
**HUMAN RIGHTS WATCH/AFRICA
FÉDÉRATION INTERNATIONALE
DES LIGUES DES DROITS DE L'HOMME**

July 1996

Vol. 8, No. 2 (A)

ZAIRE

**FORCED TO FLEE
Violence Against the Tutsis in Zaire**

INTRODUCTION	2
RECOMMENDATIONS	4
To the International Community	4
To the Government of Zaire	4
To the Government of Rwanda	4
ORIGINS OF THE BANYARWANDA COMMUNITY IN ZAIRE	5
SOURCES OF CONFLICT	6
THE OUTBREAK OF VIOLENCE	8
GENOCIDE IN RWANDA AND ETHNIC CONFLICT IN ZAIRE	10
THE CURRENT CONFLICT	12
SENDING THE TUTSI "BACK TO RWANDA"	15
A CAMPAIGN TO CREATE ETHNIC ENCLAVES	19
COMPLICITY OF THE ZAIRIAN GOVERNMENT	21
THE INTERNATIONAL RESPONSE.....	27

HUMAN RIGHTS WATCH
485 FIFTH AVENUE
NEW YORK, NY 10017-6104
TEL: (212) 972-8400
FAX: (212) 972-0905
E-MAIL: hrwnyc@hrw.org

FÉDÉRATION INTERNATIONALE
DES LIGUES DES DROITS DE L'HOMME
17 PASSAGE DE LA MAIN D'OR
PARIS 75011
TEL: (331) 43 55 25 18
FAX: (331) 43 55 18 80

INTRODUCTION

The region of North Kivu in eastern Zaire has been the site of recurrent interethnic violence since 1992, often carried out with the complicity of Zairian regional and national leaders and the Zairian security forces. The explosion of violence in 1993 pitted the mostly Zairian Tutsis and Hutus against other Zairian ethnic groups in the region, but the situation was exacerbated by the arrival in Goma of some 720,000 largely Hutu refugees from Rwanda after the genocide in July 1994.¹ The influx of refugees served to reignite the ethnic violence and to break down the Hutu-Tutsi alliance, leading to attacks against the Tutsi population by both sides. The violence in North Kivu has left hundreds dead, some 250,000 displaced and approximately 16,000 Tutsis forced to flee as refugees to Rwanda. The goal of the attacks is to drive out rival ethnic groups and to create ethnically pure enclaves.

This report focuses on the violence against Tutsis, which has been particularly severe since late 1995, and escalated in 1996. Given the recent history of unresolved conflict in the region and the arms flows into the area that accompanied the refugees, an escalation of deadly violence in North Kivu was sadly predictable.

The conflict in North Kivu is complex and involves a series of shifting conflicts among the ethnic groups and the refugee community. The conflict originally involved the Hutu and Tutsi ethnic groups, known as the "Banyarwanda," who constitute nearly half of the population of North Kivu but have been largely excluded from regional political office and administrative posts, against the Hunde, Nyanga, and Nande ethnic groups (*autochtones*), who consider themselves native to the region and have sought to protect their political power. Despite the long history of the Banyarwanda in Zaire, the other groups have accused them of being foreign interlopers, exploiting local populations and unworthy of citizenship and political power. Some Zairians feared that the Banyarwanda had designs to take over North Kivu, which further increased the animosity toward them.

Beginning in March 1993, Hunde, Nyanga, and Nande militia groups called Mai-Mai or Bangirima,² which apparently had the support of local Zairian political officials, began to attack the Banyarwanda population in several zones of North Kivu. In response, the Hutu, who were the main targets of the attacks, formed their own militia. Attacks and counterattacks by rival ethnic militia continued for nearly six months, leaving approximately 6,000 dead and displacing an estimated 250,000. Through the action of local nongovernmental organizations (NGOs), churches, and the intervention of the central Zairian government, which deployed elite troops in Masisi, a tenuous peace was restored to the region in July 1993, and most people were able to return to their home communities. However, none of the underlying political issues were resolved, thus setting the stage for the resumption of violence.

¹According to the United Nations High Commissioner for Refugees (UNHCR), in June 1996 there was a total of 1.1 million Rwandan refugees in Zaire: 716,000 in Goma; 316,400 in Bukavu; and 71,800 in Uvira.

²The terms "Bangirima" and "Mai-Mai" both refer to militia composed of groups that considered themselves autochthonous to North Kivu. While the terms are used to some extent interchangeably by the population in the region, "Mai-Mai" generally refers to Hunde and Nyanga militia in Masisi and Walikale, while "Bangirima" are Hunde, Nyanga, and Nande militia in Rutshuru and Lubero.

The genocide in neighboring Rwanda in 1994 and the subsequent flight of mostly Hutu Rwandan refugees into North Kivu fanned interethnic tensions in the region. The Rwandan refugees arrived in Zaire well-armed, and they worked to politicize and organize the local Zairian Hutu population, joining together with Zairian Hutu to form joint Interahamwe³ militia groups. The massive inflow of refugees augmented significantly the numeric advantage of the Banyarwanda, increasing tensions between the Banyarwanda and other groups. In addition, genocide and ethnic conflict in Rwanda led to a divide within the Banyarwanda community in Zaire between Hutu and Tutsi, and thousands of Tutsis in Zaire crossed over to Rwanda and Uganda in the months following the end of the genocide.

In late 1995, the level of violence in North Kivu intensified sharply, following several confrontations in Masisi between Zairian soldiers and various militia groups. Attacks by rival Interahamwe and Mai-Mai/Bangirima militia quickly spread throughout Masisi and Rutshuru Zones. In contrast to the 1993 conflict, Hutu have had an upper hand in recent clashes, due to their abundant armaments and extensive militia organization, but Mai-Mai have also succeeded in pushing Hutu out of certain areas, particularly in Walikale, Lubero, and Rutshuru. Tutsi, who have not been involved in the militia, have been attacked by both Interahamwe and Mai-Mai, and thousands have been forced to flee into Rwanda. Violence by various militias in North Kivu has gradually intensified and spread into the surrounding zones of Lubero and Walikale.

Zairian authorities have shown little interest in ending the violence. On the contrary, testimony from witnesses interviewed by Human Rights Watch/Africa and the Fédération Internationale des Ligues des Droits de l'Homme (FIDH) researchers indicates complicity in the violence against Tutsi on the part of Zairian government officials and military personnel at the local, regional, and national levels. Witnesses report that local Zairian officials and soldiers participated in recent militia attacks against Tutsi, and there is evidence of official involvement in attacks by Hutu and Hunde militia since the beginning of the conflict in 1993. National and regional politicians have been unwilling to take steps that might halt the attacks, including publicly denouncing the abuses and supporting a disciplined military presence in the region to protect civilians. The few soldiers and police stationed in the area have themselves frequently profited from the situation, looting from the various sides and essentially selling their services to the highest bidder, which has contributed to the climate of impunity. The regional governor fueled the conflict in 1993 when he suggested that security forces would assist efforts by Nyanga and Hunde to "exterminate" the Banyarwanda.

The international community has responded to the growing conflict in North Kivu with silence and indifference. The poor handling of the refugee crisis exacerbated the simmering conflict in North Kivu, with predictable consequences. Efforts by local and international NGOs to alert the international community about the potential for renewed violence were ignored. In April 1996, even as killings were taking place on a daily basis and thousands were being displaced, France announced a resumption of bilateral aid to the Zairian government,⁴ which had been cut off in late 1991.

The conflict is also increasing tensions between the governments of Rwanda and Zaire, with each side accusing the other of manipulating the refugee situation in their respective country and with both sides denying citizenship to the Tutsi refugees. The Zairian government denies that the Tutsi refugees are Zairian, and representatives of the government have gone so far as to deny that Kinyarwanda is even spoken in Zaire. The Rwanda government contends that the refugees are Zairian citizens fleeing violence, and established a refugee camp in Gisenyi, about a kilometer away from the border. Despite appeals by the United Nations High Commissioner for Refugees (UNHCR) that the camp be moved away from the border, the government has refused. Clearly, the presence of refugee camps so close to both sides of the border poses serious security risks for the refugees and for their host countries. If the conflict continues to escalate, both Zaire and the Great Lakes region in general could face further disastrous consequences.

³The Interahamwe, which means "those who attack together," was founded in Rwanda as the youth wing of the National Rwandan Movement for Democracy and Development (MRND), the party of former President Juvenal Habyarimana. Following the introduction of multiparty politics in mid-1991, the Interahamwe gradually was transformed into a civilian militia.

⁴François Raitberger, "Mobutu hails 'courageous' French Aid to Zaire." *Reuters*, April 26, 1996.

RECOMMENDATIONS

To the International Community:

- Hold the Zairian government accountable for the actions against the Tutsi population in North Kivu and other attacks against civilians. The government must be urged to launch an immediate investigation into the complicity of its military and civilian personnel in the attacks, and to prosecute those responsible.
- Encourage the peaceful and voluntary repatriation of Rwandan refugees from Zaire. The international community should provide the means necessary to isolate the camps to prevent further infiltration of ex-FAR and Rwandan Interahamwe into North Kivu, and to ensure that Zairian soldiers involved in abuses against refugees be prosecuted.
- Pressure the Rwandan government to improve its human rights record and to create a climate conducive to the return of Rwandan refugees. Provide adequate support for the Rwandan judicial system and urge the Rwandan government to begin free and fair trials for those accused of involvement in the 1994 genocide, so that refugees currently in Zaire can be guaranteed just treatment upon their return to Rwanda.
- Monitor the conduct of Zairian forces involved in Operation Kimia toward the civilian population to ensure that civilians from all ethnic groups are protected and that all militia are disarmed.
- Deploy international monitors at airports and border crossings in eastern Zaire to enforce the UN arms embargo against the former Rwandan military and militia.
- Support the establishment of a UN commission of inquiry into the abuses against civilians in North Kivu.
- Ensure that no bilateral or multilateral assistance, other than humanitarian aid, is provided to the Zairian government unless it ends all support to the militias operating in Zaire, investigates and prosecutes soldiers responsible for abuses against civilians, and complies with Security Council Resolution 978 calling on member states to arrest persons suspected of participating in the genocide in Rwanda for prosecution in national courts or by the International Criminal Tribunal for Rwanda.

To the Government of Zaire:

- Immediately cease all support for Mai-Mai, Bangirima, Interahamwe, and any other militia with a record of gross human rights abuses. This should include an end to the provision of armaments and logistical assistance, participation by government officers and military personnel in militia attacks, and public pronouncements of support for the militia by military and political officials.
- Leaders at all levels of government —national, regional, and local— should publicly denounce the ethnic violence in North Kivu. Investigate and identify those political, administrative, and military officials who have participated in militia attacks or profited from the insecurity to pillage or rape, and immediately remove them from their posts and begin prosecution.
- The right to nationality must be respected. The government of Zaire must cease denationalizing those members of the Banyarwanda community who qualify for Zairian citizenship; no one should be rendered stateless.
- The Zairian government must support efforts to encourage the peaceful and voluntary repatriation of Rwandan refugees in Zaire. All assistance to the former Rwandan government, ex-Forces Armées Rwandaises, and Hutu militia must be stopped; in particular, the provision of arms and related training and materials in violation of the United Nations embargo against these forces.
- The Zairian government must cooperate with the International Criminal Tribunal for Rwanda and bring perpetrators of the 1994 genocide to justice, including turning over indicted suspects to the International Tribunal.
- Ensure security to allow the safe return of Zairian Tutsi refugees from Rwanda.
- Allow access throughout North Kivu for local and international journalists and other independent observers.

To the Government of Rwanda:

- Create conditions within Rwanda that would favor the peaceful and voluntary return of refugees from Zaire, including respecting rights to freedom of expression, movement, and assembly regardless of ethnicity and beginning trials for those currently imprisoned in Rwanda under accusations of participation in the 1994 genocide.

- Provide safe and secure haven for refugees from the conflict in Zaire. Locate the refugee camp a sufficient distance from the Zaire border that refugees will not be exposed to the threat of attack from Zaire. The current site, 800 meters from the Zairian border, places the refugees at risk.
- Establish screening procedures in the refugee camp to determine if the Tutsis from Zaire qualify as refugees.

ORIGINS OF THE BANYARWANDA COMMUNITY IN ZAIRE

The region of North Kivu lies on the northern shores of Lake Kivu, along Zaire's eastern border with Rwanda and Uganda. The Region is divided into six administrative zones: Masisi, Rutshuru, Kalehe, Walikale, Lubero, and Goma,⁵ it contains a diverse ethnic mix of Hunde, Nande, Nyanga, and Tembo, as well as the Kinyarwanda-speaking Hutu and Tutsi, together known as Banyarwanda. The Banyarwanda made up roughly 50 percent of the population in North Kivu (though they constitute the majority in certain regions), with the Hutu comprising about 40 percent and the Tutsi about 10 percent.

The origins of the Banyarwanda population in North Kivu are diverse. The arbitrary establishment of colonial boundaries placed a large population of people formerly subject to the Rwandan king outside Rwandan territory.⁶ The capricious manner in which the European colonial powers carved up the African continent placed several regions formerly connected to the pre-colonial Rwandan kingdom within the boundaries of the Belgian Congo. Under the principles set down in the 1885 Conference of Berlin and formalized in a convention signed in 1910 between Germany, Belgium, and England, the Rwandan territories of Goma, Jomba, Bwisha, and the Island of Idjwi, among others, were attached to the Belgian Congo, while the region of Bufumbira was integrated into the British colony of Uganda. Accordingly, some of the Banyarwanda descend from families that have lived for centuries on land which today lies within Zaire.

When Belgium assumed control of Rwanda from Germany during the First World War, Rwanda was already a densely populated territory. Belgian colonial administrators established a policy encouraging Rwandans to emigrate into Zaire to supply labor for plantations that were being established in the lightly populated district of Masisi. Administrators in Kivu and Rwanda signed a formal agreement in 1937 organizing the migration and creating Rwandan areas within Masisi. Other Rwandans were brought in as laborers in Kalehe, Rutshuru, and Shaba. In addition to the formal program of labor migration, which continued until 1955, many Hutu and Tutsi — both from Rwanda and from Jomba and other territories within Zaire — independently migrated into the districts of Masisi, Walikale, Rutshuru, and Lubero seeking land for cultivation or for grazing goats and cattle.⁷

⁵Each zone within the region is sub-divided into several collectivities, and these collectivities are themselves sub-divided into localities and *groupements*.

⁶Aloys Tegera, "La réconciliation communautaire: Le cas des massacres au Nord-Kivu," in Andre Guichaoua, editor, *Les crises politiques au Burundi et au Rwanda (1993-1994)* (Université des Sciences et Technologies de Lille, 1995), pp. 395-402; UNHCR, "La situations dans le Masisi et les propositions de la Sous-Délégation," March 18, 1996.

⁷Tegera, "La réconciliation communautaire," p. 396; UNHCR, "La situation dans le Masisi," March 1996.

In addition to economic migrants, North Kivu has welcomed thousands of political refugees fleeing conflicts in Rwanda. After the uprising against Tutsi colonial administrators in Rwanda in 1959, thousands of Tutsi fled into Zaire. Thousands more Tutsi arrived in Zaire during repeated outbreaks of ethnic violence in Rwanda in the early 1960s, in 1973, and again in the early 1990s.⁸ Finally, in 1994 nearly one million mostly Hutu refugees fled into North Kivu at the end of the genocide and in advance of the Rwandan Patriotic Front taking power in Rwanda. While the majority of these recent refugees has been housed in refugee camps, others have settled outside the camps in the zones of Goma, Masisi, Rutshuru, and Kalehe and have integrated into existing Hutu communities.⁹ The villages in North Kivu were frequently multiethnic, and these Hutu communities are often found within villages consisting of other ethnic groups.

Border changes, economic migration, and political conflict have combined to make Banyarwanda the largest group in North Kivu and a sizable majority of the population in certain areas of the region. Of the estimated 600,000 people living in Masisi zone before interethnic violence broke out in 1993, 75–80 percent were Banyarwanda, while the remaining 20–25 percent were primarily Hunde, along with some Nyanga and Tembo. Banyarwanda were also the majority in parts of Bwito and Bwisha collectivities in Rutshuru zone, and they were the largest group in Goma.¹⁰

SOURCES OF CONFLICT

Land distribution and economic competition have been at the root of conflicts between the Banyarwanda and other groups looking for political power. In general, the Tutsi have cleared large tracts of land in the region to use as pasturage for grazing their cattle and goats, while the Hutu predominantly cleared land for farming. As the Banyarwanda population has increased, particularly following the arrival of many Tutsi refugees from Rwanda beginning in 1959, they have gradually migrated further and further from the Rwanda border. In Walikale, Masisi, and other districts, the Banyarwanda have cleared large areas of forest to use for farming and grazing, leading to conflicts with the local Hunde population who have traditionally used the forests for hunting game. The Banyarwanda have been quite successful in the regional and national economies, supplying livestock and produce to markets as far away as the Zairian capital Kinshasa. The relative prosperity of the Banyarwanda has contributed to resentment by other groups in the region.¹¹ Despite their numeric significance and long history in North Kivu, the Banyarwanda have enjoyed little political power, at least in terms of formal political and administrative positions.

Residents of North Kivu have disagreed about the treatment of the Banyarwanda in Zaire. The Banyarwanda believe that they have been discriminated against in terms of employment and education. However, other Zairian groups contend that the Banyarwanda have had advantages over other Zairians, including disproportionate access to higher education in Zaire. The perception on both sides of the conflict that the other has been privileged has clearly fueled resentments and increased tensions between the communities.

Another key issue in the conflict involves nationality, which was recognized and later taken away from the Banyarwanda. Other ethnic groups in Kivu have justified their political dominance by arguing that the Banyarwanda are foreigners who have no claim to Zairian citizenship. In practice, members of other ethnic groups make no distinction between those Banyarwanda whose families lived on Zairian territory prior to colonial boundary changes and those whose families migrated into the area more recently. It is important to note that the nationality issue has been used only against the Banyarwanda, and not against other ethnic groups that were divided along Zaire's borders at independence.

⁸"Masisi ou la guerre oubliée," ANB-BIA Supplement, p. viii; Tegera, "La réconciliation communautaire," p. 397.

⁹"Masisi ou la guerre oubliée," p. viii; UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire," March 1996.

¹⁰Tegera, "La réconciliation communautaire," pp. 398-399; UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire."

¹¹ Marc Hoogesteyn, "Armed Rwanda Hutus uproot spear-carrying tribesmen," Reuters, February 21, 1996; Tegera, "La réconciliation communautaire," p. 399; and Human Rights Watch/FIDH interviews with Zairian refugees in Rwanda, April 1996. Human Rights Watch/Africa and FIDH

The issue of nationality has been a recurrent source of contention in Eastern Zaire, especially relating to voter eligibility in electoral periods. After Zaire gained independence in 1960, a nationality law granted Zairian citizenship for anyone who had been living in Zaire for ten years. Although most Banyarwanda qualified for citizenship under these terms, provincial authorities in North Kivu excluded them from civil service posts in the early 1960s. A 1972 law adopted as part of President Mobutu's "authenticity" program reiterated the principles of the earlier nationality law, granting Zairian citizenship to anyone whose family was living in Zaire on January 1, 1960, and had since maintained continuous residence.¹² In Article 15, nationality was specifically granted to people from "Ruanda-Urundi" who were on Zairian (Congolese) territory before January 1, 1950 and continued to reside in Zaire. No distinction was made between Banyarwanda who had lived in Zaire for generations and those who had arrived as political refugees or economic migrants in later years.

The nationality issue came to the fore again in 1981 when the Zairian parliament approved a revision to citizenship laws that accorded citizenship only to those who could demonstrate that their ancestors lived in Zaire prior to August 1, 1885. Although many Banyarwanda qualified for citizenship under these new rules, ancestry was difficult to demonstrate, and in practice both the non-Banyarwanda public and the government tended to treat Banyarwanda as a single group. The law did not specifically state that citizenship would be revoked from those who had already acquired it; nevertheless, the effect of the law was to deny citizenship rights to a substantial portion of Zairian Kinyarwanda-speakers and practically denied rights to most others.¹³ The nationality issue was summarized in a report by the United Nations Special Rapporteur on human rights in Zaire as follows:

The tensions [in North Kivu] are caused by two related problems. The first arises from the right of the Banyarwanda to Zairian nationality. This was recognized in the 1964 Constitution and in the law of 1965, which allowed them to vote in 1965 and 1967; it was left unchanged in the 1967 Constitution, and confirmed once again by Decree Law No. 71-020 of 1971; then it was restricted under Law No. 002 of 1972 to those living in Kivu since before 1960, abolished by law in 1981 and taken over by the CNS [Sovereign National Conference] in 1992. The second problem is derived from the first, namely that recognizing the Banyarwanda as Zairians would give them the right to vote in any elections which might be held.¹⁴

In practice, however, the 1981 law was never actively enforced, and identity cards were never revoked. After officially enjoying the rights of citizenship for two decades, the Banyarwanda did not passively accept the revocation of their nationality. In the mid-1980s, Hutu from throughout North Kivu formed an ethnic organization, known as a "mutual," to unite Hutu and defend their interests. Initially an agricultural association, MAGRIVI, the Agricultural Mutual of Virunga, gradually became politicized. In 1991, when Banyarwanda were excluded from participation in the national conference held in Kinshasa to debate the political future of the country, organizers of MAGRIVI urged Hutu in North Kivu to protest by rejecting the authority of local Hunde chiefs and refusing to pay taxes, a particularly serious threat given the economic importance of the Banyarwanda.¹⁵

THE OUTBREAK OF VIOLENCE

¹²Jean-Baptiste Kayigamba, "Zaire-Human Rights: Thousands Flee Ethnic Cleansing," InterPress Service, April 7, 1996; U.S. Committee for Refugees (USCR), "Inducing the Deluge," p. 9.

¹³See "Ordonnance-Loi No 71-020 due 26 mars 1971 relative à l'acquisition de la nationalité congolaise par les personnes originaires du Rwanda-Urundi établies au Congo au 30 juin 1960," and "Loi No 81-002 du 29 juin 1982." Also see: UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire," USCR, "Inducing the Deluge," pp. 8-9.

¹⁴United Nations Commission on Human Rights, "Report on the situation of human rights in Zaire, prepared by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission resolution 1995/69," E/CN.4/1996/66, 29 January 1996, p.10-11.

¹⁵Kayigamba, "Zaire-Human Rights."

With democratic elections becoming an increasingly imminent possibility in the early 1990s, the growing political organization of the Hutu posed a serious threat to the political power of Hunde, Nande, and other ethnic groups. Given the numerical majority of Banyarwanda, members of other groups would have difficulty retaining the chieftaincies and other political positions, and their associated prerogatives, if Banyarwanda were allowed to vote. The threat of losing power in elections was particularly serious for Nyanga and Hunde, who comprised only 4 and 3 percent, respectively, of the population of the region of North Kivu as a whole.¹⁶ Local authorities thus launched a program in 1991 to identify and register Zairian nationals, a process that sought to exclude most Banyarwanda, and make them ineligible to vote in future elections.¹⁷

Political conflicts combined with continuing clashes over land use to create a highly volatile situation in North Kivu. Tensions in the region came to a peak in March 1993 when the then governor of North Kivu, Jean-Pierre Kalumbo Mboho, publicly questioned the nationality of Banyarwanda and suggested that the security forces would assist efforts by Nyanga and Hunde to "exterminate" Banyarwanda. The governor was suspended in late July 1993.¹⁸

Attacks by Mai-Mai militia in Masisi and Walikale zones and Bangirima in Rutshuru and Lubero zones apparently began several days after the governor's comments. Hutu protests over the arrest of a MAGRIVI leader seem to have been the spark that ignited the violence. On March 20, Mai-Mai attacked Banyarwanda at Ntoto market in Walikale, after Banyarwanda raised a political party flag that other groups erroneously claimed was the flag of a foreign government. By the next day, violence had spread throughout Walikale and Masisi zones.¹⁹

The U.S. Committee for Refugees reported that 1,000 people are estimated to have been killed in just the first two days of fighting. By April, attacks against Banyarwanda had spread into Lubero and Rutshuru zones. With armed support from local gendarmes, Mai-Mai and Bangirima militia attacked Hutu and Tutsi with guns, machetes and spears and burned hundreds of homes. After several months of such attacks, some Banyarwanda, primarily Hutu who could build on the existing MAGRIVI organization, formed their own militia groups to counter-attack, killing Hunde and Nyanga and burning their homes.²⁰

¹⁶Tegera, "La réconciliation communautaire," p. 399.

¹⁷USCR, "Inducing the Deluge," pp. 9-10.

¹⁸Amnesty International, "Zaire: Violence Against Democracy," September 16, 1993, p. 22 and "Masisi ou la guerre oubliée," p. viii.

¹⁹Raymond Luaula, "Leur nationalité zaïroise ne se marchande pas!," *Umoja* (Kinshasa), February 28, 1996, p. 2; "Masisi ou la guerre oublié," p. vii; Tegera, "La réconciliation communautaire," pp. 395-396; USCR, "Inducing the Deluge," p. 10.

²⁰"Masisi ou la guerre oubliée," pp. vii-viii; Tegera, "La réconciliation communautaire," pp. 395-396; USCR, "Inducing the Deluge."

Violence by all sides in North Kivu continued from March until July 1993. Official Zairian government statistics estimated that 6,000 people were killed during the six months of the conflict, but estimates of the number of dead by OXFAM, Medecins Sans Frontieres, Caritas, and other independent observers range from 7,000 and to as high as 40,000, the large majority being Hutu. The UNHCR estimated that 350,000 people were displaced by the violence.²¹ The fighting started a process of ethnic pogroms and clearances in which members of the dominant ethnic group in each area drove out members of minority ethnic groups. The Mai-Mai and Bangirima militia drove Hutu out of Lubero zone and the districts of Kisimba and Ikobo in Walikale zone, while Hutu fighters drove Hunde and Nyanga out of much of Masisi zone and the collectivities of Bwito and Bwisha in Rutshuru zone. The violence in 1993 began a process of establishing ethnic enclaves where ethnic groups had formerly lived together in multiethnic communities. Communities that had formerly included Hutu, Tutsi, and Hunde, now became almost exclusively Hutu or exclusively Hunde.²²

The position of Tutsi in this conflict varied from one area to the next. In some areas, they were lumped together with the Hutu as a single Banyarwanda population and thus were targeted. In other areas, because they were not organized politically, they were not considered threatening and were left untouched. According to Emmanuel, a Munyarwanda from Walikale, "In Masisi ... sometimes the Hunde killed Tutsi, sometimes Hutu killed Tutsi. In Ikobo, the Hunde left the Tutsi alone. In Kisimba, Hunde chased out both Hutu and Tutsi. And in Bwito, Hutu chased out the Hunde, and the Tutsi stayed."²³ According to other sources, in some areas of Masisi and Rutshuru, Hutu and Tutsi joined together to fight against the Hunde and other groups.²⁴

Although the Mai-Mai and Bangirima were civilian militia composed primarily of youths, both local witnesses and international observers agree that they were acting with the approval and encouragement of local Hunde and Nande government officials. According to Ngirabakunzi, a Tutsi from Lubero zone:

The traditional chiefs, the baami, said that the Hutu were chased out [of Lubero and Walikale] because of MAGRIVI. There was much hatred against the Hutu mutual association MAGRIVI. This organization had entered into politics and was trying to have its own chiefs. Because of this, there was a big conflict between the chiefs, who were Nande and Hunde, and the Hutu. The Hutu were chased by groups of bandits who were not afraid of shedding blood. But the chiefs were behind them. They were supported by the chiefs. After they were done, there was not a single Hutu left in our area. But we Tutsi did not have any problems. The chiefs told us that they had no problems with the Tutsi, because we did not have a mutual association.²⁵

The role of the Zairian military and security forces in the 1993 conflict is unclear. Some witnesses claim that members of the Forces Armées Zairoises (FAZ) joined with the Bangirima in attacking Banyarwanda. Some Hunde claim that FAZ soldiers were offering special protection to the Banyarwanda, who, unlike the Hunde, could afford to pay for the service. Reports from several organizations of the Catholic Church contend that gendarmes offered extensive support to the Mai-Mai for its attacks. Numerous accounts make clear that in many cases rather than

²¹"Masisi ou la guerre oubliée," p. vii; Hugh Nevill, "Explosive mix crackling in Eastern Zaire," Agence France Presse, October 18, 1994; UNHCR, "Repatriation of Rwandan Refugees from Eastern Zaire"; Kayigamba, "Zaire-Human Rights."

²²La commission justice et paix/Dioecese de Goma, "Masisi: Zone devastée, victime de sa richesse, du tribalisme ou du pouvoir, *Monde Nouveau* (Goma), November-December 1995; USCR, "Inducing the Deluge"; and testimonies taken by Human Rights Watch/FIDH from Zairean refugees.

²³Human Rights Watch/FIDH interview, Gisenyi, Rwanda, April 17, 1996.

²⁴Kayigamba, "Zaire-Human Rights."

²⁵Human Rights Watch/FIDH interview, Nkamira Transit Camp, Rwanda, April 5, 1996.

intervening to calm the situation, soldiers took advantage of the insecurity to loot from both sides in the conflict.²⁶ What is clear, however, is that the government threatened to strip the Kinyarwanda-speaking population of its Zairian nationality and so to marginalize it from political life, a goal shared with those attacking them. At the same time, the governor had openly expressed support for their “extermination.”

²⁶USCR, “Inducing the Deluge,” p. 10; “Masisi ou la guerre oubliée,” p. viii.

The violence continued in North Kivu with varying degrees of intensity until July 1993, when a group of churches and local non-governmental organizations (NGOs) brought members of the warring groups together in an effort to ease tensions in the region. The meetings concluded that the conflict had been manipulated by Zairian politicians, but failed to resolve the underlying issues. Also in July, President Mobutu visited Goma and subsequently deployed troops from the Special Presidential Division (DSP), the country's most elite military division. The DSP did not overtly take sides, but rather helped to prevent fighting and to bring some order to the area.²⁷ However, the key issues of nationality, land distribution, and political representation had not been resolved, and government officials at both the provincial and national levels showed no interest in seeking a lasting resolution. Several meetings sponsored by OXFAM, church groups, and other local NGOs brought together members of various ethnic groups in early 1994. The meetings produced proposals for bringing a lasting peace to the region—chief among them a resolution to the nationality issue—but the proposals received no response from government officials. With tensions still high and tens of thousands of people still displaced from their homes, conditions were ripe for renewed conflict.²⁸

GENOCIDE IN RWANDA AND ETHNIC CONFLICT IN ZAIRE

The spark that reignited ethnic violence in North Kivu was the genocide set into motion in Rwanda after the airplane crash that killed the presidents of Rwanda and Burundi in April 1994, and the renewed fighting between the RPF and Rwandan government forces. When word began to filter into Zaire about the massacres taking place in Rwanda, sharp divisions developed between the Tutsi and Hutu communities in Zaire. Reports indicate that a few Hutu attacks against Tutsi in Zaire took place as early as May of 1994, but violence against Tutsi became much more widespread after the arrival in North Kivu of an estimated 720,000 Hutu refugees from Rwanda in July. The majority of these refugees, many of whom were involved in massacres of Tutsi in Rwanda, settled in refugee camps around Goma, but others integrated into local Hutu communities in Goma, Rutshuru, Kalehe, and Masisi.²⁹

Witnesses report that Interahamwe militia continued their violence against Tutsi after their arrival in Zaire and the first attacks by Interahamwe against Tutsi in Zaire took place the last week of July 1994. Semasaka, a Tutsi who was living in the town of Sake in southern Masisi, recounts the attack on his family in August 1994:

The Hutu refugees fleeing Rwanda came to Masisi in July 1994. They tried to stay in groups together. They wanted to continue what they had started in Rwanda. The Hutu who came from Rwanda held secret meetings at night with the Hutu from Zaire, and the Zairian Hutu began to form Interahamwe together with the Rwandan Hutu. They began to steal cows, to take Tutsi women by force. They began to kill and pillage and rape, just as they had done in Rwanda... The area is vast there, and there were many cows, so it was a good place for us. But you can't stay in a place where they are killing you.

²⁷United Nations Department of Humanitarian Affairs, Integrated Regional Information Network, "Situation Report on Masisi and Rutshuru, North Kivu, Zaire," May 10, 1996.

²⁸UNDHA, "Situation Report on Masisi;" Commission Justice et Paix, "Masisi: Zone dévastée," p. 12.

²⁹Nevill, "Explosive Mix Crackling"; Commission Justice et Paix, "Masisi: Zone dévastée"; "Masisi ou la guerre oubliée"; UNDHA, "Situation Report on Masisi."

My family was attacked by Rwandan military [ex-FAR, Forces Armées Rwandaises]. I was at our home at Centre Sake with my mother and father and six children. A large group attacked. They were wearing Rwandan military uniforms. When they attacked, I jumped out of a back window, and so I was able to escape. But all the rest were killed, my mother and father and the children. This was August 4, and I came here [to Rwanda] August 15th. My family had been there in Masisi since 1959.³⁰

The anti-Tutsi violence in Masisi and Rutshuru zones continued for several months, reaching a peak in September, then diminishing in October. The Zairian army sent approximately one hundred troops to Masisi in October to reinforce the military presence in the region, but according to reports from the area, the military often joined in the looting and killing. The violence drove many Rwandan Tutsi refugees, like Semasaka, whose families had been in Zaire for decades, to flee to Rwanda, where a government installed by the Tutsi-dominated Rwandan Patriotic Front (RPF) had taken power.³¹

Even after this wave of violence diminished, tensions in North Kivu remained high. The arrival in the region of the Hutu refugees intensified anti-Banyarwanda sentiment among other groups in North Kivu. The new refugees themselves were a highly politicized group who, according to many sources, worked to politicize local Hutu. Numerous witnesses interviewed by Human Rights Watch/Africa and FIDH reported that Hutu refugees from Rwanda integrated into Zairian Hutu communities. Some reports indicate that they gave militia training to local Hutu, similar to the training given to Interahamwe in Rwanda before the genocide.³² The Hutu community in Zaire thus became increasingly well organized and increasingly well armed, due to the massive quantities of weapons brought by the refugees and the Rwandan army fleeing the RPF, or flown into Goma afterwards as the routed army regrouped.³³

The additional FAZ troop reinforcements that the government in Kinshasa sent to Masisi and other parts of North Kivu in 1994 in response to the influx of Rwandan refugees and renewed tensions seems to have contributed to the insecurity. Rather than sending the more disciplined DSP, the government sent a regiment known as the Parachute Commandos or "Paras," who were underpaid and undisciplined, and began to prey on the population.

The Paras demanded bribes, pillaged, and, according to various reports, chose sides and participated in the local conflict. Nzamwitakuze, a Tutsi refugee from Bahunde collectivity in Masisi, explained. "The government placed soldiers around, but the soldiers themselves just came to attack and pillage goods."³⁴

³⁰Human Rights Watch/FIDH Interview, Gisenyi, April 6, 1996.

³¹La commission justice et paix, "Masisi: Zone dévastée," pp. 12-13; Nevill, "Explosive mix crackling in Eastern Zaire"; and Human Rights Watch/FIDH interviews, Gisenyi and Nkamira, April 1996.

³²In late 1993 and early 1994, paramilitary training was given to Interahamwe members, including instructions on how to load and fire a gun. Most observers consider this training to have been in preparation for the genocide that began in April 1994.

³³Human Rights Watch Arms Project, "Rwanda/Zaire: Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide," vol. 7, no. 4, May 1995; UNDHA, "Situation Report on Masisi," and HRW/FIDH interviews in Gisenyi and Nkamira in April 1996.

³⁴"Masisi ou la guerre oubliée," p. viii; UNDHA, "Situation Report on Masisi." Quote from Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

In May and June of 1995, the ethnic militia, known collectively as the "combatants," (*abacombattant*) launched renewed attacks.³⁵ The Mai-Mai and Bangirima groups of Hunde, Nande, and Nyanga fought with Hutu Interahamwe militia in Masisi and Rutshuru. Both sides attacked villages, pillaging and burning homes, displacing thousands of people and furthering the process of establishing ethnic enclaves. At this time, Tutsi families, both Zairian nationals and refugees from Rwanda's ethnic conflicts in the 1960s and 1970s, were targeted by both groups.

According to Livania, a young woman from Bishusha in Rutshuru zone:

Before the arrival of the Interahamwe, there were no problems for Tutsi in our area. After the Interahamwe came, problems started with the Bahunde. The Bahunde said, "What are you doing still here when others are returning to their country?"

The signals of trouble began in May [1995]. The combatants came little by little, pillaging. The Hunde pillaged at one house and then another. They came in groups of more or less ten people, pillaging here and there. Things became really hot in June, when there was a great number of homes pillaged. These groups, though, came only to pillage. No one was killed or hurt. The killing in our area has just started now. ... The Hunde began to pillage the objects from the house and cattle. Then the Interahamwe followed after with threatening comments. These attacks in our community took place during one week [in June 1995]. The Hunde came several times and attacked. They took things, then left. Then the Interahamwe would come around and tell us to leave. They did not attack, but they came by to threaten us.³⁶

As with the attacks in July and August 1994, these renewed assaults encouraged many of those Rwandan Tutsi families who had been living for decades as refugees in Zaire to return to Rwanda. While some Tutsi would certainly have chosen voluntarily to return to Rwanda following the victory of the RPF, the violence carried out by the Interahamwe and Mai-Mai forced many Tutsi to leave Zaire against their will. Through pillaging, these Tutsi families lost their livestock and their household goods, and in fleeing they lost their land. According to UNHCR, 38,000 Tutsi returned to Rwanda from Zaire in 1995. According to various reports, rather than calming the situation, the Zairian military participated in the pillaging. Nevertheless, by July 1995 the fighting and attacks had again tapered off.³⁷

THE CURRENT CONFLICT

³⁵ Given the complexity of the ethnic mix and the conflict in North Kivu, the terms used by people from the area to discuss the ethnic militia are not completely consistent. As mentioned above, "Mai-Mai" and "Bangirima" are used to some extent interchangeably, but they also have a regional basis. The term "combatants," (*abacombattant*) is used by some people in the area to refer to all ethnic militia but the term is used by others to refer to the Hutu militia. The term "Interahamwe" is used by some to refer to all Hutu militia and by others exclusively to refer to Hutu militia from Rwanda. Given the mixing of Zairian and Rwandan Hutu in the militia, the term "Interahamwe" is used in this report to refer to all Hutu militia.

³⁶ Interviewed in Nkamira commercial center, April 16, 1996.

³⁷ UNDHA, "Situation Report on Masisi and Rutshuru"; UNHCR, "Situation dans le Masisi."

While the potential for an escalation of fighting in North Kivu was quite high, when fighting broke out in July 1994 and May 1995, the Zairian government made no concerted effort to intervene to establish order and protect civilians. In fact, the Zairian government was complicit in the distribution of arms to the former Rwandan military and militia. Throughout the refugee crisis, the Zairian government has supported the former Rwandan authorities and facilitated the training and arming of its troops and militia in the refugee camps. The government has allowed its territory to be used as a conduit for weapons supplies to the ex-FAR, and cargo companies based in Zaire have acted under contracts with Zairian officials to transport these weapons.³⁸ The vast increase in arms flows to the region has been a key factor in exacerbating the conflict in North Kivu, and helped set the stage for a renewal of interethnic fighting and killing in Kivu. The situation is further complicated by the fact that the Zairian security forces stationed in North Kivu are poorly equipped, paid and disciplined, which creates a situation where they may sell their services to the highest bidder and loot from all sides.

Because of the fighting, communities in Masisi and Rutshuru that formerly enjoyed ethnic diversity have become increasingly monoethnic as the dominant ethnic group in each community forces others to flee. Villages in the area are increasingly identified as "Hutu" or "Hunde" or "Nande." As such, they become the targets of the militia from rival groups. Since December 1995, thousands of Hunde and Nyanga have fled from Masisi to Kisimba and Ikobo areas in Walikale, while others have fled to Goma and parts of Rutshuru. Mai-Mai have also driven Hutu out of certain areas, particularly in Rutshuru and at the extremities of Masisi. In February 1996, the International Committee of the Red Cross estimated that 150,000 people from Masisi had been displaced since November 1995.³⁹ By mid-May, Doctors Without Borders USA estimated that the number of displaced had risen to 250,000.⁴⁰

The latest round of interethnic violence began in southern and eastern parts of the Masisi zone in November 1995. Several factors contributed to rising tensions in the region that set the stage for renewed violence. Threats by President Mobutu and other members of the Zairian government to close the Rwandan refugee camps by the end of December seem to have increased the anxiety of Rwandan Hutu refugees, many of whom believed that they would be arrested or killed if they were forced to return to Rwanda. Hutu leaders in the camps began to talk of Masisi as a "Hutu-land," where Rwandan Hutu could settle as an alternative to returning to Rwanda, which had become a "Tutsi-land." These claims infuriated the area's Hunde, Nyanga, and Tembo, who view Masisi as their ancestral territory and have feared the creation of a "greater Rwanda" or "Hutu-land" in the region, and their leaders called for the camps to be closed and the refugees repatriated. Public comments by General Eluki, the chief of staff of the Zairian army, during an official visit in Goma in November, appeared to give official sanction for the "autochthonous" groups to take up arms once again. In a public setting and in the presence of journalists, General Eluki stated that the Hunde, Nyanga, and Tembo were justified in fighting for the land of their ancestors and seeking to expel "foreigners," which was interpreted by other groups in the region to mean all Banyarwanda, not simply the Hutu refugees.⁴¹

The immediate spark that reignited the interethnic fighting in Masisi seems to have been conflict over local resources, particularly firewood, in the vicinity of several Rwandan refugee camps. Clashes in early December between Mai-Mai and Zairian army soldiers at Bikenge, Masisi town, and elsewhere intensified the level of combat, and violence quickly spread throughout southern Masisi. Mai-Mai appear to have launched most of the initial attacks against Hutu, but Hutu Interahamwe groups quickly responded with attacks of their own on predominantly Hunde and

³⁸Human Rights Watch Arms Project, "Rearming with Impunity: International Support for the for the Perpetrators of the Rwandan Genocide"; UNHCR, "Situation dans le Masisi."

³⁹Hoogesteyn, "Armed Rwanda...", Reuters, February 21, 1996.

⁴⁰Samantha Bolton, "3,000 Tutsi under threat in Masisi-Zaire: Only immediate evacuation can save lives," Medecins Sans Frontieres, press release, May 22, 1996.

⁴¹"Masisi ou la guerre oubliée," p. viii; UNHCR, "Repatriation of Rwandan Refugees."

Nyanga villages. Because of their vast numerical superiority and better armaments, the Hutu militia were quickly able to dominate. By the end of December, Interahamwe attacks had driven thousands of Hunde, Tembo, Nyanga, and Tutsi out of parts of Masisi, particularly areas near the refugee camps.⁴²

In the first months of 1996, fighting gradually spread into other parts of Masisi and Rutshuru. Witnesses report that the Hutu militia groups that have been involved in the attacks have contained a mixture of Rwandan and Zairian Hutu. Nzamwitakuze, a young refugee from a collectivity called Bahunde in southeastern Masisi, explains that attacks began in his community in late 1995:

⁴²Marc Hoogsteyn, "Forty killed in Zaire dispute on Rwandan refugees," Reuters, December 12, 1995; Commission justice et paix, "Masisi: Zone dévastée," pp. 12-13.

When the Interahamwe came to attack, they took everything. They took even our clothes. The clothes we are wearing were given to us by our neighbors. ... The abacombattant came to our area and first killed three people who were guarding the cows. Then people began to flee. When the abacombattant came, they were armed with guns. They could kill a few people with bullets, and then others could be killed with machetes. Our neighbors were attacked, and our own cows were pillaged, so we fled in fear. We fled to the church at Matanda.⁴³

Despite being outnumbered and out-gunned by the Interahamwe, Mai-Mai and Bangirima groups have continued not only to defend their communities but to launch attacks against Hutu and Tutsi in Masisi and Rutshuru, forcing both groups to flee certain areas. Comments by the governor and other political and military officials made the militia believe that they have the support of higher authorities in their struggle.

Beyond the practical fear of losing political power, the Mai-Mai and Bangirima militia have been inspired to continue their struggle by a strong sense of moral purpose. For many Hunde and Nyanga, the war is a noble struggle to defend their ancestral lands and historical prerogatives against people they view as foreign interlopers.

The conflict in Masisi and Rutshuru has expanded beyond guerrilla-style raids on villages, in which people are killed, women raped, and goods stolen. In recent months, open combat between Mai-Mai and Interahamwe has broken out as the groups struggle for control of territory, with Tutsi, who have sought refuge in towns that have become predominantly Hunde, targeted for killing by Interahamwe. Examples of attacks are numerous and include the following:

- Nearly 800 Tutsi who were gathered at the parish of Mokoto in Masisi were attacked on May 12, 1996, by Hutu militia. Some 700 were able to flee to temporary safety in the largely Hunde town of Kichanga, but as many as one hundred of the Tutsi who had sought refuge at the Mokoto church are believed to have been killed.⁴⁴
- According to Gabriel, a Tutsi man who had sought refuge at the town of Tongo in Rutshuru, several Interahamwe, most coming from the refugee camps, were arrested on April 11 as they passed through Tongo. They were carrying bullets and guns which they said were to supply Interahamwe in a planned attack on the town of Kichanga, just across the border in Masisi. According to Gabriel, the attack on Kichanga took place the same day, but the Interahamwe were repelled by the Hunde militia. Gabriel claimed to know one Hutu and two Tutsi who were killed in the battle.⁴⁵
- In early March, Hutu militia came to attack Mweso parish, where several thousand displaced Hunde and Tutsi had sought refuge. According to Hakizimana, a young Tutsi man from Bibwe, Interahamwe shot at aid workers who were unloading supplies for the displaced. Hakizimana reports:

After that, the president of MAGRIVI came, Eraste from Busumba in Masisi. He came to Mweso with the Interahamwe and said, "You must give food first to the Interahamwe if you are going to give it to the Hunde and Tutsi. If not, we will shoot you all."⁴⁶

⁴³Human Rights Watch/FIDH interview, Gisenyi, April 17, 1996.

⁴⁴Samantha Bolton, "3,000 Tutsis under threat in Masisi-Zaire," *Doctors Without Borders*, May 22, 1996; and report on BBC May 13, 1996.

⁴⁵Human Rights Watch/FIDH interview, Nkamira Transit Camp, April 16, 1996.

⁴⁶Human Rights Watch/FIDH interview at Nkamira Transit Camp, April 17, 1996.

- According to various sources, in February Hutu militia attacked Sake, a town just off Lake Kivu considered a Hunde stronghold. The attacks forced many people to flee, including the local Hunde chief, who sought refuge in Goma. Several subsequent attacks, including an attack on April 26, have led to additional deaths and injuries.⁴⁷
- Witnesses from Bibwe in northern Masisi report that early in the morning on January 25, 1996, Mai-Mai attacked the commercial center at Bibwe, killing ten Hutu and forcing both Hutu and Tutsi to flee the community briefly and hide. Later in the day a large group of Interahamwe descended on the community, killing a number of people, including several local Hutu whom they viewed as traitors. The Interahamwe drove some 500 Hunde and Tutsi from Bibwe to seek refuge at Mweso parish.⁴⁸
- The Justice and Peace Commission of the Catholic Diocese of Goma reported that on December 9, 1995, Hunde militia attacked the village of Bikenge in Masisi zone. More than thirty people were killed, including four Zairian soldiers. In response, FAZ forces pillaged and burned Hunde homes in a number of sites in Masisi.⁴⁹

SENDING THE TUTSI "BACK TO RWANDA"

While fighting has displaced thousands of Hunde, Nyanga, and Hutu, driving them from their homes into refuge in other parts of North Kivu, thousands of Tutsi have been forced to leave the country and seek refuge in Rwanda. The Tutsi, who have generally not participated in the militia groups, have increasingly been targeted by both sides in the conflict. While attacks in 1994 and in mid-1995 targeted Tutsi refugees from Rwanda who had arrived in Zaire in the 1960s and 1970s, anti-Tutsi attacks in the current round of violence have expanded to include Zairian Tutsi: those who trace their origins to formerly Rwandan territories now integrated into Zaire or whose families migrated to the region in the 1930s and 1940s. Both Mai-Mai/Bangirima and Interahamwe have insisted that Tutsi "go back to Rwanda," whether or not they are Rwandan refugees. Some Interahamwe have insisted that Tutsi leave Zaire for Rwanda, since Rwanda has become a "Tutsi-land," while claiming North Kivu should be left for the Hutu.⁵⁰

The targeting of Zairian Tutsi began in Masisi and Rutshuru in January and February 1996 and has gradually expanded into Lubero and Walikale. In the last four months of 1995, according to UNHCR statistics, 11,825 refugees categorized as "old case load," those who had fled from Rwanda prior to 1994, returned to Rwanda from Zaire. In the first three months of 1996, 10,164 Zairian Tutsi crossed into Rwanda from North Kivu. Between March and May 1996, more than 8,000 Zairian Tutsi crossed into Rwanda.⁵¹ In June, approximately 3,200 crossed. UNHCR estimated that 17,233 Zairian asylum seekers had crossed to Rwanda by the end of June 1996. A small number of Hunde have also fled to Rwanda.

Habimana, a Tutsi from Bibwe in Masisi, explains how Tutsi began to be targeted in his community in January 1996:

⁴⁷Luala, "Leur nationalité zairoise ne se marchande pas!", p. 2; UNHCR, "Situation dans le Masisi;" and from interview with Semasaka in Gisenyi on April 6, 1996.

⁴⁸Human Rights Watch/FIDH interviews with Hakizimana, Habimana, and Nyirantunzuwami, in Nkamira Transit Center, April 17, 1996.

⁴⁹Commission justice et paix, "Masisi: Zone dévastée," p. 13.

⁵⁰UNDHA, "Situation Report on Masisi and Rutshuru;" Antonie, "Suspected Hutu killers."

⁵¹UNHCR Services des Statistiques, UNHCR Field Office Gisenyi/Ruhengeri, monthly statistics on repatriation 1996; UNHCR Service des Statistiques, Kigali, annual statistics 1995, monthly statistics 1996.

In our area there were no problems for Tutsi until January [1996]. There was fighting between Hunde and Hutu that had been going on since 1993. In 1993, the Mai-Mai took all of our cattle, along with MAGRIVI. They took just our cattle and goats. There was no pillaging of homes, no attacks on people. After this, though, it became calm, because the military came and stopped the fighting. They disarmed the Hutu. ... When the Interahamwe came from Rwanda to Zaire, they told local Hutu to remember their arms. Before, things had been calm, but the Interahamwe started to organize the Hutu. You could buy one L4 rifle for four cows. The Hutu began to arm themselves. The Hutu began to tell us to return to Rwanda, because Tutsi had taken Rwanda. "We don't want Tutsi here, because it was you who made us flee from our country. Go back to Rwanda." Hutu from other places began to come, and they were welcomed by neighbors. Then they would attack homes at night.⁵²

Gasamuyinga Rutshogoza, a middle-aged Tutsi man from Bukombo, an area in Bwito collectivity just across the Masisi border in Rutshuru zone, recounts that a mix of Zairian and Rwandan Hutu came to attack Tutsi in the community on March 4:

The [Hutu] abacombattant started by burning the house of a widow. ... They burned many Tutsi homes, but they left the homes of the Hutu untouched. It was local people from Bukombo, helped by people from Masisi. There were many Rwandan Hutu at Bukombo. Many. They came to take the young Hutu who were from the community and they gave them militia training. ... There was a group of neighbors who attacked with a Captain Sibomana. He was the "chief" of the village, the leader of a group of youths. This was not an official title, but after he got a lot of money from raising pigs, they began to call him captain. It was he who stole my money and my goods. It was he who was at the head of the group that attacked my house. They came at 11:00 at night. They attacked the home with machetes. They cut my father, Rwangaguhaba, with their machetes and killed him. They killed another neighbor in addition to my father. My mother was injured, but she was not killed."⁵³

Survivors from Bukombo list at least eleven Tutsi from the community know to have been killed during the March 4 attack: Rwangaguhaba, Bajoje Rwamuhizi, François Ndamiyumuhatsi, Kwisebura, Kamanzi, Ngarambe, Kabanda, Marthe and her son, Nyaramba, and Rutsitsi.⁵⁴ After the attack, Bukombo's Tutsi fled to nearby Birambizo Catholic parish, where Hutu abacombattant came to attack a few weeks later.

⁵²Human Rights Watch/FIDH interview at Nkamira Transit Center, April 17, 1996.

⁵³Human Rights Watch/FIDH interview at Nkamira Transit Center, April 16, 1996.

⁵⁴Based on Human Rights Watch/FIDH interviews at Nkamira Transit Center, April 16, 1996, and Gisenyi Hospital, April 17, 1996.

Several witnesses reported that Tutsi living around Tongo in Bwito Collectivity in Rutshuru Zone were attacked by Interahamwe in mid-March. One survivor recounts that after his home had already been raided, he was attacked as he fled to Tongo with a group of other Tutsi, accompanied by two locality chiefs who offered to escort them: "On the way to the town, we were attacked by a group that began to pillage. They took everything we had with us. They even took our clothes." Tutsi refugees were grouped in several locations in Tongo and protected by gendarmes, but Interahamwe came to attack them in these locations as well.⁵⁵

Since late March, anti-Tutsi violence has spread to areas dominated by Hunde, Nande, and Nyanga in Walikale and Lubero zones. Attacks against Tutsi in Walikale zone began in an area known as Ikobo which, along with neighboring Kisimba, has become a major site of refuge for Hunde and Nyanga fleeing violence in Masisi. As the refugees arrived in the area, they found that much of the land was controlled by Tutsi, who used the land for grazing cattle and goats. As with Hutu refugees arriving in Masisi and Rutshuru from Rwanda, the displaced Hunde and Nyanga who arrived in Ikobo worked to radicalize the local Hunde and Nyanga population, known as the Bakobo. The displaced population was integrated into local Mai-Mai militia groups.⁵⁶

The first Mai-Mai attacks targeted specifically against Tutsi began in Ikobo around March 14. According to a young Tutsi man from Katikwu village in Walikale Zone:

There was a group of people, eighty to one hundred, armed with knives, spears, guns. They came at about 5:00 p.m. They came to my neighbor Sebatware and pillaged his cows. This was the first attack. The group of bandits came and then left, but this was followed by other attacks. ... When we saw that they were going to pillage all of our cattle, we went to an area to the side, to Mirigi in Lubero.

They came back a week later to Mirigi and attacked again. I saw them myself this time. We had gone to take refuge with our friends in Mirigi. The bandits came again at around 10:00 in the morning. At this time, they took many cows. They took all of my cows, all seventy, and they took one hundred from the friend with whom I was staying. So we fled from there to go to Kanyabayonga. We had no cattle left, so we just left with our families. ... When we were there, they harassed us. Leave for Rwanda. It's your country.' The Nande said this. Also there were some soldiers who said this.⁵⁷

After a number of Mai-Mai raids against Tutsi in Ikobo, most local Tutsi fled with their remaining cattle to Lubero, a nearby zone where there were also many Tutsi herders. The Mai-Mai from Ikobo, however, pursued the Tutsi into Lubero. According to a number of testimonies gathered by Human Rights Watch/Africa and FIDH researchers, the Mai-Mai from Walikale joined with local Lubero Hunde and Nande Bangirima militia groups to attack both displaced Walikale Tutsi and Tutsi from Lubero.

Nyirasengo Kabami, a Tutsi woman from Mwekwe village in Lubero Zone recounts that she and her family fled to nearby Mbabinyo village when they heard that the Bangirima had come to attack their village, but the Bangirima soon came to attack there as well:

We waited at Mbabinyo, and the bandits arrived there. The bandits were called Bangirima. We were staying with Nande, with friends. Some other Nande arrived and told us to hide, because the bandits, the Bangirima, were coming. We sent our cattle on up the road, to hide them. The bandits came to where we were hiding The friends who were hiding us closed the door and shut us inside. The bandits asked if there were any Tutsi there. The friends said no. The bandits had lances, guns. They

⁵⁵Human Rights Watch/FIDH interviews conducted at Nkamira Transit Center, April 16, 1996.

⁵⁶Human Rights Watch/FIDH interviews conducted at Nkamira Transit Center, April 1996.

⁵⁷Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

numbered more than forty. Our Nande friends did everything they could to save our lives. The Nande said that our cattle had gone up the road, so the bandits followed the road to get the cows and steal them. The bandits took the car that was at the house to chase after the cows. After this they returned the car and left, and we went to Kanyabayonga by car, in this same car. ... I saw the bandits myself. I was looking out the windows when they came to the house. They were all strangers. But then, I could not recognize them because of what they wore, bark from trees, animal skins. ... They even wore skirts and dresses. They covered their faces in black so that they could not be identified.

When they came back to the house where we were hiding, they said that the Tutsi should go back home [to Rwanda]. They said if there are any Tutsi here, they should leave immediately. Otherwise, we will come back and kill them.⁵⁸

As the anti-Tutsi attacks quickly spread across Walikale and Lubero, hundreds of Tutsi, the vast majority of them Zairians, according to witnesses, began to converge on the center of Kanyabayonga. The Zairian military had organized buses to transport Tutsi for a fee of US \$12 from Kanyabayonga to Goma, where they could then cross into safety in Rwanda. Witnesses, reported that the displaced Tutsi were scrambling to raise the money to buy places for their families on the buses to Goma. According to a school director from Kanyabayonga:

Refugees who were coming with the rest of their cattle sold them for low prices before they could leave. Cows could usually be sold for \$200, even more if they were big and healthy. The refugees had to sell their cows for \$20.⁵⁹

Buses began to leave Kanyabayonga during the final days of March. On April 2, the Mai-Mai and Bangirima came to attack the town of Kanyabayonga itself. According to the school director and other witnesses, the attackers were assisted by local Nande, who indicated the homes of Tutsi and participated in the attacks. The military did nothing to protect the town. Tutsi fled from the city into the bush, then returned in the evening after the attackers had left. In the next several days, thousands of Tutsi in the community chose to leave for Goma in the military buses.⁶⁰

Following attacks in Walikale and Lubero, Zairian Tutsi refugees began pouring into Rwanda on March 27, 1996. According to UNHCR figures, between March 27 and April 16, in a period of only three weeks, 4,820 Zairian Tutsi fled North Kivu into Rwanda. By late May, more than 8,000 Zairian Tutsi were gathered in two camps just across the Zaire border in Gisenyi prefecture of Rwanda. At the same time, thousands of other Tutsi were gathered in centers throughout North Kivu, such as Kikuku, Rutshuru town, Tongo, and Kichanga, where they continued to be harassed by militia, particularly Interahamwe. Many Tutsi have been afraid to make the journey to Rwanda, because the road to the border runs past the Rwandan refugee camps and other areas where Hutu militia are strong.⁶¹ Karambizi Ntabaringamira, a young Tutsi man from Ngololo in Bwito Collectivity, was injured by Interahamwe in Rutshuru, then again by Hutu refugees when the Zairian military forced the vehicle he was in to stop outside a large refugee camp:

⁵⁸Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996

⁵⁹Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁶⁰Based on Human Rights Watch/FIDH interviews conducted at Nkamira Transit Center, April 5, 1996.

⁶¹UNHCR, Department of Statistics; Mseteka Buchizya, "Thousands on move from violence in Eastern Zaire," Reuters, May 7, 1996; Chris Tomlinson, "Zaire/Refugees," *Voice of America*, May 29, 1996.

Yesterday [April 15] we left Rutshuru. We passed Kibumba [refugee camp] at about 7:00 p.m. I was again hit with a stone, on the same leg. That is why it is so swollen. I was in a vehicle with a few other people, not in a bus. We were stopped at Kibumba at the barrier by Zairian soldiers. They demanded that we pay them to let us pass. While the driver was negotiating with the soldiers, Interahamwe came and began threatening us. They said, "Where are you going? We will follow you and kill you. Even if you go to Rwanda, we will follow you there and kill you." Then they started throwing stones.⁶²

Many of the Tutsi interviewed for this report insisted that, although they speak Kinyarwanda, they are Zairians, not Rwandans. Their families have lived in Zaire for generations, and they have no connection to Rwanda. Gasamuyinga Rutshogoza is typical of many other refugees recently arrived in Rwanda when he said:

My family is Zairian. My father and grandfather were both born at Jomba [in Zaire]. They moved to Bukombo when my father was young. They left me large tracts of land in Bukombo.⁶³

A CAMPAIGN TO CREATE ETHNIC ENCLAVES

The primary goal of the attacks that have been taking place in North Kivu has been to create ethnically pure enclaves by forcing members of competing ethnic groups out of targeted areas. The Hutu refugees in particular, fearing forced repatriation to Rwanda, have sought to increase the land available to them by targeting members of other ethnic groups. The Hutu refugees have sought to guarantee that, should the refugee camps be closed, they have a fall-back destination other than Rwanda, where many could face arrest for participation in the genocide of 1994. As the Interahamwe have driven Hunde and Nyanga out of areas in Masisi and Rutshuru, displaced members of these groups have in turn sought to acquire new land for themselves. For both Mai-Mai/Bangerima and Interahamwe, Tutsi have been logical targets, because despite their relatively limited numbers, they have controlled extensive tracts of land used for grazing.⁶⁴

A number of means have been used to force targeted populations to flee in order to create ethnic enclaves. Pillaging has been widely employed by militia as a weapon to drive targeted ethnic groups out of their homes. Both Mai-Mai/Bangerima and Interahamwe militia groups have pillaged extensively, stealing livestock and household goods. A number of refugees claim that when they were attacked, they were stripped even of the clothes they were wearing. In many areas, militia have burned houses as well. By destroying the homes of the targeted groups and by taking their means of earning a living, the militia clearly intended to force them into leaving the area.

In certain militia attacks where pillaging has occurred, violence has been fairly limited, particularly in Walikale and Lubero. But this was not simple banditry; pillaging has been clearly designed to encourage the victims to leave the area, since the attacks have almost always been accompanied by demands for the victims to flee and by threats of future violence if they remain. For example, on March 27 and 28, Mai-Mai and Bangerima pillaged the rural community in Lubero zone where Gilbert, a Tutsi teacher born in Rutshuru zone, was living. In the first attack, the militia stole one hundred cows, and on the next day, they stole another fifty. According to Ngirabakunzi:

⁶²Human Rights Watch/FIDH interview at Nkamira Transit Center, April 16, 1996.

⁶³Human Rights Watch/FIDH interview at Nkamira Transit Center, April 16, 1996.

⁶⁴Commission Justice et Paix, "Masisi: Zone devasté," p. 12; UNDHA, "Situation Report on Masisi and Rutshuru."

When they take your cattle, when they take your livelihood, it gives you a great moral shock. We wept. Those of us who were pillaged, we wept as they took our cattle. They told us, "Don't cry for your cattle; cry for the blood we are going to spill the next time we come!" They told us, "Go back to Rwanda, because you already have your country." There at Lubero, I have land that I have worked and many cattle. In Rwanda I have nothing.⁶⁵

According to numerous testimonies, Mai-Mai, Bangirima, and Interahamwe have all warned Tutsi to "go back to Rwanda." Mai-Mai and Bangirima have used the same argument against Hutu. According to a refugee from Bibwe:

The Mai-Mai came at 5:00 in the morning, and we fled to the forest. They pillaged homes, broke our radios and machines, ripped up our money. They said, "All Rwandans should take their bags and go to Rwanda." For them, neither Tutsi nor Hutu should stay.⁶⁶

Pillaging has been most widely targeted against Tutsi, who are perceived to be the wealthiest group in the region, but has also affected other groups.

Violence has been the primary tool used to achieve the expulsion of Tutsi (and others) in Masisi and Rutshuru. No accurate statistics regarding the number of people killed since the conflict reignited late last year are currently available, but the figure is clearly in the hundreds and steadily mounting. As one young woman who fled to Rwanda from Bishusha in Rutshuru zone in June 1995 explained:

In our region, it was a mix of Hutu, Tutsi, and Hunde. The Hunde started by attacking the Interahamwe to make them return to Rwanda. But then they began to attack everyone. Now the Tutsi have left, and the Hutu remain, and there is fighting between Hutu and Hunde.⁶⁷

The attacks discussed in this report represent selected examples, and in no way comprise a comprehensive list. Some places, such as Sake, Kichanga, and Masisi town have been attacked repeatedly by Interahamwe in the effort to drive out Hunde, Nyanga, and Tutsi. Other communities in Rutshuru and Lubero have been repeatedly attacked by Bangirima and Mai-Mai to drive out Hutu and Tutsi. Attacks by militia initially took the form of raids on communities, in which a small number of people were killed and goods were pillaged, apparently with the intention of frightening the survivors into fleeing. But since February, attacks have become increasingly bloody, as with the massacre at Mokoto parish. An additional troubling development has been the reports of sustained battles waged between militia groups, as the militia vie for control of various territories. The towns of Sake, Kichanga, Bambu, and others have seen repeated fighting, with militia members killed on both sides and numerous civilians wounded or killed.⁶⁸

In some areas, rape of women and girls appears to have been widespread, particularly in Masisi and Rutshuru. Although many of the people interviewed for this report were reluctant to discuss the issue, several confirmed that militia had used rape during attacks on their communities. Sexual violence against women has been an effective weapon to drive populations to flee their homes, both because of the severe social consequences for the victims and because of the negative reflection on the fathers and husbands, who are expected by society to protect the women of their community. Rape was used as a weapon to terrorize and dehumanize Tutsi women during the genocide in Rwanda. Since the renewal of conflict in North Kivu charges of rape of Tutsi women by Interahamwe militia members

⁶⁵Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁶⁶Human Rights Watch/FIDH interview at Nkamira Transit Center, April 17, 1996.

⁶⁷Human Rights Watch/FIDH interview at Nkamira commercial center, April 16, 1996.

⁶⁸Mseteka, "Thousands on move"; Tomlinson, "Zaire/Refugees;" and witness accounts in Human Rights Watch/FIDH interviews.

have been frequent, suggesting a continuation of the practices used in Rwanda. Nevertheless, all the militia groups have been accused of rape, and women from all ethnic communities have been targeted.

The process of ethnic violence has been supported by the pursuit of targeted populations as they seek refuge, with Mai-Mai and Bangerima, or Interahamwe, or both, following them and attacking. Interahamwe have attacked displaced Hunde and Tutsi who have gathered at churches and schools in Mweso, Kichanga, Matanda, Mokoto, Birambizo, Tongo, and Rutshuru, seeking to drive them out of Masisi and Rutshuru entirely. Mai-Mai from Ikobo in Walikale have pursued Tutsi into Lubero, attempting to drive them out of the country. Many of the refugees currently coming out of North Kivu report fleeing from one community to the next, with the Mai-Mai or Interahamwe or both following them and attacking again and forcing them to move on. The point of this pursuit seems to be to drive populations as far from their homes as possible so that return becomes increasingly difficult.⁶⁹

The effect of all of these strategies has been to create ethnic territories. As the Commission of Justice and Peace of the Goma Catholic Diocese noted in February, the fighting has devastated the region:

The attacks are thus systematically directed and by village. Entire villages are burnt, cows scandalously pillaged, people are injured, other killed. Thousands of people, including customary chiefs, have been chased from the villages. The cattle herds of Masisi are have been destroyed. The entire economy of the zone is ruined. Villages are now separated by ethnicity.⁷⁰

Continuing violence in North Kivu supports the conclusion that the establishment of monoethnic territories in an historically multiethnic area is inherently unstable. Even after most communities have been cleared of all but a single ethnic group, fighting continues as each group seeks to expand its territory. People who have been driven from their homes seek to reclaim the land which they consider theirs by right and therefore attack communities they have left in an attempt to eject in turn those who drove them out. Hutu militia in Masisi have continued to attack centers such as Sake and Kichanga that are currently dominated by Hunde, while Hunde have fought to defend their communities. With many communities now bereft of ethnic diversity, the intensity of combat has increased rather than diminished, and the number of dead continues to mount.

COMPLICITY OF THE ZAIRIAN GOVERNMENT

Despite the severity of the conflict in North Kivu, Zairian government officials at the local, regional, and national levels have shown little commitment to ending the conflict or protecting civilians. Government initiatives to disarm combatants and stop fighting have received only limited official endorsement, and little commitment of resources. The national authorities have failed to act consistently to halt the conflict. Indeed some government and military leaders have exploited the conflict for their own political purposes, while incendiary public statements by various national and regional leaders have played a major part in fanning its flames.⁷¹

⁶⁹Mseteka, "Thousands on move"; Commission Justice et Paix, "Masisi: Zone devasté," p.14; and Human Rights Watch/FIDH interviews.

⁷⁰Commission Justice et Paix, "Masisi: Zone devasté," pp. 12-13.

⁷¹Chris McGreal, "Zaire: Instability Revives Mobutu's Fortunes," *Janes Defence Weekly*, May 1, 1996; "Masisi ou la guerre oubliée," p. viii.

The primary government initiative taken to address the latest phase of the conflict in North Kivu has been "Operation Kimia" (Operation Peace), a military operation announced as intended to disarm combatants and restore calm. Following a visit to Goma by a delegation of government ministers, Operation Kimia was launched on April 11, 1996, as the first step in an effort to bring about peace talks between the warring groups. Over the course of several weeks, approximately 800 FAZ troops, including members of the Para-Commandos, DSP, and the Service d'Action et de Renseignement Militaire (SARM), were deployed in Masisi. These troops have guarded roads and markets, and according to observers in the zone, they have restored order at least temporarily in some areas, so that people have been able to return to their fields and markets.⁷²

The ultimate success of Operation Kimia, however, is likely to be limited. The governor of the region first promised in February that military reinforcements would be sent to the zone, but the violence was allowed to intensify for another two months before troops were sent. The soldiers participating in the operation have extremely limited material resources, making it likely that they will turn to looting and graft to support themselves. The stated primary objective of disarming the militia has met with little success, and mostly traditional arms have been collected, along with very few guns. According to the U.S. Committee for Refugees: "The elite DSP troops engaged in Operation Kimia have been somewhat effective. Other, non-DSP troops, however, have generally been ineffective at best and, at worst, have facilitated or participated in violence and looting."⁷³

Despite a lull in fighting in the area just after the deployment, by the end of April, fighting had recommenced and intensified throughout May. Major attacks have taken place at Kichanga, Nyamitaba, and Mokoto in Masisi. In addition, fighting has escalated in Rutshuru, where troops have not been deployed, and violent incidents have been taken place near Goma. No initiatives have been taken to organize peace talks between the parties in the conflict.⁷⁴

The history of the involvement of the Zairian military in the conflicts in the region also raises serious doubts about the potential success of a purely military response. The Zairian military has been responsible for serious human rights violations, and has established a pattern of corruption and a lack of discipline which enables soldiers to take sides in the conflict for their own profit. While most of the attacks in the current round of violence apparently have been carried out by civilian militia, the Zairian armed forces have occasionally supported attacks by one or the other militia group. After several members of the Parachute Commandoes were killed by Hunde attacks in early December 1995, for example, the "Paras" attacked Hunde villages. They have subsequently joined with Interahamwe in several attacks, though in some areas there has also been combat between the Para-Commandos and Interahamwe. The police and DSP have been accused of supporting the Mai-Mai and Bangirima in various attacks.⁷⁵ There have been no investigation or prosecution of these abuses, which contributes to the climate of impunity.

⁷²UNDHA, "Situation Report on Masisi and Rutshuru"; "Zaire: Zaire Accuses Rwanda Refugees of Killing Six," Reuters, April 30, 1996.

⁷³U.S. Committee for Refugees, "Masisi, Down the Road from Goma: Ethnic Cleansing and Displacement in Eastern Zaire," June 1996, p. 8.

⁷⁴Hoogesteyn, "Armed Rwanda Hutus"; Bolton, "3,000 Tutsis under Threat in Masisi;" UNDHA, "Situation Report on Masisi and Rutshuru"; "Zaire: Zaire Accuses Rwanda Refugees;" BBC World News, June 2, 1996.

⁷⁵"Masisi ou la guerre oubliée," p. viii; Commission Justice et Paix, "Masisi : Zone devasté," pp. 13-14; Hoogesteyn, "Forty killed in Zaire dispute."

More often than actually participating in the fighting, soldiers and police have simply profited from the chaotic situation. When Mai-Mai, Bangirima, or Interahamwe have arrived, the soldiers and police have fled the communities they were assigned to protect. Soldiers and police have been accused of pillaging from all sides in the conflict. Pillaging is not the only example of ways in which military and police have profited from the conflict. The Zairian army has required refugees to pay to be evacuated by bus, and soldiers have demanded refugees pay fees to pass by barriers on their way to refuge. Several Tutsi refugees in Rwanda report that they paid US \$12 or US \$15 for transport from Kanyabayonga or Katwe to Goma but were instead dropped off halfway there, at Rutshuru, where they were then attacked by Interahamwe. The interest of the soldiers was obviously not in protecting the threatened groups but in making a quick profit by transporting as many people as possible out of the communities where they were being attacked.⁷⁶

Even where soldiers or police have demonstrated good intentions to stop the violence, they have been hampered by inadequate equipment and personnel. Several examples in the region make clear that where there is a will, sufficient discipline, and adequate support, the attacks can be stopped and victims protected. In the town of Rutshuru, for example, the contingent of gendarmes was sufficiently large to provide protection to refugees at a local school when they were attacked by Interahamwe in mid-April. Several witnesses praised the commander of the police at Kanyabayonga for trying to prevent violence.⁷⁷

In general, however, even when military or police have attempted to intervene to stop fighting, they have been too few in number and too poorly supplied to succeed. In several instances, as in the town of Masisi in December where soldiers were attacked by Mai-Mai, soldiers or police have themselves been targeted by militia from one side or the other. In other instances, good intentions have been hampered by inadequate material resources and personnel. According to one witness, after his community in Lubero was attacked, the gendarmes were called and came quickly. A group of gendarmes stayed for the night, but left in the morning:

When they were leaving, we asked the captain of the gendarmes who had come from Kanyabayonga to leave at least a few soldiers. The captain said that he understood the problem, but he did not have enough men. He said it was unfortunate, but he could not leave men. They left about 10:00 a.m., and the bandits came back by 11:00 a.m..⁷⁸

In general, a military response seems unlikely to bring lasting peace to the region as long as the political will for peace is lacking. The Commission of Justice and Peace of the Catholic Diocese of Goma noted that:

More than a few people think that these military operations are only a masquerade. All that one can say is that the soldiers traffic in arms, conduct commerce in pillaged cows and agricultural products (beans). Perhaps peace will return to Masisi when there are no more cattle, no beans. And that moment will arrive soon.⁷⁹

The greatest obstacle to establishing peace in the region is the complicity and involvement in the conflict by government officials, as evidenced by the targeting for expulsion of the Tutsis. Refugees from the violence in Zaire who were interviewed for this report universally expressed the belief that Zairian government officials have been behind the attacks. One refugee stated:

⁷⁶Commission Justice et Paix, "Masisi: Zone devasté," pp. 13-14; "Masisi ou la guerre oubliée," p. viii; and Human Rights Watch/FIDH interviews.

⁷⁷Human Rights Watch/FIDH interview in Nkamira Transit Center and Gisenyi, April 5, 16, and 17.

⁷⁸Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁷⁹Commission Justice et Paix, "Masisi: Zone devasté," p. 14.

The stories of government complicity are numerous. The attacks and violence have clearly been targeted. In November, it was only Tutsi who had their homes pillaged. Some Tutsi were taken to the road block and thrown out of the country by force. In Goma, only Tutsi were targeted. It is just as in Walikale and Lubero now. Some members of my family lived between Nande families who still have their cattle. Only our cattle were pillaged.⁸⁰

The refugees report numerous instances of local officials who participated in militia attacks. According to several refugees from Walikale, the locality chief in Ikobo was involved in the raids against Tutsi there. One Tutsi man from the region testified:

My family had 300 head of cattle that were stolen at Walikale. This happened just in the past few weeks [in late March]. The chief of the locality, Matshozi Likanga, was involved. He even led the group of Bangirima that stole our cattle — mine, my father's, and my brother's.⁸¹

Another Tutsi from Walikale who took refuge in Lubero reported that in late March the section head of Mirigi, Njenja Kyamwami, sent his assistants to demand a cow from each of the Tutsi in the area:

The commandant sent his police. They came by and asked for a cow. They took one of my cows and one cow from the man in whose house I had taken refuge. They said they would protect us in exchange. They said they would protect all of us herders. ... This was the day before the attack. The next day the bandits came [and took all of our cattle] and the commandant did nothing.⁸²

Several refugees who had sought shelter in Kanyabayonga claim that Muhindo Pandasi Rukira II (head of *groupement*), in Bwito, required Tutsi to provide cattle in exchange for protection. They then saw him come to Kanyabayonga the day before the April 2 attack there to sell the cattle, but no protection was provided.⁸³ While none of the refugees interviewed for this report claimed to have seen government officials actually injuring or killing during any of the attacks, many people were convinced that local officials strongly supported the actions of the militia, particularly the Mai-Mai and Bangirima.

More troubling than the involvement of local officials and low-level military personnel in the conflict has been the complicity of higher level officials. The initial attacks in Masisi in March 1993 followed comments by then-governor Jean-Pierre Kalumbo Mboho questioning the nationality of the Banyarwanda. Likewise, the latest round of violence followed comments in November 1995 by General Eluki, the army chief of staff, in which he stated his belief that the Hunde, Nyanga, and Tembo were justified in their effort to protect the land of their ancestors and to expel "foreigners," a clear reference to the Banyarwanda.⁸⁴

⁸⁰Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

⁸¹Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

⁸²Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁸³Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁸⁴"Masisi ou la guerre oubliée." p. viii; Amnesty International, p. 22.

Numerous other official actions seem to give sanction to the attackers. The refugees coming into Rwanda in April reported that their Zairian identity cards, which identify them as Zairian citizens and would be necessary for them to re-enter the country, were taken by guards at the border and destroyed. The refugees were also forced to turn over all of their Zairian money. These actions represent troubling official signals that the Zairian Banyarwanda, and Tutsi in particular, are being arbitrarily stripped of their Zairian nationality.⁸⁵

The reaction of the current governor of North Kivu, Christophe Moto Mupenda to the conflict has also been disturbing. In public comments, Moto Mupenda has repeatedly minimized the severity of the violence and has lashed out at critics who have tried to pressure him to take stronger action. In addition, he has often spoken in terms that have heightened tensions, for example publicly doubting the claims of nationality for Zairian Banyarwanda.⁸⁶

According to witnesses who were in Kanyabayonga, Governor Moto Mupenda came to town with the vice-prime minister of Zaire on March 31. Various prominent local individuals raised the problems of ethnic violence in the meetings, but the officials subsequently took no action. Two individuals from Kanyabayonga explain the followup to the visit:

The following day, the chief of the city held a popular meeting. During the meeting what astonished us is that he addressed the Tutsi and said, "Go home. Go guard your cattle. There is no more war here." This was when our cows had already been stolen! He told us to go guard our cattle! This speech by the chief of the city was the day after the governor had come, and the next day we were attacked in his city.⁸⁷

In a pastoral letter issued on April 20, "Renoncez au Mensonge," the Catholic bishop of Goma, Faustin Ngabu, condemned the false arguments used to support the ethnic attacks, such as the idea that the Tutsi are not "true" Zairians. He also strongly condemned the role of government officials in the violence:

The authorities who should come to help the victims of violence seem on the contrary to want to feed the fire that destroys them. ... We are troubled to note that these practices that sow division, misery, and death within the different ethnic groups in our Region are the result of an organization at a high level, and we regret that the regional and local authorities who have as a mission to inform the central government about the reality of facts prefer to execute directives based on lies.⁸⁸

The governor of North Kivu responded to the letter at a public meeting on April 24, attributing to the Tutsi responsibility for the conflict. According to a broadcast by a local station, Radio Star, he said:

The Governor of the Region made it known that this declaration is nothing less than a slander and a gross lie by the Catholic Prelate directed at the authorities of the Country and it is necessary at all costs to react to clarify public opinion. According to the regional authority, the causes of the conflicts in North Kivu are known by everyone. Far from being lies, the conflicts are created deliberately by people who want to be given a status that they don't have. It is these who deformed the truth, who can be called liars, and not the regional authorities. The Governor of the Region reminded those in

⁸⁵Human Rights Watch/FIDH interviews in Nkamira Transit Center, April 5, 16, and 17.

⁸⁶"Reaction de l'autorité régionale du Nord-Kivu, Mr. Christophe Moto Mupenda vis à vis de la déclaration de l'Evêque de Goma, Mgr. Faustin Ngabu sur la situation générale qui prévaut dans la Région actuellement," Radio Star, Journal parlé de 18h00, April 24, 1996; Christophe Moto Mupenda, "Communiqué Officiel," December 6, 1995; Hoogesteyn, "Armed Rwanda Hutus"; "Zaire Accuses Rwanda Refugees."

⁸⁷Human Rights Watch/FIDH interview at Nkamira Transit Center, April 5, 1996.

⁸⁸Faustin Ngabu, "Renoncez au Mensonge" Declaration de Mgr. Faustin Ngabu, Evêque de Goma aux Chrétiens et aux Hommes de Bonne Volonté, April 21, 1996.

attendance that since the beginning of the confrontation, both Hunde and Hutu have been displaced from their villages and no one has raised his voice. When the Tutsi are being knocked about, voices are raised everywhere. Is it the ethnic group cherished by the Catholic prelate, the regional authority demanded. This same observation was made by Mwami Kalinda, who asked that Mgr. Ngabube be tried for his discourteous pronouncements regarding the Zairian state.

Finally, the Governor of the Region, Moto Mupenda confirmed that the Tutsi who have returned to their mother country were Rwandan refugees from 1959, installed at Bibwe [in Masisi] and who had infiltrated into the Collectivities of Batangi and Bamate in the zone of Lubero searching for arable land. They decided to return voluntarily to Rwanda; in short, this is not an issue of expulsion nor refoulement, the Governor of the Region, Mr. Christophe Moto Mupenda, concluded.⁸⁹

Interviews with Tutsi who have recently fled Zaire indicate that the majority of them are not, in fact, refugees who fled Rwanda in 1959, and they insist that their flight from Zaire was not voluntary but forced.

Most recently, according to news reports, the governor rejected criticism of Operation Kimia. When the national radio station, The Voice of Zaire, reported on April 30 that local officials in Masisi claimed that killings were continuing in the region despite Operation Kimia, mentioning in particular six people who had been ambushed in one area in the five preceding days, the governor rejected the claims. According to a Reuters report, Moto Mupenda said, "I have not caught wind of these killings. The radio is adding fuel to the fire. I have the impression that there are people who do not want tension in Masisi to be defused."⁹⁰

The governor is ultimately responsible to authorities in Kinshasa, and the case presented by Emmanuel, an industrialist from Goma, provides a troubling indication that leaders at the national level have also been involved in the interethnic violence in North Kivu:

I left Goma, because I was pillaged by the Zairian military. In November [of 1995] there were two soldiers and four civilians who came to pillage my house. They took my luggage, everything, even my diploma, though I got that back a little later. They said, "Go to Rwanda, because you're Tutsi." The next day, I went to file complaints at the office of the military chief and at the governor's office. But the authorities did nothing. There were other prominent Tutsi who were targeted at the same time.

In January, the 18th of January, there was a friend of mine who was a soldier. He came to tell me that the military was coming to find me. SARM, the Service d'Action et de Renseignement Militaire, Mobutu's elite service was coming to take me. The friend advised me to flee. When they come to get someone, it is to torture them to death. In November, at the same time that the group came to pillage my house, SARM took two other people, Tutsi. They were at home at the time, and they took them under the pretext that they had arms. Their names were Samuel and Fiat. They were tortured, nearly to death, then they were sent to Kinshasa. The troops produced a grenade and said that they had been stocking arms, which was obviously a set up. The two were taken to Kinshasa and tortured, then liberated. ...

⁸⁹"Reaction de l'autorité regional du Nord-Kivu," Radio Star.

⁹⁰"Zaire Accuses Rwanda Refugees," *BBC World News*.

When I heard that the same group was coming to search for me, I came immediately to the road block at the border. I got a pass and went into Rwanda. Five minutes after leaving my office, they came to search for me there. Then they went to my home. The next day they came to the road block and asked if I had crossed over, and they were told that I had.⁹¹

According to Emmanuel and a number of other witnesses, numerous cases of attacks and assassinations raised with authorities at the local, regional, and national levels have received no response. For example, the killing in May 1995 of Nyangezi, a Tutsi judge at Jomba-Gisigari in Bwisha collectivity, has never been officially investigated, despite requests by local residents. Local officials who have participated in attacks in various parts of the region have received no official reprimands or punishment, but continued to enjoy impunity for their acts.

The Human Rights Watch Arms Project report, "Rearming with Impunity," published in May 1995, demonstrated extensive involvement by the Zairian government in providing arms to the Hutu militia and the ex-Force Armées Rwandaises (FAR). The Interahamwe and ex-FAR have been allowed considerable liberty to move and operate within both North and South Kivu and have even been provided territory to conduct training. These activities have taken place with the involvement of various military officers and regional officials and have certainly had the endorsement of national officers and officials.⁹²

THE INTERNATIONAL RESPONSE

The international community has tried to ignore the conflict in North Kivu, choosing instead to focus on the refugee crisis in isolation. The massive international assistance provided to the Rwandan refugees in Zaire did not benefit the local Zairian population who suffered from the impact of the refugees, including environmental devastation, the increased arms flows and the growing insecurity in the region. In addition, the sources of the 1993 ethnic conflict in North Kivu and the role played by Zairian security forces in the conflict remained unaddressed, all of which made a new explosion of ethnic violence predictable.

Moreover, as noted, the Zairian authorities have played a key role in re-arming the ex-FAR, providing shelter and protection to them and other Hutu militias in eastern Zaire, and permitting these forces to carry out military training and raids into Rwanda. This close association between the Zairian security forces and elements of the Hutu refugees in Zaire was well-known to the international community, and clearly pointed to the spill-over that was likely to occur on the ethnic tensions in the region.

Although France, Belgium, and the U.S. — known as the troika — have periodically collaborated to support the transition process in Zaire and have conducted joint initiatives, they have remained silent on the conflict in North Kivu. Only the U.S. government has publicly condemned the recent violence, though U.S. officials have been careful not to strongly criticize the Zairian government's role. The troika, as well as the United Nations, have focused their attention largely on the fate of the refugees in Eastern Zaire, the forthcoming presidential elections in Zaire, and the role that Mobutu plays in the Great Lakes region.

France went so far as to renew its assistance to Zaire at the height of the expulsions, in April 1996. All but humanitarian assistance had been cut off in October 1991. A spokeswoman for the Ministry of Cooperation said French aid would be for the health and education sectors, but did not disclose the amount. The spokeswoman added that the French decision did not reflect a determination in Paris that human rights had improved in Zaire.⁹³

⁹¹Human Rights Watch/FIDH interview in Gisenyi, April 17, 1996.

⁹²Human Rights Watch, "Rearming with Impunity."

⁹³Francois Raitberger, Reuters, April 26, 1996.

The U.S. State Department issued a statement on May 21 expressing concern about the violence in Eastern Zaire, calling on the Zairian authorities to protect all residents and to provide sanctuary to the displaced.⁹⁴ U.S. officials have visited the Tutsi refugees on the Rwandan border, including John Shattuck, Assistant Secretary of State for Democracy, Human Rights and Labor, and Ambassador Richard Bogosian, Special Coordinator for Rwanda and Burundi.

However, the U.S. government's attempts to engage Mobutu on regional issues has led to a reluctance to criticize his record too strongly. In a July 1 response to a letter by Senators Nancy Kassebaum and Russell Feingold, the chair and ranking member of the Senate Africa Subcommittee, the State Department went out of its way to refrain from criticizing the Zairian government, and even to praise its actions:

While we would not dismiss your suggestion that the Zairian government and military are exploiting these tensions for their own purposes and may be forcibly evicting the Banyarwanda, we note that the Government of Zaire (GOZ) has engaged in several measures to attempt to reduce tensions. Government officials have met with traditional chiefs and religious leaders in Kinshasa to pursue possible solutions. As we noted in our statement, some of these local officials have set courageous examples in opposing the violence. The GOZ dispatched a military mission to attempt to disarm armed groups. Unfortunately, even when Zairian security forces attempt to intervene in positive ways, they are not always operationally capable of successfully completing their mission.⁹⁵

The conflict in North Kivu is increasing tensions between the governments of Rwanda and Zaire. At the United Nations, Rwanda's permanent representative, Ambassador Manzi Bakuramutsa, sent a letter to the President of the Security Council dated May 24, 1996, in which he condemned the United Nations for not holding Zaire responsible for the attacks against Tutsis.⁹⁶ The Chargé d'Affaires of the Permanent Mission of Zaire responded on June 3 with another letter to the Security Council, which "vehemently rejects" the Rwandan ambassador's action and denies that Kinyarwanda-speaking Zairians live in Zaire: "The Government of Zaire would like to inform the Security Council that, of the languages spoken in Zaire, Kinyarwanda is not one of them. It is a language of Rwandans transplanted by colonization in 1929 and 1957-59, who have never been integrated into the local population."⁹⁷

The Rwandan government contends that the refugees are Zairian citizens fleeing violence. It therefore established the Petit Barrière refugee camp in Gisenyi, located about a kilometer away from the Zairian border. Despite appeals by the UNHCR that the camp be moved a reasonable distance away from the border due to security risks, the government has refused. According to UNHCR, a reasonable distance is usually interpreted as not less than fifty kilometers.⁹⁸

⁹⁴Statement by Nicholas Burns, spokesman, "U.S. Concerned by Ethnic Violence in Eastern Zaire," U.S. Department of State, May 21, 1996.

⁹⁵Letter from Barbara Larkin, Acting Assistant Secretary for Legislative Affairs, to Senator Nancy Kassebaum, July 1, 1996.

⁹⁶Evelyn Leopold, "Rwandan envoy seeking UN action in east Zaire," *Reuters*, May 24, 1996.

⁹⁷Letter dated 3 June 1996 from the Charge d'Affaires A.I. of the Permanent Mission of Zaire to the United Nations Addressed to the President of the Security Council, S/1996/413.

⁹⁸Letter addressed to Janet Fleischman, Human Rights Watch/Africa, from Jiddo van Drunen, Head of Operations, Special Unit for Rwanda and Burundi, UNHCR, July 11, 1996.

A U.N. team, led by the Department of Humanitarian Affairs, visited eastern Zaire in late May and early June to investigate the violence and the humanitarian needs in the Masisi region. The team did not visit Masisi for security reasons, but stayed in Goma and talked to aid workers.⁹⁹ The team recommended the appointment of a special envoy to establish dialogue with the Zairian authorities to address issues such as the nationality question for the Banyarwanda and improving security in North Kivu. To stabilize the situation, they suggested removing the military camps near Goma, known to be the site of ex-FAR activities, and relocating the Petite Barrière refugee camp in Rwanda.¹⁰⁰ At this writing, no action has been taken on these recommendations.

ACKNOWLEDGMENTS

This report was written by Timothy Longman, consultant to Human Rights Watch/Africa and FIDH, and edited by Janet Fleischman, Washington Director of Human Rights Watch/Africa.

Human Rights Watch/Africa

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Barbara Guglielmo, finance and administration director; Robert Kimzey, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Peter Takirambudde is the executive director; Janet Fleischman is the Washington director; Suliman Ali Baldo is the senior researcher; Alex Vines is the research associate; Bronwen Manby and Binaifer Nowrojee are counsels; Kimberly Mazyck and Lenee Simon are associates; Alison DesForges and Timothy Longman are consultants. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.

Gopher Address://gopher.humanrights.org:5000

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

Fédération Internationale des Ligues des Droits de l'Homme (FIDH)

The International Federation of Human Rights is an international nongovernmental organization for the defense of the human rights enshrined in the Universal Declaration of Human Rights of 1948. Created in 1922, it includes 89 national affiliates throughout the world. To date, FIDH has undertaken more than a thousand missions for investigation, observation of trials, mediation or training in some one hundred countries. FIDH enjoys consultative status with the United Nations, UNESCO, the European Council and observer status with the African Commission of Human and Peoples' Rights. Antoine Bernard is the executive director. Patrick Baudouin is president; Pascuale Bandiera, Hélène Cidade-Moura, René Degni-Segui, Enoch Djondang, Michael Ellman, Oswaldo Enriquez, Carmen Ferrer Peña, Cecilia Jimenez, Haytham Manna, Gerald McKenzie, Sabine Missistrano, Francisco Soberon, Robert Verdier, Vo Van Ai and Saadeddine Zmerli are vice-presidents; Odile Sidem Poulain, Claude Katz and William Bourdon are secretary generals; and Philippe Vallet is treasurer of the international board. Catherine Choquet is deputy secretary general and Eric Gillet is coordinator for Burundi and Rwanda.

⁹⁹"U.N. team flies to Burundi after eastern Zaire," *Reuters*, June 6, 1996.

¹⁰⁰"Background Paper on Eastern Zaire," DHA-InterAction Meeting, June 28, 1996.