a sufficient guarantee to protect against abuses. Apparently neither MONUC nor FARDC have plans in place to protect civilian populations in Walungu, either from possible abuses by their own troops or from reprisal attacks by combatants of Rwandan armed groups.<sup>[54]</sup>

FDLR combatants have said they will resist the new operations by FARDC and MONUC and at least one of their leaders, Commandant Bonheur, has already threatened retaliation against civilians if MONUC and FARDC use force against his combatants.<sup>[55]</sup> A local administrator reported that after a previous FARDC military operation against Rwandan combatants in Lemera in mid-April 2004, the Rwandan combatants retaliated by killing at least twelve civilians.<sup>[56]</sup>

The kinds of attacks at Budodo in late August and September 2004, described above, happened again after the start of the FARDC and MONUC disarmament operation. Although FARDC soldiers were based in Budodo from early November on, they were unable to protect civilians from these attacks. Rwandan armed combatants killed one man, Lumamira Antoine, and several days later, on November 16, they abducted the director of a primary school and his wife.<sup>[57]</sup> Local sources reported that when FARDC soldiers participating in the disarmament operation encountered Rwandan armed combatants, they simply checked their papers and let them pass. Residents of the area remain too afraid to sleep in their homes, preferring instead to find shelter in the forest. In one as yet unresolved case, FARDC soldiers opened fire not on combatants, but on two girls hiding in the forest, killing one of them.<sup>[58]</sup>

A substantial number of the combatants in these Rwandan armed groups are children under age eighteen, raising an additional concern about using force to disarm them.<sup>[59]</sup> MONUC and FARDC soldiers could be engaging in combat against child soldiers and have given minimal consideration to measures that will be necessary to protect these minors from harm during armed conflict.

The FARDC and MONUC have undertaken to disarm the Rwandan armed groups in part to end their abuses against local Congolese populations. In carrying out these disarmament operations they must take adequate measures to protect civilians so that the very populations whom they intend to help do not suffer further loss from their efforts.

## **Recommendations**

### ***To the Congolese Government:***

- Take all necessary steps to ensure that the Congolese armed forces act in full accordance with international human rights and humanitarian law. Investigate and fully prosecute any violations of international or national law.
- Ensure that FARDC are provided adequate food and other supplies to minimize the risk of their looting from the civilian population.
- In cooperation with MONUC develop a strategy for the protection of civilians, an adequate plan for humanitarian assistance to displaced populations, and a program for the demobilization of child soldiers as part of the joint disarmament operation.

### ***To the Rwandan armed groups:***

- Take all necessary steps to ensure that all combatants under your orders abide by international humanitarian law. Hold accountable those combatants who violate this law.
- Immediately end the recruitment of all children under the age of eighteen and their deployment in armed conflict. Identify any children under the age of eighteen currently affiliated with your forces and hand them over to UNICEF and other child protection agencies for care, protection and reintegration into civilian life.

### ***To MONUC:***

- Take all necessary steps to ensure all forces comply with international humanitarian law and that personnel who commit violations are appropriately punished. Closely monitor the actions of FARDC forces during joint operations to deter violations of international law and monitor the prosecutions of any accused of such abuses.
- Urgently develop a strategy for the protection of civilians in joint operations with the FARDC. Ensure that MONUC staff from the Human Rights and Child Protection division are an integral part in planning and executing such operations.
- Provide clear rules of engagement for MONUC peacekeepers participating in joint disarmament operations such as the one in Walungu. Clarify the operational command structure for such joint disarmament operations in order to ensure accountability.
- Coordinate with other U.N. and international actors to plan an adequate humanitarian response to potential displacement resulting from joint MONUC / FARDC operations.

- In conjunction with UNICEF, identify child soldiers and hand them over to UNICEF and other child protection agencies for care, protection and reintegration into civilian life.

**To the U.N. Security Council:**

- Ensure that MONUC is provided with the necessary experienced forces and that these forces are adequately equipped and supplied to carry out its mandate.
- Actively monitor and promote compliance by Congo, Rwanda, and other regional actors with the Lusaka Accords, the Pretoria Agreement and subsequent agreements, including the November 2004 Dar-Es-Salaam declaration on Peace, Security, Democracy and Development in the Great Lakes Region.

<sup>[1]</sup> International Rescue Committee and Burnet Institute, *Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey*, December 2004.

<sup>[2]</sup> Human Rights Watch interviews, Walungu, November 17 to 19, Butembo and Lubero, December 17 to 20, 2004.

<sup>[3]</sup> Human Rights Watch interviews, London, May 9, 2001; one experienced UN officer estimated that 60 percent of the supposed Rwandan combatants had actually been born in Congo, December 16, 2004.

<sup>[4]</sup> Statement by the Permanent Representative of the Republic of Rwanda before the United Nations Security Council, 29 November 2004.

<sup>[5]</sup> This paper generally uses the term "Rwandan armed group" and speaks of the FDLR only when that specific organization is meant. In September a group of FDLR activists in Europe separated from the original group and formed the R-FDLR.

<sup>[6]</sup> Speech of the President of Rwanda before the Rwandan Senate, November 30, as broadcast on Radio Rwanda, 19:00.

<sup>[7]</sup> International Crisis Group, "Back to the Brink in the Congo," Africa Briefing, December 17, 2004, p. 4, available at <http://www.icg.org>. Sezibera repeated the same assertion to a journalist in an interview in late December, Human Rights Watch electronic communication, December 23, 2004.

<sup>[8]</sup> Rwandan officials estimate between 10,000 and 15,000 combatants; MONUC estimates between 8,000 and 10,000. International Crisis Group, "Back to the Brink in the Congo," December 17, 2004.

<sup>[9]</sup> The Rastas may also include some former Congolese Mayi Mayi. Human Rights Watch interviews, Walungu, November 17 to 19, 2004.

<sup>[10]</sup> Human Rights Watch interviews, Walungu, November 17, 2004.

<sup>[11]</sup> Human Rights Watch interviews, Walungu, November 17, 2004. See also FDLR communiqué, "Les FDLR condamnent les viols des femmes et jeunes filles en RDC et demandent à ce que les responsables de ces crimes soient traduits en justice," November 11, 2004, available at <http://fdlr.r-online.info/indexframe.htm>.

<sup>[12]</sup> Names have been changed to protect the identity of the victims.

<sup>[13]</sup> Human Rights Watch interview, Walungu, November 19, 2004.

<sup>[14]</sup> Ibid.

<sup>[15]</sup> Human Rights Watch interview, Walungu, November 18, 2004.

<sup>[16]</sup> Ibid

<sup>[17]</sup> Ibid.

- <sup>[18]</sup> This was done to make escape impossible.
- <sup>[19]</sup> Human Rights Watch interview, Walungu, November 18, 2004.
- <sup>[20]</sup> Ibid.
- <sup>[21]</sup> Human Rights Watch interviews, Walungu, November 17 to 19, 2004.
- <sup>[22]</sup> Coltan, a combination of columbite and tantalite, is a scarce and currently highly-priced mineral used in making cellular telephones and other technical equipment.
- <sup>[23]</sup> Human Rights Watch interview, Walungu, November 17, 2004.
- <sup>[24]</sup> Human Rights Watch interviews, Bukavu and Walungu, November 2004.
- <sup>[25]</sup> See Human Rights Watch Briefing Paper, *War Crimes in Bukavu*, June 2004.
- <sup>[26]</sup> Human Rights Watch interviews, Bukavu, July 20 and 21, 2004, and Walungu, November 17 to 19, 2004.
- <sup>[27]</sup> Human Rights Watch interview, Women's organizations Bukavu, July 21, 2004.
- <sup>[28]</sup> Human Rights Watch interview, Walungu, November 18, 2004.
- <sup>[29]</sup> Human Rights Watch interviews, Walungu, November 17 to 19, 2004.
- <sup>[30]</sup> Human Rights Watch interview, Walungu, November 17, 2004.
- <sup>[31]</sup> Human Rights Watch interviews, Walungu, November 18, 2004.
- <sup>[32]</sup> Ibid.
- <sup>[33]</sup> Human Rights Watch interviews, Bukavu, July 21, Walungu, November 18, 2004.
- <sup>[34]</sup> Human Rights Watch interviews, Bukavu, November 19, 2004.
- <sup>[35]</sup> Statistics on repatriation prepared by MONUC, December 6, 2004.
- <sup>[36]</sup> Human Rights Watch interviews, Brussels, October 7, 8, 2004.
- <sup>[37]</sup> Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, August 16, 2004, S/2004/650.
- <sup>[38]</sup> Human Rights Watch interviews, U.N. officials, Bukavu, Goma, and Kinshasa, October and November 2004.
- <sup>[39]</sup> Ibid.
- <sup>[40]</sup> Human Rights Watch interview, international diplomats, New York, July 2003.
- <sup>[41]</sup> U.N. Security Council Resolution 1565, October 1, 2004, S/RES/1565, paras. 5 and 6.
- <sup>[42]</sup> See U.N. Security Council statements during a visit to Rwanda, November 2004; Human Rights Watch interviews, Bukavu, November 2004 and by phone to Kinshasa, December 2004; International Crisis Group Briefing, *Back to the Brink in the Congo*, December 17, 2004.
- <sup>[43]</sup> Human Rights Watch interviews with MONUC officials, December 3 and 7, 2004.
- <sup>[44]</sup> Integrated Regional Information Network (IRIN), "Rwanda: Voluntary repatriation of Hutu rebels has failed, Kagame says," November 22, 2004.
- <sup>[45]</sup> Human Rights Watch interview, by telephone, Washington, D.C., November 24, 2004.
- <sup>[46]</sup> Human Rights Watch interviews, Bukavu and Walungu, November 2004.
- <sup>[47]</sup> Human Rights Watch telephone interview with MONUC official, December 3, 2004.
- <sup>[48]</sup> Integrated Regional Information Network (IRIN), DRC-Rwanda: "Kabila to send troops to counter threat from Rwanda, November 30, 2004.
- <sup>[49]</sup> "Disarm Rwandan rebels in DRC," *The Independent*, November 25, 2004.
- <sup>[50]</sup> Human Rights Watch interview with FARDC officer, Walungu, November 19, 2004.
- <sup>[51]</sup> Human Rights Watch interviews, Bukavu, November 11 and Walungu, November 19, 2004.
- <sup>[52]</sup> Human Rights Watch interviews, MONUC military and staff, Bukavu, November 11 to 15, 2004.
- <sup>[53]</sup> Ibid.
- <sup>[54]</sup> Human Rights Watch interviews, Bukavu, November 11 to 15; Walungu, Nov. 17 to 19; Kinshasa, December 7, 2004.
- <sup>[55]</sup> Human Rights Watch interviews, Kinshasa, December 3 and 7, 2004.
- <sup>[56]</sup> Ibid; IRIN, "DRC-RWANDA: Army kills 39 Rwandan Hutu rebels in east," April 27, 2004, cites witnesses saying that fifteen civilians were killed by retreating rebels.

[\[57\]](#) Ibid.

[\[58\]](#) Ibid.

[\[59\]](#) Human Rights Watch interview, Goma, December 16, 2004; Statement by the Permanent Representative of the Republic of Rwanda before the United Nations Security Council, 29 November 2004.